

EMERGENCY

City of Cincinnati

CMZ

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An Ordinance No. _____ - 2020

ESTABLISHING new capital improvement program project account no. 980x164x211637, "Outdoor Dining and Streetscapes - TIF" for the purpose of providing resources for the design and construction of public infrastructure improvements that facilitate outdoor dining and increase pedestrian safety in the Central Business District, Over-the-Rhine, and Pendleton, including but not limited to sidewalk improvements, street improvements, and construction costs of parklet improvements ("Public Infrastructure Improvements"); AUTHORIZING the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 (Downtown/OTR East TIF District) to newly-established capital improvement program project account no. 980x164x211637, "Outdoor Dining and Streetscapes - TIF," for the purpose of providing resources for the design and construction of the Public Infrastructure Improvements, as allowable by Ohio law; and further DECLARING expenditures from such project account to serve a public purpose.

WHEREAS, to support small businesses and to decrease risks associated with transmission of COVID-19, the City established a temporary outdoor dining program to facilitate utilization of portions of the City's sidewalks and streets by bars and restaurants for outdoor dining purposes; and

WHEREAS, due to the success of the temporary outdoor dining program and the increased vitality and street calming effects of the temporary improvements, the City desires to undertake the design and construction of certain permanent public infrastructure improvements to facilitate outdoor dining and increase pedestrian safety in the Central Business District, Over-The-Rhine, and Pendleton neighborhoods, including but not limited to sidewalk improvements, street improvements, and construction costs of parklet improvements ("Public Infrastructure Improvements"); and

WHEREAS, the City intends to contract with Cincinnati Center City Development Corporation or its affiliate on the design and construction of the Public Infrastructure Improvements, including to provide capital grants to or for the benefit of restaurants and bars for the funding of construction of parklet improvements to support safe outdoor dining in current parking spaces; and

WHEREAS, Council, by Ordinance No. 414-2002 passed on December 18, 2002, created the District 4-Downtown/OTR East TIF District Incentive District (the "TIF District") to, in part, fund the construction of public infrastructure improvements that benefit or serve parcels in the TIF District; and

WHEREAS, the City believes that the Public Infrastructure Improvements will benefit or serve parcels in the TIF District because the improvements will support increased economic

activity in the TIF District and will encourage continued residential and commercial development in the TIF District; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to acquire, construct, enlarge, improve or equip property, structures, equipment and facilities within the State of Ohio for industry, commerce, distribution, and research, to make or guarantee loans and to borrow money and issue bonds or other obligations to provide moneys for the acquisition, construction, enlargement, improvement, or equipment of such property, structures, equipment, and facilities; and

WHEREAS, completing the Public Infrastructure Improvements will further the above-stated public purposes because the project will create a safe and attractive pedestrian environment; support commercial activity in Central Business District, Over-the-Rhine, and Pendleton; and encourage continued commercial and residential development of those areas; and

WHEREAS, the City believes that the project is in the vital and best interests of the City and health, safety, and welfare of its residents; and is in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; now, therefore,

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

Section 1. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x164x211637, "Outdoor Dining and Streetscapes - TIF," for the purpose of providing resources for the design and construction of public infrastructure improvements that facilitate outdoor dining and increase pedestrian safety in the Central Business District, Over-the-Rhine, and Pendleton, including but not limited to sidewalk improvements, street improvements, and construction costs of parklet improvements ("Public Infrastructure Improvements").

Section 2. That the Director of Finance is hereby authorized to transfer and appropriate the sum of \$2,000,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly-established capital improvement program project account no. 980x164x211637, "Outdoor Dining and Streetscapes - TIF," for the purpose of providing resources for the design and construction of the Public Infrastructure Improvements, as allowable by Ohio law.

Section 3. That Council hereby declares that the Public Infrastructure Improvements constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East TIF District Incentive District, subject to compliance with ORC Sections 5709.40 through 5709.43.

Section 4. That the Public Infrastructure Improvements are hereby declared to serve a public purpose, as providing funding for the Public Infrastructure Improvements will further the public purposes of creating a safe and attractive pedestrian environment; supporting commercial activity in the Central Business District, Over-the-Rhine, and Pendleton; and encouraging continued commercial and residential development of the area.

Section 5. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of this ordinance, including but not limited to contracting with Cincinnati Center City Development Corporation or its affiliate to assist in design and construction of the Public Infrastructure Improvements in such form as the City Manager determines to be most efficient and appropriate.

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 need to make the funds available to facilitate commencement of construction of the Public Infrastructure Improvements as soon as possible, for the benefit of the City.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk