



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Major Projects & Smart Government

Chairperson Greg Landsman
Councilmember Chris Seelbach
Councilmember David Mann
Councilmember Wendell Young
Councilmember Jan-Michele Kearney

Tuesday, October 13, 2020

1:00 PM

Council Chambers, Room 300

ROLL CALL

PRESENTATION

Colu CARES: Civic Engagement for City Residents to Enhance Cities
by Mike Mazur

AGENDA

- [202001711](#) COMMUNICATION, submitted by Councilmember Seelbach from Fred Chen, regarding FCC lighting.

Sponsors: Seelbach

Attachments: [COMMUNICATION](#)
- [202001739](#) MOTION, submitted by Councilmember Sittenfeld, Seelbach, Landsman and Kearney, WHEREAS the City of Cincinnati continues to commit to citywide pedestrianization efforts to improve quality of life, safety, and environmental health; and, WHEREAS these efforts have included smaller-scale efforts like improved signage and markings in Neighborhood Business Districts and large-scale efforts like the Liberty Street Improvement Project; and, WHEREAS a core tenet of these efforts has been reducing the portion of the right-of-way dominated by automobile traffic and increasing the portion of the right-of-way available to walkers, cyclists, trees, art and civic and cultural gatherings; and, WHEREAS Central Parkway - one of Cincinnati's most high-profile and historic corridors - is poised for and in need of such improvements; and, WHEREAS the North-South portion of Central Parkway from the south end turn in the road up to Liberty Street, which runs alongside some of our City's most important cultural, civic, arts, educational, and governmental institutions, can and should be a world-class corridor, on par with the world's great urban streets. (BALANCE ON FILE IN CLERK'S OFFICE).

Sponsors: Sittenfeld, Seelbach, Landsman and Kearney

Attachments: [MOTION 202001739](#)

3. [202001692](#) ORDINANCE submitted by Paula Boggs Muething, Interim City Manager, on 10/7/2020, AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation in order to facilitate the completion of pedestrian improvements at various locations in the City of Cincinnati in connection with the Ohio Department of Transportation's Pedestrian Safety Improvement Program.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
4. [202001820](#) ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim City Manager, dated 10/7/2020, AUTHORIZING the ongoing operation of the Cincinnati Bell Connector as a fare-free transit service upon the expiration of the sixty-day period established by Ordinance 281-2020, and MODIFYING the provisions of Title VII, "General Regulations," of the Cincinnati Municipal Code by AMENDING, Section 723-26 "Streetcar Designated Paid Fare Zone," of Chapter 723, "Streets and Sidewalks, Use Regulations," and Section 770-1-D, "Designated Paid Fare Zone," Section 770-1-F, "Fare Enforcement Agent," Section 770-3, "Unlawfully Obtaining Streetcar Services," Section 770-5, "Unlawful Interference with Streetcar Services," Section 770-7, "Notice of Violation; Exclusion from Streetcar System; Misdemeanor," and Section 770-9, "Enforcement of Civil Violations," of Chapter 770, "Streetcar Transit," to provide for the ongoing fare-free operation of the Cincinnati Bell Connector.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance - Cincinnati Bell Connector Free Transit System](#)
5. [202001857](#) ORDINANCE (EMERGENCY), submitted by Mayor John Cranley, APPROVING the recommendation of the Mayor of the City of Cincinnati for the appointment of Paula Boggs Muething as City Manager of the City of Cincinnati, effective as of 12:00 a.m. on October 15, 2020, and establishing the terms and compensation for the position, pursuant to Article III, Section 2 and Article IV, Section 1 of the Charter of the City of Cincinnati.
- Sponsors:** Cranley
- Attachments:** [Transmittal](#)
[Ordinance](#)

ADJOURNMENT

Williams, Brenda

From: Seelbach, Chris
Sent: Thursday, September 24, 2020 7:58 AM
To: Williams, Brenda
Subject: Fwd: [External Email] FCC Lighting

Please file as communication
Thanks

Sent from my iPhone

Begin forwarded message:

From: fred chen ·
Date: September 23, 2020 at 9:57:17 PM EDT
To: "Smitherman, Christopher" <Christopher.Smitherman@cincinnati-oh.gov>, "Kearney, Jan-Michele" <Jan-Michele.Kearney@cincinnati-oh.gov>, "Landsman, Greg" <Greg.Landsman@cincinnati-oh.gov>, "Sundermann, Betsy" <Betsy.Sundermann@cincinnati-oh.gov>, "Pastor, Jeff" <Jeff.Pastor@cincinnati-oh.gov>, "Seelbach, Chris" <Chris.Seelbach@cincinnati-oh.gov>, "Sittenfeld, P.G." <P.G.Sittenfeld@cincinnati-oh.gov>, "Young, Wendell" <Wendell.Young@cincinnati-oh.gov>
Subject: [External Email] FCC Lighting

External Email Communication

City Council-

As you consider voting on any additional lighting and signage permissions for FCC beyond what has already been approved for the new stadium, we ask that you consider our need for peaceful enjoyment of our home.

Living one block away from the stadium, we would not want to be bombarded by a Times Square extravaganza of lights all evening long for more than a few days of the year. We have been supportive of the stadium and the redevelopment in the neighborhood and look forward to the game-day excitement that the stadium will bring. We want you to consider the impact of the lighting on the other 340+ days/year.

Frederick Chen

Cincinnati OH ✓



P.G. Sittenfeld
Councilmember

September 23, 2020

MOTION

WHEREAS the City of Cincinnati continues to commit to citywide pedestrianization efforts to improve quality of life, safety, and environmental health; and,

WHEREAS these efforts have included smaller-scale efforts like improved signage and markings in Neighborhood Business Districts and large-scale efforts like the Liberty Street Improvement Project; and,

WHEREAS a core tenet of these efforts has been reducing the portion of the right-of-way dominated by automobile traffic and increasing the portion of the right-of-way available to walkers, cyclists, trees, art, and civic and cultural gatherings; and,

WHEREAS Central Parkway - one of Cincinnati's most high-profile and historic corridors - is poised for and in need of such improvements; and,

WHEREAS the North-South portion of Central Parkway from the south end turn in the road up to Liberty Street, which runs alongside some of our City's most important cultural, civic, arts, educational, and governmental institutions, can and should be a world-class corridor, on par with the world's great urban streets; now, therefore,

WE MOVE that City Council directs the City Administration to partner with stakeholders along this corridor to envision a plan - including a potential "road diet" - that strategizes investment to make this historic portion of Central Parkway a safe, inclusive, vibrant, world-class corridor.

COMMITTEES

Chair: Education, Innovation & Growth

Member: Budget & Finance • Equity, Inclusion, Youth & The Arts



P.G. Sittenfeld
Councilmember

WE FURTHER MOVE that City Administration report back to Council in 90 days with such a plan alongside an implementation strategy.

PG Sittenfeld

Council Member P.G. Sittenfeld

[Signature]

[Signature]

Jan-Michele Leno-Learney

COMMITTEES

Chair: Education, Innovation & Growth

Member: Budget & Finance • Equity, Inclusion, Youth & The Arts

Cal - Referral
C.A.

October 7, 2020

To: Mayor and Members of City Council 202001692
From: Paula Boggs Muething, Interim City Manager
Subject: ORDINANCE – PEDESTRIAN SAFETY IMPROVEMENT PROGRAM CONSENT

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation in order to facilitate the completion of pedestrian improvements at various locations in the City of Cincinnati in connection with the Ohio Department of Transportation's Pedestrian Safety Improvement Program.

The Ohio Department of Transportation (ODOT) intends to make improvements to increase pedestrian safety in various locations in the public right-of-way in the City of Cincinnati. Except as needed for temporary access, no transfer of City right-of-way is required for the Project and no change in use of City streets is expected to arise from the Project.

The State of Ohio will provide 100% of the cost of the Project except for any features requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project. At this time, no features have been identified.

The City's Department of Transportation and Engineering has reviewed and approved the proposed Project.

Changes in the use of City streets are subject to review and approval by the City Planning Commission, but no changes requiring their review have been identified.

Upon completion of the Project, ODOT and the City have agreed that the City will continue its existing maintenance responsibilities for the rights-of-way in the Project area.

The Administration recommends passage of the attached ordinance.

cc: John S. Brazina, Director, Transportation and Engineering

City of Cincinnati

JRS

AWG

An Ordinance No. _____ - 2020

AUTHORIZING the City Manager to take all necessary and proper actions to cooperate with the Director of the Ohio Department of Transportation in order to facilitate the completion of pedestrian improvements at various locations in the City of Cincinnati in connection with the Ohio Department of Transportation’s Pedestrian Safety Improvement Program.

WHEREAS, the City is the owner of certain public rights-of-way in various locations in the City of Cincinnati at which the Ohio Department of Transportation (“ODOT”) intends to make improvements to increase pedestrian safety in connection with ODOT’s Pedestrian Safety Improvement Program (PID No. 113528) (the “Project”); and

WHEREAS, except as needed for temporary access, no transfer of City right-of-way is required for the Project and no change in the use of City streets is expected to arise from the Project; and

WHEREAS, the State of Ohio shall provide 100% of the eligible cost of the Project; and

WHEREAS, ODOT has requested that all necessary rights of way in the Project area be made available for the Project in accordance with current state and federal regulations; and

WHEREAS, the City’s Department of Transportation & Engineering has reviewed and approved the proposed Project; and

WHEREAS, the extent of City streets and changes in their use are subject to review and approval by the City Planning Commission, but no changes requiring the commission’s review have been identified at this stage of the Project; and

WHEREAS, upon completion of the Project, ODOT and the City desire for the City to continue its existing maintenance responsibilities for the rights of way in the Project area, as applicable, and other duties required by applicable state and federal law; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the City of Cincinnati consents to and shall cooperate with the Director of the Ohio Department of Transportation (“ODOT”), on behalf of the State of Ohio, to facilitate the implementation of improvements to City rights-of-way to increase pedestrian safety at various

locations in the City of Cincinnati in connection with ODOT's Pedestrian Safety Improvement Program (PID No. 113528) (the "Project").

Section 2. That the State of Ohio will assume and bear 100% of the cost of the improvements proposed as part of the Project.

Section 3. That the City shall bear 100% of the cost of those features, if any, requested by the City that ODOT and the Federal Highway Administration determine to be unnecessary for the Project; as of the date of this ordinance, no such features have been identified.

Section 4. That the City agrees to make available to ODOT all City rights-of-way required for the Project, including utility relocation, in accordance with current state and federal regulations and subject to any additional City approvals required for the encumbrance or acquisition of City property or change in use of City streets. The City acknowledges that all utility accommodation, relocation, and reimbursement in connection with the Project will comply with the current provisions of 23 C.F.R. 645 and the ODOT Utilities Manual.

Section 5. That, from time to time, change orders and extra-work contracts may be required to fulfill the Project and ODOT shall provide written notice to the City, which shall process such as needed and contribute the City's share of the costs of those items; as of the date of this ordinance, no such costs have been identified.

Section 6. To the extent applicable and unless otherwise agreed, the City upon completion of the Project shall: (1) provide adequate maintenance for the Project in accordance with all applicable state and federal law, including, but not limited to, 23 U.S.C. Section 116; (2) provide ample financial provisions, as necessary, for any City maintenance responsibilities in connection with the Project; (3) to the extent required by state and federal law, maintain the right of way and keep it free of obstructions; and (4) hold said right of way inviolate for public highway purposes.

Section 7. That the City Manager is hereby authorized to enter into any agreements and process any change orders or extra-work orders connected thereto with the Director of ODOT, or ODOT-prequalified consultants, as necessary to complete the Project in accordance with the terms of this ordinance.

Section 8. That the City Manager is further authorized to execute any documents, upon the request of ODOT, necessary to allow ODOT to recover damages or exercise its rights and remedies under any contracts arising from any errors or omissions of any contractors or consultants.

Section 9. That the City Manager and the appropriate City officials are hereby authorized to take all necessary and proper actions to cooperate with the Director of ODOT to facilitate the Project.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk

October 7, 2020

To: Mayor and Members of City Council

202001820

From: Paula Boggs Muething, Interim City Manager

Subject: Emergency Ordinance – Establishing the Cincinnati Bell Connector as an Ongoing Fare Free Transit System

Transmitted herewith is an Emergency Ordinance captioned as follows:

AUTHORIZING the ongoing operation of the Cincinnati Bell Connector as a fare-free transit service upon the expiration of the sixty-day period established by Ordinance 281-2020, and **MODIFYING** the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING**, Section 723-26 “Streetcar Designated Paid Fare Zone,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” and Section 770-1-D, “Designated Paid Fare Zone,” Section 770-1-F, “Fare Enforcement Agent,” Section 770-3, “Unlawfully Obtaining Streetcar Services,” Section 770-5, “Unlawful Interference with Streetcar Services,” Section 770-7, “Notice of Violation; Exclusion from Streetcar System; Misdemeanor,” and Section 770-9, “Enforcement of Civil Violations,” of Chapter 770, “Streetcar Transit,” to provide for the ongoing fare-free operation of the Cincinnati Bell Connector.

The reason for the emergency is the immediate need for the City Manager and the proper City officials to take necessary and proper actions to ensure the ongoing fare-free operations of the Cincinnati Bell Connector prior to the expiration of the initial sixty-day fare free period authorized by Council.

Attachment

EMERGENCY

JRS

- 2020

AUTHORIZING the ongoing operation of the Cincinnati Bell Connector as a fare-free transit service upon the expiration of the sixty-day period established by Ordinance 281-2020, and **MODIFYING** the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING**, Section 723-26 “Streetcar Designated Paid Fare Zone,” of Chapter 723, “Streets and Sidewalks, Use Regulations,” and Section 770-1-D, “Designated Paid Fare Zone,” Section 770-1-F, “Fare Enforcement Agent,” Section 770-3, “Unlawfully Obtaining Streetcar Services,” Section 770-5, “Unlawful Interference with Streetcar Services,” Section 770-7, “Notice of Violation; Exclusion from Streetcar System; Misdemeanor,” and Section 770-9, “Enforcement of Civil Violations,” of Chapter 770, “Streetcar Transit,” to provide for the ongoing fare-free operation of the Cincinnati Bell Connector.

WHEREAS, pursuant to Ordinance 281-2020, City Council authorized the fare-free operation of the Cincinnati Bell Connector for a period of sixty days; and

WHEREAS, Council wishes to authorize the ongoing fare-free operation of the Cincinnati Bell Connector beyond the initial sixty-day fare-free period, and it has adopted a FY21 budget for the Cincinnati Bell Connector that would permit its operation as a fare-free transit system beyond the initial sixty-day period; and

WHEREAS, establishing the Cincinnati Bell Connector as an ongoing fare-free transit system will require the City Administration to work with the Federal Transit Administration, state regulators, and streetcar operator to make necessary operational adjustments and to develop updated regulations, policies, and procedures; and

WHEREAS, establishing the Cincinnati Bell Connector as an ongoing fare-free transit system additionally requires modifications to Cincinnati Municipal Code Chapter 770, “Streetcar Transit,” as it currently penalizes use of the system without the payment of a fare; and

WHEREAS, in furtherance of its desire to permit the ongoing fare-free operation of the Cincinnati Bell Connector, the Council wishes to establish a clear and effective framework for ensuring the safety, security, and comfort of the passengers; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council authorizes the Cincinnati Bell Connector to operate as an ongoing fare-free transit service beyond the sixty-day period prescribed by Ordinance 281-2020.

Section 2. That the Council authorizes the City Manager or her designee to take all necessary and proper steps to operate the Cincinnati Bell Connector as an ongoing fare-free transit service, consistent with the FY21 streetcar budget, which authorization includes, but shall not be limited to, negotiating and executing agreements with the Federal Transit Administration, state regulators, streetcar operator, and other necessary counterparties to satisfy operational and enforcement needs, and which authorization further includes developing updated rules, regulations, policies, and procedures to account for operational and enforcement needs. The operation of the Cincinnati Bell Connector as a fare-free transit service shall not exceed existing streetcar appropriations for FY21.

Section 3. That Section 723-26, "Streetcar Designate Paid Fare Zone," of Chapter 723, "Streets and Sidewalks, Use Regulations," of the Cincinnati Municipal Code is hereby modified to read as follows:

Sec. 723-26. – ~~Streetcar Designated Paid Fare~~ Streetcar Transit Zones.

The Director of the Department of Transportation and Engineering may designate a streetcar station platform located in the public right-of-way as a designated ~~paid fare streetcar transit zone~~, which area shall be accessible exclusively by persons ~~having proof of fare payment or engaged in the purchase of fare medium~~ for the limited purposes of boarding or deboarding a Cincinnati streetcar vehicle, waiting to board a Cincinnati streetcar vehicle, or purchasing a fare; ~~as further governed by defined in chapter 770, "Streetcar Transit," of the Cincinnati Municipal Code.~~ Designated ~~paid fare streetcar transit zones~~ shall be clearly marked and contain readily visible signage indicating "~~Fare Paid Streetcar Transit Zone Proof of Fare Required~~" or other similar ~~notification~~warning.

Section 4. That Section 770-1-D, "Designated Paid Fare Zone," Section 770-1-F, "Fare Enforcement Agent," Section 770-3, "Unlawfully Obtaining Streetcar Services," Section 770-5, "Unlawful Interference with Streetcar Services," Section 770-7, "Notice of Violation; Exclusion from Streetcar System; Misdemeanor," and Section 770-9, "Enforcement of Civil Violations," of

Chapter 770, "Streetcar Transit," Chapter 770, "Streetcar Transit," of the Cincinnati Municipal Code are hereby modified to read as follows:

Sec. 770-1-D. - Designated ~~Paid Fare~~ Streetcar Transit Zone.

"Designated ~~paid fare streetcar transit zone~~" means an area designated by the city as a designated ~~paid fare streetcar transit zone~~ under section 723-26 of the Cincinnati Municipal Code for exclusive use by persons ~~having proof of fare payment or engaged in the purchase of fare medium for the limited purposes of boarding or disembarking a Cincinnati streetcar vehicle, waiting to board a Cincinnati streetcar vehicle, or purchasing a fare.~~

Sec. 770-1-F. - ~~Fare Enforcement Agent~~.

"~~Fare e~~Enforcement agent" means a person authorized by the city manager to enforce the standards of conduct set forth in this chapter 770, which person may be a city employee or a person designated by the streetcar transit provider with city manager approval.

Sec. 770-3. - Unlawfully Obtaining Streetcar Services.

It is prohibited for a person to intentionally obtain or attempt to obtain service for himself, herself, or another person from a streetcar transit provider by doing any of the following:

(a) When a fare is required, it shall be unlawful for any person to occupy, ride in or use, any streetcar vehicle without paying the applicable fare.

(b) When a fare is required, it shall be unlawful for any person to occupy, ride in or use, any streetcar vehicle without carrying proof of fare payment.

(c) When a fare is required, it shall be unlawful for any person occupying a streetcar vehicle, or occupying a streetcar platform upon disembarking a streetcar vehicle, to fail to carry or to fail to exhibit proof of fare payment upon request of an ~~fare~~-enforcement agent or a police officer.

(d) When no fare is required, it shall be unlawful for any person to occupy, ride in or use, a streetcar vehicle for longer than one complete revolution of the streetcar route.

(e) It shall be unlawful for any person to violate the posted ridership rules of the Cincinnati streetcar transit system.

(~~f~~) It shall be unlawful for any person to fail to provide his or her name, address and government issued identification to an ~~fare~~-enforcement agent or police officer who requests the information for the purpose of issuance or service of a notice of violation or other enforcement action under this chapter.

(~~g~~) It shall be unlawful for any person, required by this chapter to provide his or her name, address or identification, to provide a false name, address or identification.

(hf) Where self-service barrier-free fare collection is utilized by a streetcar transit provider, it is a violation of this section to fail to exhibit proof of fare payment upon the request of an fare enforcement agent when entering, riding upon, or leaving a streetcar vehicle or when in a designated ~~paid fare~~ streetcar transit zone.

(ig) It shall be unlawful for any person to put or attempt to put any of the following into any fare box, pass reader, ticket vending machine, or other fare collection equipment of a streetcar transit provider:

- (1) Papers, articles, instruments, or items other than fare media, credit cards or currency; or
- (2) A fare medium that is not valid for the place or time at, or the manner in, which it is used.

Sec. 770-5. - Unlawful Interference with Streetcar Services.

A person is guilty of a violation of this section by violating any of the following:

- (a) No person unless authorized by an authorized representative of the streetcar transit provider shall operate a sound-emitting device aboard any streetcar vehicle or at a streetcar station stop unless the only sound produced by such item is emitted by a personal listening attachment (earphone) and is plainly audible only to the person using the device producing the sound, except that vehicle operators may operate electronic equipment for official business;
- (b) No person shall smoke tobacco or any other substance or shall carry any lighted or smoldering substance in any form or utilize any form of an e-cigarette or vaporizing paraphernalia aboard a streetcar vehicle or at a streetcar station stop or within any space where posted signage prohibits smoking;
- (c) No person shall bring or carry aboard a streetcar vehicle food or beverages in open containers, nor consume food aboard a streetcar vehicle;
- (d) No person shall possess an open container of alcoholic beverage on a streetcar vehicle or at a streetcar station stop, unless authorized by the streetcar transit operator in a manner consistent with applicable law;
- (e) No person shall make excessive or unnecessary noise, including boisterous, disruptive and unreasonably loud conduct, within any streetcar vehicle or streetcar station stop that may cause inconvenience or annoyance to the public, Cincinnati streetcar personnel, or ~~fare~~-enforcement agents or a police officer; or perform vocal or instrumental music, without the prior authorization of the streetcar transit provider;
- (f) No person shall enter or remain upon, occupy or use a designated ~~paid fare~~ streetcar transit zone for purposes other than boarding, or deboarding a streetcar vehicle, disembarking or waiting for a streetcar vehicle, or purchasing a fare. A person is in violation of this section only after having occupied a designated ~~paid fare~~ streetcar

transit zone for a period of time that exceeds that which is necessary to wait for, board or ~~deboard~~ disembark a streetcar vehicle, or to purchase a fare. It shall be *prima facie* evidence of a violation of this section if a person remains in a designated streetcar transit zone after two streetcar vehicles stop and the person does not board either of the streetcar vehicles;

- (g) No person shall interfere with the safe and efficient operation of a streetcar vehicle through conduct which includes, but is not limited to the following:
 - (1) Extending any portion of his or her body through any door or window of a streetcar vehicle while it is in motion;
 - (2) Attempting to board or de-board a moving streetcar vehicle;
 - (3) Lying down on the floor in a streetcar vehicle or across the seats of a streetcar vehicle or station in a manner which inhibits the proper use of seats provided for waiting or boarding riders;
 - (4) Unreasonably preventing or delaying the closure of an exterior door on a streetcar vehicle;
 - (5) Striking or hitting a streetcar vehicle, station or shelter; or
 - (6) Stopping or crossing in front of a streetcar vehicle for the purpose of stopping the vehicle or gaining passage after the vehicle has concluded boarding, or in any manner hanging onto or attaching to, any exterior part of a streetcar vehicle while the vehicle is resting or in motion.
 - (7) No person shall fail to comply with any lawful order or direction of an enforcement agent or an employee of the Cincinnati streetcar transit system or streetcar transit provider, invested with authority to direct, control or regulate the safe and efficient operations of the streetcar vehicle.
- (h) No person shall discard or deposit or leave any rubbish, trash, debris, offensive substance or other solid or liquid waste in or upon a streetcar vehicle, or streetcar station stop, except in receptacles provided for that purpose;
- (i) No person shall spit, defecate or urinate in or upon a streetcar vehicle;
- (j) No person shall bring or carry aboard a streetcar vehicle or be present at a streetcar station stop with an animal except:
 - (1) A person accompanied by a service animal or a person training a service animal and that service animal is under the control of the person by leash, harness or other device made for the purpose of controlling the movement of an animal; or
 - (2) A person transporting an animal if:

- (A) The animal is kept and held at all times within a secure container appropriate for carrying the size and type of animal; and
- (B) The animal can be transported without risk of injury to the animal and without risk of harm or inconvenience to other riders or Cincinnati streetcar personnel, and in accordance with all other provisions of this Chapter.
- (C) The animal is a trained police dog accompanied by a police officer.

- (k) No person shall sleep on a streetcar facility; or
- (l) No person shall activate or utilize streetcar vehicle emergency equipment such as door egress devices, intercoms, fire extinguishers or any other emergency equipment when no emergency exists.

Sec. 770-7. - Notice of Violation; Exclusion from Streetcar System; Misdemeanor.

- (a) When an ~~an fare~~ enforcement agent ascertains that a violation of this chapter 770 has occurred, a written notice of civil offense shall be personally served upon the violator in accordance with Section 1501-13, except that the notice of civil offense may be issued by an ~~an fare~~ enforcement agent.
- (b) A person found violating this chapter shall be required to ~~disembark~~ deboard the streetcar vehicle and leave any designated ~~paid fare~~ streetcar transit zones and shall be prohibited from entering streetcar vehicles or designated ~~paid fare~~ streetcar transit zones for 24 hours or such time as prescribed in an exclusion notice issued by the city or by the streetcar transit service provider in accordance with a duly adopted exclusion policy.

A person violating an exclusion requirement under this section 770-7 or who refuses to comply with order under section 770-9(b) shall be guilty of a misdemeanor of the fourth degree and shall be fined not more than \$250 or imprisoned not more than 30 days, or both.

Sec. 770-9. - Enforcement of Civil Violations.

- (a) The city manager may authorize designated city employees and the Cincinnati streetcar transit provider or its designated agents to act as ~~fare~~ enforcement agents with authority to issue administrative citations for violations of sections 770-3 and 770-5. The city manager may revoke his or her authorization(s) under this section at his or her sole discretion.
- (b) Any police officer or ~~fare~~ enforcement agent, including designated persons within the Cincinnati police department or a regional transit authority police officers, may refuse entrance to streetcar facilities, including, without limitation, a streetcar vehicle or designated ~~paid fare~~ streetcar transit zone, or require departure from a streetcar vehicle or streetcar station stop of any person:
 - (1) Who violates any provision of this chapter 770; or

(2) Who has been issued a notice of exclusion under section 770-7.

Section 5. That the existing Section 723-26, "Streetcar Designated Paid Fare Zone," of Chapter 723, "Streets and Sidewalks, Use Regulations," and Section 770-1-D, "Designated Paid Fare Zone," Section 770-1-F, "Fare Enforcement Agent," 770-3, "Unlawfully Obtaining Streetcar Services," Section 770-5, "Unlawful Interference with Streetcar Services," Section 770-7, "Notice of Violation; Exclusion from Streetcar System; Misdemeanor," and Section 770-9, "Enforcement of Civil Violations," of Chapter 770, "Streetcar Transit," of Chapter 770, "Streetcar Transit" of the Cincinnati Municipal Code are hereby repealed.

Section 6. That the City Manager and the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1 through 5 hereof.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City Manager and the proper City officials to take necessary and proper actions to ensure the ongoing fare-free operations of the Cincinnati Bell Connector prior to the expiration of the initial sixty-day fare free period authorized by Council.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.

Date: October 7, 2020

To: Mayor John Cranley
From: Andrew W. Garth, Interim City Solicitor *AWG*
Subject: **Emergency Ordinance – Appointment of Paula Boggs Muething as City Manager**

Transmitted herewith is an emergency ordinance captioned as follows:

APPROVING the recommendation of the Mayor of the City of Cincinnati for the appointment of Paula Boggs Muething as City Manager of the City of Cincinnati, effective as of 12:00 a.m. on October 15, 2020, and establishing the terms and compensation for the position, pursuant to Article III, Section 2 and Article IV, Section 1 of the Charter of the City of Cincinnati.

AWG/RDH/(lnk)
Attachment
323905

EMERGENCY

City of Cincinnati

RDH

AWB

An Ordinance No. _____

- 2020

APPROVING the recommendation of the Mayor of the City of Cincinnati for the appointment of Paula Boggs Muething as City Manager of the City of Cincinnati, effective as of 12:00 a.m. on October 15, 2020, and establishing the terms and compensation for the position, pursuant to Article III, Section 2 and Article IV, Section 1 of the Charter of the City of Cincinnati.

WHEREAS, the Mayor recommended and Council approved the temporary appointment of Paula Boggs Muething as Interim City Manager pursuant to Article III of the City Charter on June 24, 2020, and Paula Boggs Muething has been serving in that capacity as of that date; and

WHEREAS, pursuant to Article III, Section 2 of the Cincinnati Charter, the Mayor is authorized to submit to City Council, for its approval, a recommendation for appointment to the position of City Manager; and

WHEREAS, Mayor Cranley has submitted, for Council consideration and approval, his recommended candidate, Paula Boggs Muething, for the position of City Manager of the City of Cincinnati, and upon Council approval, Paula Boggs Muething shall commence the duties and obligations of the City Manager effective as of 12:00 a.m. on October 15, 2020 in accordance with Article IV, Section 1 of the Cincinnati Charter; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council hereby approves the appointment of Paula Boggs Muething as City Manager of the City of Cincinnati, effective as of 12:00 a.m. on October 15, 2020.

Section 2. That Paula Boggs Muething shall continue to serve as Interim City Manager until 11:59 p.m. on October 14, 2020.

Section 3. That City Council hereby authorizes the payment of a salary to Ms. Boggs Muething bi-weekly at the rate of \$9,711.76 beginning on October 15, 2020 when she will assume the duties of City Manager, which bi-weekly salary consists of a base rate which equals approximately \$252,505.60 per year.

Section 4. The Mayor and City Council shall conduct an annual review and consider a merit-based salary increase on or before each anniversary date of Paula Boggs Muething's appointment to City Manager. Such evaluation may include an assessment of performance as provided in Article IV, Section 1, of the Charter. The evaluation shall be inclusive of every Councilmember who participates and provides input.

Section 5. That in addition to the salary set forth in Section 1 hereof, Paula Boggs Muething shall be eligible beginning October 15, 2020 for all benefits provided to Division 5 executive employees with the following additional benefits or exceptions:

Vacation and Sick Leave: Upon assumption of duties as City Manager, Paula Boggs Muething shall accrue vacation and sick leave at the same rate as other Division 5 senior managers within Cincinnati government. Upon her assumption of duties as City Manager, all previously accrued vacation and sick leave shall remain available to Paula Boggs Muething for use while City Manager. Upon assumption of duties as City Manager, the City shall grant Paula Boggs Muething vacation accrual at 9 hours per pay period, approximately 29 days per year. Sick leave shall accrue at the normal rate granted to Division 5 senior managers.

Health Care and Other Employee Benefits: Paula Boggs Muething shall be entitled to receive all the benefits afforded Division 5 senior managers, including health care benefits, cost of living adjustments, and life and disability insurance. Such benefits shall become effective, to the extent they do not already exist for her, immediately upon assumption of duties as City Manager.

Tort Liability Under Ohio Law: Paula Boggs Muething shall be entitled to all of the protection from tort liability afforded to public employees pursuant to Ohio Revised Code Chapter 2744 in relation to political subdivision tort liability in the State of Ohio.

Retirement and Deferred Compensation: Paula Boggs Muething shall remain a member of the Cincinnati Retirement System in accordance with all current membership requirements pursuant to the Cincinnati Municipal Code. In addition, Paula Boggs Muething shall receive from the City of Cincinnati the amount of \$369.23 per bi-weekly pay period for contribution to one or more of the City of Cincinnati approved 457(b) deferred compensation programs, for a total annual contribution of \$9599.98.

Severance: In the unlikely event that Paula Boggs Muething is terminated, she shall receive six (6) months' salary at the rate of salary on the date of termination. Paula Boggs Muething shall also be entitled to the severance payment set forth above in the case of resignation by Paula Boggs Muething as a result of an adverse employment action, including, but not limited to, a vote of no confidence, reduction in pay, or failure to fund the office of the City Manager. The severance payment shall be made upon execution of a

mutually agreed upon release and waiver of claims between the City and Paula Boggs Muething related to her City employment.

Separation: Upon separation from City employment, Paula Boggs Muething shall be entitled to a payment of accrued sick and vacation time, dollar-for dollar; deferred compensation payments for the remainder of the fiscal year in which the separation occurs; and the total cost of COBRA continuation coverage for up to nine months or until such time as Paula Boggs Muething secures alternative employment providing employer-provided health benefits, whichever is earlier. Such separation benefits shall be paid upon execution of a mutually agreed upon release and waiver of claims between the City and Paula Boggs Muething related to her City employment.

Dues and Subscriptions: The City will pay for Paula Boggs Muething’s membership in the ICMA, Ohio attorney registration fees, Ohio continuing legal education fees, dues for membership in the Ohio State Bar Association and Cincinnati Bar Association, other professional organizations, associated travel, and other such expenses related to the performance of her official duties.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate necessity of authorizing compensation and terms of employment for Paula Boggs Muething prior to her assumption of duties as City Manager of the City of Cincinnati.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk