



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

Wednesday, October 18, 2023

2:00 PM

Council Chambers, Room 300

#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

- [202302213](#) **ORDINANCE** submitted by Mayor Aftab Pureval, on 10/18/2023, **MODIFYING** Chapter 871 of the Cincinnati Municipal Code, "Landlord-Tenant Relationships," by ordaining new Section 871-10, "Landlord's Obligation to Provide Tenant Relocation Assistance," and amending Sections 871-1, "Purpose and Construction," 871-3, "Definitions," and 871-15, "Court Action,"; **MODIFYING** Chapter 1117 of the Cincinnati Municipal Code, "Housing Code," by amending Sections 1117-31, "Connection of Fixtures," and 1117-35, "Heating Facilities"; and **MODIFYING** Title XV, "Code Compliance," by amending Section 1501-9, "Class D Civil Offenses," all to establish a procedure by which tenants may receive relocation assistance if ordered by the City to vacate their residences due to unsanitary living conditions that are either created, or knowingly and willfully left unabated, by the landlord.

Recommendation **EQUITABLE GROWTH & HOUSING COMMITTEE**

Sponsors: Mayor

- [202302208](#) **ORDINANCE (EMERGENCY)** submitted by Mayor Aftab Pureval, on 10/18/2023, **MODIFYING** the provisions of Chapter 1101, "Administration," of Title XI, "Cincinnati Building Code," of the Cincinnati Municipal Code by **ORDAINING** new Section 1101-62, "Emergency Correction of Essential Building Facilities Within Residential Rental Buildings," to authorize the Director of Buildings and Inspections to remediate the failure of essential building facilities, such as heat, electrical, and fire safety exiting facilities, within residential rental buildings on an emergency basis; **AMENDING** Section 1101-64, "Recovering Total Cost of Correcting Hazardous Condition of Building and/or Abating Nuisance," to provide for recovery of the costs of emergency remediation under Section 1101-62; and **ESTABLISHING** Fund 346, "Emergency Remediation of Defects in Rental Housing," into which shall be deposited revenue from the total costs of remediation and abatement recovered under Section 1101-64 to be used for expenses related to emergency remediation and abatement of failed essential building facilities within residential rental housing expended in enforcement of Section 1101-62.

Recommendation **EQUITABLE GROWTH & HOUSING COMMITTEE**

**Sponsors:** Mayor

3. [202302211](#) **ORDINANCE** submitted by Mayor Aftab Pureval, on 10/18/2023, **MODIFYING** the provisions of Title XI, "Cincinnati Building Code," of the Cincinnati Municipal Code by **AMENDING** Section 1127-07, "Residential Rental Property Inspection Pilot Program," to make permanent the pilot program and expand its geographic area; and **AMENDING** Section 1501-5(a), "Class B Civil Offenses," and Section 1501-8(a), "Class C1 Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code.

**Recommendation** **EQUITABLE GROWTH & HOUSING COMMITTEE**

**Sponsors:** Mayor

4. [202302207](#) **ORDINANCE** submitted by Mayor Aftab Pureval, on 10/18/2023, **MODIFYING** the provisions of Chapter 1117, "Housing Code," of the Cincinnati Municipal Code by **AMENDING** Section 1117-53, "Vacant Lots," of the Cincinnati Municipal Code to provide those City officials charged with enforcement of the health code, building and housing codes, and quality of life regulations with additional tools to address nuisance conditions associated with illegal dumping and protect the public health, safety, and welfare.

**Recommendation** **HEALTHY NEIGHBORHOODS COMMITTEE**

**Sponsors:** Mayor

5. [202302212](#) **ORDINANCE** submitted by Mayor Aftab Pureval, on 10/18/2023, **ORDAINING** new Section 729-31, "Impoundment of Motor Vehicles Used to Facilitate Illegal Dumping," of Chapter 729, "Waste Disposal," of the Cincinnati Municipal Code; **MODIFYING** the provisions of Chapter 513, "Impoundment of Motor Vehicles," of the Cincinnati Municipal Code by **AMENDING** Section 513-1, "Impoundment of Motor Vehicles," Section 513-5, "Notice of Impoundment," Section 513-7, "Impounding Fees," Section 513-9, "Appeal Procedure," and Section 513-11, "Sales of Impounded Vehicles"; **MODIFYING** the provisions of Chapter 515, "Parking Infractions; Collections Procedure," of the Cincinnati Municipal Code by **AMENDING** Section 515-9, "Impoundment and Immobilization"; and **MODIFYING** the provisions of Chapter 729, "Waste Disposal," of the Cincinnati Municipal Code by **AMENDING** Section 729-30, "Dumping Prohibited," to permit impoundment of vehicles used to facilitate illegal dumping and to conform the Cincinnati Municipal Code to the policies and procedures of the City with respect to parking violations.

**Recommendation** **HEALTHY NEIGHBORHOODS COMMITTEE**

**Sponsors:** Mayor

6. [202302209](#) **ORDINANCE** submitted by Mayor Aftab Pureval, on 10/18/2023, **MODIFYING** the provisions of Title VII, "General Regulations," of the Cincinnati Municipal Code by **AMENDING** Section 729-7, "Setting Out Containers," to ensure the clean and safe storage of garbage containers and dumpsters throughout Cincinnati.

**Recommendation** **HEALTHY NEIGHBORHOODS COMMITTEE**

**Sponsors:** Mayor

**MAYOR AFTAB****MS. KEARNEY****MR. JOHNSON****MS. PARKS**

7. [202302162](#) **MOTION**, submitted by Mayor Aftab Pureval, Vice Mayor Kearney and Councilmembers Johnson and Parks, **WE MOVE** that the administration rename The Office of Human Relations to The Office of Equity and realign its missions. That mission and office should include the following: 1. Focusing on and prioritizing closing the racial wealth gap in The City of Cincinnati. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED)

**Recommendation** HEALTHY NEIGHBORHOODS COMMITTEE

**Sponsors:** Mayor, Kearney, Johnson and Parks

**MR. CRAMERDING****MS. KEARNEY**

8. [202302195](#) **RESOLUTION**, submitted by Councilmember Cramerding and Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **EXPRESSING** the support of the Mayor and Council for the Medicare For All Act of 2023 (H.R. 3421 and S.B. 1655 of 2023) and **EXPRESSING** the support of the Mayor and Council for statewide organization Single Payer Action Network (SPAN)/Health Care for All Ohioans and the Ohio Health Care Act of 2023.

**Recommendation** PASS

**Sponsors:** Cramerding and Kearney

**MS. KEATING**

9. [202302149](#) **RESOLUTION**, submitted by Councilmember Keating, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Diana Lara as a 2023 Hispanic Heritage Month honoree; and **EXPRESSING** the appreciation of the Mayor and Council for Ms. Lara's selfless service to her community.

**Recommendation** PASS

**Sponsors:** Keating

**MS. KEARNEY**

10. [202302189](#) **RESOLUTION**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** and honoring Napoleon Maddox and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for his cultural contributions to the City of Cincinnati.

**Recommendation** PASS

**Sponsors:** Kearney

11. [202302196](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Emily Smart Woerner, City Solicitor, **DECLARING** that the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of “Ventura Navarro Crossing” in honor of Federico Ventura Navarro who was hit by a car while crossing Warsaw Avenue, as a reminder of the necessity to know and observe road and traffic regulations, and in recognition of his contributions as a business owner to the Cincinnati community.
- Recommendation** HEALTHY NEIGHBORHOODS COMMITTEE
- Sponsors:** Kearney
12. [202302220](#) **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** that the Administration prepare a report within the next thirty (30 days) on plans for a new disparity study (“*Crososn Study*”) for the City of Cincinnati including the timeline for issuing a new Request for Proposal from vendors through the targeted completion date for the study, as well as the proposed scope of the new disparity study.
- Recommendation** EQUITABLE GROWTH & HOUSING COMMITTEE
- Sponsors:** Kearney

## CITY MANAGER

13. [202302081](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for AD Staffing, LLC, 1026 E. McMillan. (#0040337, D1, New) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
14. [202302163](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for VYBEZ LLP, DBA VYBEZ Hookah Bar and Lounge, 7825 Reading Road. (#9307825, D5, New) [OBJECTIONS: None]
- Recommendation** FILE
- Sponsors:** City Manager
15. [202302165](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Amberley Village, Hamilton County, Ohio in accordance with the plat entitled MISC123-Fuhrman Road Fire Hydrant-E1074, as recorded in Plat Book 487, Page 40, Hamilton County, Ohio Recorder’s Office.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
16. [202302172](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in the Village of Mariemont, Ohio



in accordance with the plat entitled WSL 3651 Water Easement Plat E-1046, Condominium Development, as recorded in Plat Book 482, Page 85, Hamilton County, Ohio Recorder's Office.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

17. [202302173](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Green Township, Hamilton County, Ohio in accordance with the plat entitled WSL 3344 Water Line Easement Plat E-1049, Airy Hills at North Bend Crossing, as recorded in Plat Book 483, Page 74, Hamilton County, Ohio Recorder's Office.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

18. [202302175](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Flora & Flair LLC, 1101 St. Gregory Unit 130. (#2786777, TRFO, D5 D6) [OBJECTIONS: None]

**Recommendation** FILE

**Sponsors:** City Manager

19. [202302176](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Red Tree Community LLC, DBA Red Tree Coffee and Art, 229 W 12th St. (#7226028, New, D3) [OBJECTIONS: None]

**Recommendation** FILE

**Sponsors:** City Manager

20. [202302177](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled WSL #3673- Crosley Meadows Easement E-1081, as recorded in Plat Book 497, Page 23, Hamilton County, Ohio Recorder's Office.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

21. [202302178](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Art Academy of Cincinnati, 1212 Jackson St (#0284077, New, D5H) [OBJECTIONS: None]

**Recommendation** FILE

**Sponsors:** City Manager

22. [202302179](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and

appurtenances through certain real property in Anderson Township, Hamilton County, Ohio in accordance with the plat entitled Water Main Easement E-1093, WSL 3686, Tradition Anderson-I, as recorded in Plat Book 491, Page 92, Hamilton County, Ohio Recorder's Office.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

23. [202302180](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Leanne Investments LLC, DBA I Mart Stores, 1550 Queen City Av & Gas Pumps. (#5077825, TRFO, C1 C2) [OBJECTIONS: Yes]

**Recommendation** FILE

**Sponsors:** City Manager

24. [202302181](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Crown Cantina LLC, DBA La Cantina, 326 E 8th St. (1833326 #, New, D5J) [OBJECTIONS: None]

**Recommendation** FILE

**Sponsors:** City Manager

25. [202302182](#) **REPORT**, dated 10/18/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for GB License, LLC, 2139 Central Pkwy. (#30612130110, TRFO, C1 C2) [OBJECTIONS: None]

**Recommendation** FILE

**Sponsors:** City Manager

26. [202302197](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** the City Manager to execute a Lease Agreement with 60 East LLC pursuant to which the City will lease for a term of up to 5 years a portion of Sharp Alley located southwest of Hust Alley and northeast of East McMicken Avenue in Over-the-Rhine.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

27. [202302201](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** the expenditure of up to \$29,000 from Special Events Fund 314 to provide resources to Cincinnati Public Schools for upcoming Girls in Government programming, including a field trip to the Ohio Statehouse in Columbus, Ohio; and **DECLARING** such expenditure to be for a public purpose.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

28. [202302202](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** a payment of \$4,394.25 from Cincinnati Recreation Commission General Fund non-personnel operating budget account no. 050x199x4940x7289 as a moral obligation to the Ohio Treasurer

of State for criminal history information query services provided by the Ohio Bureau of Criminal Investigation's Volunteer and Employee Criminal History System.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

29. [202302203](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** the City Manager to apply for grant resources of up to \$2,000,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance and operating assistance for the streetcar system.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

30. [202302204](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** the City Manager to apply for a grant of up to \$500,000 from the Land and Water Conservation Fund (ALN 15.916) awarded by the Ohio Department of Natural Resources for the purpose of providing resources to construct a new skate park at the Camp Washington Recreation Area.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

31. [202302205](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission's 2023 Toy Drive to support Cincinnati Recreation Commission's holiday season programming needs in underserved communities; and **AUTHORIZING** the Director of Finance to deposit monetary donations into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

32. [202302206](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AMENDING** Ordinance No. 276-2023 to authorize the City Manager to accept services from Othram Inc., which will be paid for by funds awarded through the Season of Justice DNA Testing Grant.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

33. [202302222](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/18/2023, **AUTHORIZING** the City Manager to execute a First Amendment to Ground Lease with BLOC Ministries, Inc., pursuant to which the City will lease approximately three and one-half acres of land at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati for the operation of a youth horse riding academy.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

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**CLERK OF COUNCIL**

34. [202302221](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent John Singleton, Government Affairs, Partner, 17 South High Street, Suite 750, Columbus, Ohio 43215. (VOLUNTEERS OF AMERICA)

**Recommendation** FILE

**Sponsors:** Clerk of Council

**BUDGET AND FINANCE COMMITTEE**

35. [202302129](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/11/2023, **AUTHORIZING** the City Manager to accept a donation of up to \$198,550 from the Cincinnati Park Board Commissioners' Fund to fund improvements to Fleischmann Gardens; **AUTHORIZING** the Director of Finance to deposit the donated funds into Parks Private Endowment and Donations Fund 430; **ESTABLISHING** new capital improvement program project account no. 980x203x242034, "Fleischmann Gardens Improvements," to provide resources for improvements to Fleischmann Gardens; **AUTHORIZING** the transfer and appropriation of \$198,550 from Parks Private Endowment and Donations Fund 430 to newly established capital improvement program project account no. 980x203x242034, "Fleischmann Gardens Improvements," to provide resources for improvements to Fleischmann Gardens; and **AUTHORIZING** the transfer and appropriation of \$124,900 from the unappropriated surplus of Cincinnati Riverfront Park Fund 329 to existing capital improvement program project account no. 980x203x222011, "Smale Riverfront Park Water Feature Repairs," to replace the Main Street pump filter system.

**Recommendation**

PASS EMERGENCY

**Sponsors:** City Manager

36. [202302130](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/11/2023, **AUTHORIZING** the City Manager to accept in-kind donations and contributions of artwork, horticultural supplies, park supplies, professional services, and event and program coordination services from the Cincinnati Parks Foundation, valued at approximately \$110,782.74, to benefit various City parks.

**Recommendation** PASS

**Sponsors:** City Manager

37. [202302121](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/11/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of four mountain bikes and upfitting equipment from the Cincinnati Fire Foundation valued at up to \$8,330 to be used by the Cincinnati Fire Department's Emergency Medical Bike Unit.

**Recommendation** PASS

**Sponsors:** City Manager

38. [202302126](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/11/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$581,851 from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Assistance to Firefighters Grant Program (ALN 97.044) to provide resources for the replacement of outdated equipment; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Fire Grant Fund 472, revenue account no. 472x8542.
- Recommendation** PASS
- Sponsors:** City Manager
39. [202302131](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/11/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$18,884,111 from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (ALN 97.083) to fully fund the salary and benefits of up to fifty fire recruits in the Cincinnati Fire Department for three years; and **AUTHORIZING** the Finance Director to deposit the grant funds into Fire Grants Fund 472, revenue account no. 472x8542.
- Recommendation** PASS
- Sponsors:** City Manager
40. [202302200](#) **REPORT**, dated 10/16/2023, submitted Sheryl M. M. Long, City Manager, regarding the Revised Department of Finance Report for the Fiscal Year Ended June 30, 2023 (unaudited).
- Recommendation** APPROVE & FILE
- Sponsors:** City Manager
41. [202302210](#) **ORDINANCE (B VERSION) (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 10/16/2023, **AUTHORIZING** the transfer of \$473,648 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2580, "Reserve for Weather Events, Other Emergency and One-Time Needs," to provide resources for unanticipated emergencies, including those caused by unusual weather events, to increase the City's reserve; **ESTABLISHING** new balance sheet reserve account no. 050x3425, "Affordable Housing," within the General Fund; **AUTHORIZING** the transfer of \$5,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3425 "Affordable Housing," to provide a one-time contribution to the City's Affordable Housing Trust Fund; **AUTHORIZING** the transfer and appropriation of \$2,000,000 from the unappropriated surplus of General Fund 050 to the City Manager's Office personnel operating budget account no. 050x101x7500 to provide a one-time contribution to address the City's pension obligation to the Cincinnati Retirement System; **AUTHORIZING** the transfer of \$500,000 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to provide resources for subsequent appropriation for one-time unforeseen operating needs that arise during the remainder of the ongoing fiscal year; **AUTHORIZING** the transfer of \$150,000 from the General Fund balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of General Fund 050; **AUTHORIZING** the

transfer and appropriation of \$150,000 from the unappropriated surplus of General Fund 050 to the various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation to provide one-time funds for the following: the City Manager's Office for a project to digitize records for multiple City departments (\$45,000); the City Manager's Office for detail needs at special events (\$50,000); and the Department of Community and Economic Development for a tax abatement study (\$55,000); and **AUTHORIZING** the transfer of \$10,945,646 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

42. [202302199](#) **REPORT**, dated 10/16/2023, submitted Sheryl M. M. Long, City Manager, regarding the FY 2023 Carryover to FY 2024 Report (B Version).

**Recommendation** APPROVE & FILE

**Sponsors:** City Manager

## ANNOUNCEMENTS

Adjournment



Date: October 18, 2023

To: Members of City Council 202302213  
From: Mayor Aftab Pureval  
Subject: ORDINANCE – Tenant Relocation

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Attached is an ordinance captioned as follows:

**MODIFYING** Chapter 871 of the Cincinnati Municipal Code, “Landlord-Tenant Relationships,” by ordaining new Section 871-10, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” and amending Sections 871-1, “Purpose and Construction,” 871-3, “Definitions,” and 871-15, “Court Action,”; **MODIFYING** Chapter 1117 of the Cincinnati Municipal Code, “Housing Code,” by amending Sections 1117-31, “Connection of Fixtures,” and 1117-35, “Heating Facilities”; and **MODIFYING** Title XV, “Code Compliance,” by amending Section 1501-9, “Class D Civil Offenses,” all to establish a procedure by which tenants may receive relocation assistance if ordered by the City to vacate their residences due to unsanitary living conditions that are either created, or knowingly and willfully left unabated, by the landlord.

This ordinance is to shift the cost burden of moving expenses from the City, to the housing provider who has allowed a dwelling to become so neglected, unsafe or unsanitary that it is no longer suitable for human occupancy. Upon encountering this kind of housing situation, City inspectors issue orders to promptly cause the dwelling to be made safe. When an owner fails to comply with the repair order, as a last resort, an order to vacate the dwelling must be issued. The occupants are then required to relocate from the unsafe housing and out of harm’s way. More times than not tenants will be mentally and financially unprepared to pack up and move. The City has assisted occupants in this unfortunate situation with assistance from the B&I Housing Services Coordinator to quickly find suitable decent, safe and sanitary housing in which to move, and provide financial assistance in the form of the first months, rent and/or deposit and moving expense. In many cases the struggling occupants of this housing do not have the savings to be able to pay a deposit and first month rent in advance and would otherwise have to remain in the unsafe conditions until financially able to move. The ordinance will place this cost burden on the housing provider responsible for the neglect and development of unsafe conditions.

This ordinance also clarifies the responsibility for providing water service when the lease requires the tenant to pay for water service. This is a common arrangement in detached single-family homes. Rather than include the water service costs in a fixed monthly rent amount, housing providers prefer the tenants pay for the water they use separately to encourage conservation. The code change will shift responsibility from the housing provider to the tenant when water service is shut off due to non-payment by the tenant when the lease agreement requires the tenant to pay. A house that must be vacated for lack of sanitation due to water shut off will afford the housing provider a defense to code enforcement when the tenant has agreed to pay for water service but fails to do so.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections

**MODIFYING** Chapter 871 of the Cincinnati Municipal Code, “Landlord-Tenant Relationships,” by ordaining new Section 871-10, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” and amending Sections 871-1, “Purpose and Construction,” 871-3, “Definitions,” and 871-15, “Court Action,”; **MODIFYING** Chapter 1117 of the Cincinnati Municipal Code, “Housing Code,” by amending Sections 1117-31, “Connection of Fixtures,” and 1117-35, “Heating Facilities”; and **MODIFYING** Title XV, “Code Compliance,” by amending Section 1501-9, “Class D Civil Offenses,” all to establish a procedure by which tenants may receive relocation assistance if ordered by the City to vacate their residences due to unsanitary living conditions that are either created, or knowingly and willfully left unabated, by the landlord.

WHEREAS, buildings with residential rental units are on occasion found to have severe code violations that threaten the health, safety, and welfare of the tenants, including such unsanitary or unsafe conditions that the City is required to order the building vacated and uninhabitable; and

WHEREAS, these code violations often result from intentional and unintentional neglect or deferred maintenance by landlords, and the unsanitary or unsafe conditions may constitute a breach of the landlords’ implied warranty of habitability, a violation of the landlords’ obligation pursuant to Ohio Revised Code 5321.04(A)(2) to maintain residential rental properties in a fit and habitable condition, and may result in the constructive eviction of tenants from residential rental units; and

WHEREAS, when the Department of Buildings and Inspections inspects a rental property and finds it to be uninhabitable due to substandard living conditions that are a direct result of the landlord’s actions or inaction, the City is often forced to vacate tenants; and

WHEREAS, exposure to lead dust and paint chips is detrimental to the health, safety, and welfare of tenants, and, especially in the case of children, may result in lead poisoning and cause significant negative effects on a child’s health and neuropsychological development; and

WHEREAS, the Cincinnati Health Department is occasionally required to issue a Notice of Noncompliance and Order to Vacate residential properties due to the existence of unabated lead hazards that make the properties unsafe for human occupation, and the failure to abate is due to the landlord’s failure to cooperate with the City’s lead hazard abatement enforcement efforts; and

WHEREAS, during cold weather months, the Cincinnati Health Department and Department of Buildings and Inspections are regularly alerted to rental properties where there is insufficient heat and are required to issue orders requiring the vacation of these properties to protect the health and safety of their occupants; and

WHEREAS, in November 2015, the City was forced to vacate and provide relocation assistance to 23 families residing at 1026 Burton Avenue due to a roof failure following a significant period of intentionally deferred maintenance by the landlord, who had been on notice for months that the roof of the building needed to be repaired; and

WHEREAS, in December 2022, the City was forced to provide relocation to dozens of tenant households residing in properties across Cincinnati who were displaced due to flooding and lack of heat resulting from deferred maintenance of electrical, heating, and plumbing systems; and

WHEREAS, vacate orders are issued by the City as a last resort, when necessary to protect the public health, safety, and welfare where living conditions become unsafe, and only after reasonable attempts to attain compliance have been exhausted; and

WHEREAS, the expenses incurred in moving and the difficulty of finding affordable replacement housing create a financial hardship on tenants, especially low-income tenants; and

WHEREAS, the City currently provides minimal tenant relocation assistance out of goodwill, not as a legal requirement, to help tenants who are forced to vacate their rental units due to substandard living conditions to obtain safe and sanitary housing; and

WHEREAS, landlords who fail to provide safe and sanitary housing, consistent with their obligations under Chapter 5321 of the Ohio Revised Code, should bear responsibility for the costs incurred by the City in providing relocation assistance to displaced tenants; and

WHEREAS, this ordinance is needed to supplement existing state and common law remedies that are insufficient to address the problems facing the tenants and the City when a rental property is deemed uninhabitable by the City's code enforcement officers due to substandard living conditions; and

WHEREAS, providing a more comprehensive relocation assistance to displaced tenants conforms to the guiding policy principles to "[d]evelop a culture of health embodied by thriving residents" and to "[l]ead by example to strengthen our region" as described on pages 80 and 83 of Plan Cincinnati (2012), and the "Live" goal to "[i]mprove housing quality" by "[p]rovid[ing] quality healthy housing" as described on pages 164 to 168 of the Plan; and

WHEREAS, requiring landlords to pay for the relocation costs incurred by displaced tenants or the City will encourage landlords to correct code violations and is in the interests of the public health, safety, morals, and general welfare; now, therefore,

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

Section 1. That Section 871-10, "Landlord's Obligation to Provide Tenant Relocation Assistance," of Chapter 871, "Landlord-Tenant Relationships," of the Cincinnati Municipal Code is hereby ordained as follows:

**Sec. 871-10. - Landlord's Obligation to Provide Tenant Relocation Assistance.**

(a) *Relocation assistance required.* A landlord shall provide relocation assistance to a tenant household that is or will be displaced due to uninhabitable or unsafe living conditions that are the result of intentional or unintentional neglect or deferred maintenance by the landlord where the director of buildings and inspections or the board of health issues a vacate order following inspection of a rental unit. The relocation assistance shall be provided in addition to any damages or other amounts to which the tenant may otherwise be entitled by law. Relocation assistance shall be provided as follows:

- (1) Within three business days of the issuance of a vacate order, the landlord shall pay a relocation amount of \$2,500 to each tenant household impacted by the vacate order and shall refund any prepaid rent and/or security deposit remitted to the landlord by the tenant household; and
- (2) If more than three business days have passed since the issuance of the vacate order and the landlord has not provided the relocation assistance required by section 871-10(a)(1), the tenant may claim in a court action against the landlord the greater of either the relocation assistance provided in section 871-10(a)(1) or the following amounts:
  - (A) A refund of any and all prepaid rent;
  - (B) A refund of the full balance of the current month's rental payment;
  - (C) A refund of any security deposit;
  - (D) Payment or repayment of the reasonable and necessary costs of the tenant household's relocation costs, such as moving company or rental moving van expenses, with such payments limited to relocations within a fifty mile radius;
  - (E) Payment or repayment of the tenant household's fees for normal and initial reconnection of any utilities at the tenant household's new residence, not including arrearage due and owing to the utility company by the tenant household; and
  - (F) Any and all reasonable and necessary local hotel and/or motel costs incurred by the tenant household if the tenant household is given less than thirty days' notice to vacate their rental unit. The landlord's obligation to each tenant household to reimburse for such hotel or motel costs is limited as follows:
    - i. the landlord shall be obligated to payment of no more than fourteen days of a tenant household's hotel or motel stay, and

- ii. the amount of hotel or motel costs for which the landlord shall be obligated to reimburse to the tenant household shall not exceed the average daily rate, including taxes, which hotels and motels located in the City customarily charge for comparable accommodations.

- (3) If any tenant household is given less than seven days' notice to vacate a rental unit, the landlord shall provide a one-time payment of \$50.00 per tenant, but no more than \$300.00 total, to the tenant household to cover the tenant household's cost to replace food and other incidental items.

(b) *Exceptions.* If the landlord can demonstrate by clear and convincing evidence the existence of one of the following, the landlord shall not be liable to pay relocation assistance:

- (1) The vacate order is the direct result of conditions caused by the tenant or the tenant's guest or invitee;
- (2) The vacate order is the direct result of disconnection of utilities for non-payment and the tenant has agreed in a written lease to assume responsibility for payment of the account(s);
- (3) The vacate order results from conditions arising from a natural disaster including, but not limited to, a windstorm, tornado, landslide, earthquake, or flood;
- (4) The landlord has obtained an active judgment against the tenant household for possession of the rental unit;
- (5) The vacate order is rescinded or withdrawn or is overturned by a court prior to the time the tenant household has taken definitive steps to move;
- (6) The landlord and tenant household reach a separate agreement regarding relocation; or
- (7) The landlord has moved the tenant household into another unit or building after the tenant has voluntarily agreed to accept the replacement unit in lieu of payment for relocation under this section and the replacement unit complies with all applicable zoning, building, and housing codes.

(c) *Rental of vacant and uninhabitable rental units prohibited.* If a rental unit is or becomes vacant because vacate orders have been issued due to uninhabitable living conditions, a landlord shall not enter into a rental agreement for the rental unit or allow new tenants to occupy the vacant rental unit until the conditions are corrected.

(d) *Director's involvement in relocation assistance.* The director of buildings and inspections may provide the relocation assistance required by the landlord under section 871-10(a) to tenant households if the landlord fails or refuses to pay for required relocation costs. If the director provides relocation assistance to a tenant household because of the landlord's failure to comply with its obligation under section 871-10(a), the landlord shall be liable to the city for any and all such costs.

(e) *Penalties.*

(1) *Renting vacant and uninhabitable rental unit.* If a landlord knowingly violates section 871-10(c) and rents a vacant and uninhabitable rental unit, in addition to being liable for the relocation assistance set forth in section 871-10(a), the tenant renting a vacant and uninhabitable rental unit may also recover from the landlord either two months periodic payments of rent or up to three times the actual damages the tenant household sustained as a result of the violation, whichever is greater.

(2) *Failure to provide relocation assistance or repay relocations costs.*

(A) A landlord's failure to provide relocation assistance in accordance with section 871-10(a) or to repay costs incurred by the director in providing relocation assistance in accordance with section 871-10(d) shall constitute a class D civil offense under Section 1501-9(a) for every tenant household displaced.

(B) Each and every day on which a landlord continues to violate section 871-10(a) shall constitute a separate offense.

(f) *Appeals.*

(1) *Administrative Ruling.* A landlord who has a controversy with the city as to the interpretation or application of this section may seek a written determination from the director pursuant to Section 1101-80 of the Cincinnati Building Code.

(2) *Appeal of Director's Ruling.* A landlord aggrieved by an order of the director made pursuant to this section may appeal the order to the Board of Housing Appeals in accordance with Section 1101-83 of the Cincinnati Building Code.

Section 2. That Sections 871-1, "Purpose and Construction," 871-3, "Definitions," and 871-15, "Court Action," of Chapter 871, "Landlord-Tenant Relationships," of the Cincinnati Municipal Code are hereby amended to read as follows:



**Sec. 871-1. - Purpose and Construction.**

- (a) The purpose of this chapter is to improve the housing stock in Cincinnati, ~~and~~ promote equitable relationships between landlords and tenants, and ensure that tenants have access to decent, safe, and sanitary housing. To this end, the chapter shall be liberally construed.
- (b) If any of the provisions of this chapter conflict with the laws, rules, and regulations of the United States or the state of Ohio, such laws, rules, and regulations shall govern.

**Sec. 871-3. - Definitions.**

As used in this Chapter 871, the following words and terms shall have the meanings indicated in this section. Words and terms used and not specifically defined in this section, but which are defined in the Cincinnati ~~Ohio Basic~~ Building Code, Title XI of the Cincinnati Municipal Code, shall have the meanings there defined. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

- (a) “Director of Buildings and Inspections” or “Director” shall be construed to include the director of buildings and inspections and authorized employees appointed to perform specific duties of the Department of Buildings and Inspections in the enforcement of the provisions of the Ohio Building Code and the Cincinnati Building Code.
- (b) “Landlord” means the owner of a rental unit.
- (c) “Rental agreement” means any contract or lease, whether written, oral, or implied by operation of law, for the rental of the rental unit.
- (d) “Rental unit” means the whole or part of a building including common areas used by a person for living dining, cooking, sleeping, and sanitation purposes owned or controlled by another, under an agreement for the periodic payment of rent.
- (e) “Security deposit” means any deposit of money or other property however denominated whose primary function is to secure the performance of the tenant under a rental agreement.
- (f) “Tenant” means an occupant of a rental unit other than an owner or operator.
- (g) “Tenant household” means an individual tenant who lawfully resides in a rental unit or two or more individuals who lawfully reside in the same rental unit, whether or not such individuals are related to one another by blood or marriage.

(h) “Vacate order” means an order to vacate and keep vacant an occupied rental unit, which order is issued pursuant to the city’s police powers to protect public health, safety, and welfare, including pursuant to Section 3742.40 of the Ohio Revised Code, Rule 370-30-11 of the Ohio Administrative Code, Section 602-7 or Section 1101-65 of the Cincinnati Municipal Code, or the director’s authority pursuant to Section 5, Article XXI of the Cincinnati Administrative Code.

**Sec. 871-15. – Court Action.**

- (a) The obligations imposed upon landlords and tenants under of this chapter, including the duty of the landlord to maintain the rental unit in substantial compliance with the Cincinnati—~~Ohio Basic~~ Building Code, the Cincinnati Fire Prevention Code, and the Regulations of the Board of Health confer in the other party to a rental agreement a concomitant right to enforce those obligations. A landlord or tenant may bring an action for mandatory or injunctive relief to secure compliance with these obligations.
- (b) A landlord or tenant may recover damages, including damages for injury to person or property, for the breach of any obligation imposed by this chapter.
- (c) The city may recover costs from a landlord for any relocation assistance that it provides in accordance with Section 871-10(d).
- (d) A tenant may seek the ~~appoint~~ appointment of a receiver for the building in which the tenant ~~he~~ resides only in any pending action where the tenant and landlord are parties. The tenant shall show that a city official has ordered the landlord to make repairs to the building, that such order has not been complied with within the time allotted for compliance, and that there is a pattern of neglect of the building on the part of the landlord. The tenant shall also show that the orders are for the correction of conditions which are in violation of the Cincinnati —~~Ohio Basic~~ Building Code, the Cincinnati Fire Prevention Code, the Regulations of the Board of Health, or related laws and ordinances. Finally, the tenant shall show that the conditions of the building impose a serious threat to the life, health, or safety of the occupants.
- (e) Upon appointment, a receiver shall collect all rents for the building due the landlord for a period not to exceed six months and use the sums collected for the purpose of correcting violations of the Cincinnati —~~Ohio Basic~~ Building Code or for such other purposes authorized by the court. The obligation of a tenant to pay rent shall be discharged upon payment of rent due to the receiver. A building may not be placed under a receivership more than once in a period of 365 days to run from the time of appointment.
- (f) A receiver may be allowed out of the rents collected a fee for services. The fee allowed shall be as determined reasonable by the court but shall not exceed 20 percent of the amount actually and reasonably expended for repairs.

- (g) If a receiver is appointed at the request of the tenant, the tenant may be allowed as part of the costs of the action expenses and a reasonable attorney's fee for services relating to the appointment and service of the receiver.

Section 3. That Sections 1117-31, "Connection of Fixtures," and 1117-35, "Heating Facilities," of Chapter 1117, "Housing Code," of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 1117-31. - Connection of Fixtures.**

1117-31.1 *Water supply:* All plumbing fixtures in every residential building shall be connected to an approved water supply.

1117-31.2 *Sewer connection:* All plumbing fixtures in every residential building shall be provided with a public sewer connection, or an approved private sewage disposal system.

1117-31.3 *Hot and cold running water:* All sinks, lavatories, bathtubs, and showers shall be supplied with hot and cold running water. It shall be an affirmative defense to a charge brought under this section that the tenant of the dwelling unit has agreed in writing to provide or pay for the required water service for the unit occupied by that tenant.

**Sec. 1117-35. - Heating Facilities.**

1117-35.1 *General:* The owner, person in control, or operator of any dwelling, other than those erected exclusively for summer use, shall provide heating facilities which are capable of safely heating all habitable rooms and toilet rooms to a temperature of 70° F., at a distance of three feet above the floor level at the center of the room when the outside temperature is 0° F. The owner, person in control, or operator shall cause such heating facilities to be installed in an approved manner, ~~safely~~ safely maintained, and in good working condition. ~~It shall be an affirmative defense to a charge brought under this section that the tenant of the dwelling unit has agreed in writing to provide or pay for the required heating facilities for the unit occupied by that tenant. No landlord may evict a tenant or refuse to rent to a prospective tenant solely because the tenant fails to agree to provide the required heating facilities.~~

1117-35.2 *Flue connections:* All heating and water heating devices which burn gaseous, liquid or solid fuel shall be connected to an approved flue.

*Exception:* Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard "Z21.11.2 1978" or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.3 *Flues to be clean and unobstructed:* The owner or person in control of the dwelling shall be required to see that flues are clean and unobstructed, provided with a cleanout, and capable of providing the draft necessary to remove the products of combustion from heating or water heating equipment connected thereto.

1117-35.4. *Sale of Space Heaters:* It shall be unlawful to sell, offer for sale, or display for sale in the City of Cincinnati any gas space heater which is not an approved vented gas space heater equipped with an approved gas pressure regulator.

*Exception:* Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard “Z21.II.2-1978” or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.5. *Installation of Space Heaters:* It shall be unlawful to install in the City of Cincinnati any gas space heater which is not an approved vented gas space heater equipped with an approved gas pressure regulator without connecting such gas space heater to an approved flue in an approved manner.

*Exception:* Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard “Z21.11.2-1978” or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.6. *Authority to Shut-Off Gas-Fired Space Heaters and Water Heaters:* Whenever it shall appear on inspection that gas equipment used for space heating or water heating is discharging dangerous fumes, or is unsafe for use, and when, in the opinion of the director of buildings and inspections or other persons in the fire division or department of health authorized by the city manager, immediate action is necessary, they shall be authorized to shut off the supply of gas to the equipment by turning off the valve or cock to the equipment, or when required, by capping or plugging gas lines to the equipment or other mechanical means to accomplish shut off of gas to the equipment and attaching thereto a tag and seal out of service so as to make inoperative or to take any steps necessary in the interest of the public safety with or without notice to the owners or persons in control of the property or equipment involved.

1117-35.7. *Nonconforming Gas-fired Equipment:* Whenever it shall appear on inspection that gas equipment used for space heating or water heating is in violation of any of the requirements of any section of this Code, or of any law or ordinance relating to the same subject matter, an order shall be issued to the owner or the person in control of the gas equipment to correct same. After such order and the failure of the owner or person in control of such gas equipment to correct the violation within the time specified in the order, the director of buildings and inspections or other persons in the fire division or department of health authorized by the city manager, shall be authorized to shut off the supply of gas to the gas equipment in the manner herein provided.

1117-35.8. *Sealing Device Not to Be Removed:* It shall be unlawful to remove the tag, seal, cap, plug, or other mechanism or sealing device or to use or permit to be used any gas equipment which use has been ordered discontinued in accordance with

§ 1117-35.6 or 1117-35.7 CBC until such equipment is made to comply with the applicable provisions of the CBC and OBC.

Section 4. That Section 1501-9, “Class D Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec 1501-9. - Class D Civil Offenses.**

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class D Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 720-13	Private Facilities	Class E
(2)	§ 720-45	Notice of Violations	Class E
(3)	§ 720-69	Notice to Correct Drainage	Class E
(4)	Chapter 855	Rooming Houses	Class D
(5)	Chapter 895	Outdoor Advertising Signs	Class D
(6)	Chapter 1101	Administration, Cincinnati Building Code	Class E
(7)	Chapter 1106	General and Specialty Contractors	Class E
(8)	Chapter 1107	Elevator and Conveyor Equipment	Class E
(9)	Chapter 1117	Housing Code	Class E
(10)	Chapter 1119	Building Hazard Abatement Code	Class E
(11)	Chapter 1127	General Inspections Programs Code	Class E
(12)	Title XIV	Zoning Code	Class E
(13)	§ 1201-21	Maintenance	Class D
(14)	§ 1201-33	Evacuation	Class D

(15)	§ 1201-35	Spills and Leaks	Class D
(16)	Chapter 1235	Detectors, Early Fire Warning Systems	Class D
(17)	§ 1123-11(a)	Vacant Foreclosed Property Registration - Failure to register a vacant, foreclosed property.	Class E
<u>(18)</u>	§ 874-07(a)	Failure to Register Residential Rental Property	Class D
<u>(19)</u>	§ 871-10	<u>Landlord's Obligation to Provide Tenant Relocation Assistance</u>	<u>Class D</u>

(b) Class D Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 718-25	Secret Street Uses	Class E
(2)	§ 721-59	Taking Material from Streets	Class E
(3)	§ 729-71(c)(2)	Personal Property Left Abandoned on Streets and Sidewalks- 4 or more items	Class D
(4)	§ 761-14	Eviction or Retaliation by Landlord	Class E
(5)	Chapter 891	Home Improvement	Class E
(6)	§ 1201-47	Failure to Comply with Orders	Class D
(7)	§ 1219-21	Causing Fire Through Negligence	Class D
(8)	Chapter 1251	Fire Starting Apparatus	Class D
(9)	§ 759-4	Use of a Motor Vehicle to Facilitate a Drug Related Crime	Class D
(10)	Chapter 722	Management and Control of the Use of the City Right-of-Way	Class E
(11)	Chapter 730	Commercial Waste Franchises	
(12)	§ 856-25(c)	Violation of Limitations on Operators or Operation of Short Term Rentals	Class D
(13)	§ 1125-17(1)	Failure to Register a Vacant Building	Class E
(14)	§ 1601-57	Enforcement of Emergency Orders	Class D
(15)	§ 1601-59	Enforcement of Health Orders	Class D
(16)	§ 723-79	Failure to Obtain Streetcar Power-Down or Shutdown Work Permit	Class D
(17)	Chapter 811	e-Scooter Rental Franchises	Class D



Section 5. That existing Sections 871-1, “Purpose and Construction,” 871-3, “Definitions,” and 871-15, “Court Action,” of Chapter 871, “Landlord-Tenant Relationships,” of the Cincinnati Municipal Code, Sections 1117-31, “Connection of Fixtures,” and 1117-35, “Heating Facilities,” of Chapter 1117, “Housing Code,” and Section 1501-9, “Class D Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code are hereby repealed.

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

Date: October 18, 2023

To: Members of City Council 202302208  
From: Mayor Aftab Pureval  
Subject: EMERGENCY ORDINANCE – Funded Repair of Essential Services

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Attached is an Emergency Ordinance captioned as follows:

**MODIFYING** the provisions of Chapter 1101, “Administration,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by **ORDAINING** new Section 1101-62, “Emergency Correction of Essential Building Facilities Within Residential Rental Buildings,” to authorize the Director of Buildings and Inspections to remediate the failure of essential building facilities, such as heat, electrical, and fire safety exiting facilities, within residential rental buildings on an emergency basis; **AMENDING** Section 1101-64, “Recovering Total Cost of Correcting Hazardous Condition of Building and/or Abating Nuisance,” to provide for recovery of the costs of emergency remediation under Section 1101-62; and **ESTABLISHING** Fund 346, “Emergency Remediation of Defects in Rental Housing,” into which shall be deposited revenue from the total costs of remediation and abatement recovered under Section 1101-64 to be used for expenses related to emergency remediation and abatement of failed essential building facilities within residential rental housing expended in enforcement of Section 1101-62.

The purpose of the ordinance is to establish a new property maintenance code enforcement program to reduce the number of evacuations of residential tenants due to unsafe conditions within residential rental properties. The department has at times experienced cases where a landlord has been ordered to correct “Essential Services” required to maintain the basic livability of one or more dwelling units in a building. Examples might include replacing nonfunctional furnaces in the winter, fixing collapsed sewer pipes prohibiting use of toilets and sinks, maintaining water pipes flow for drinking and sanitary purposes, replacing arcing and hazardous electrical panels, or ensuring that fire exits are secure and hazard free. When a landlord does not correct violations in a timely manner, the department may be caused to order tenants to vacate the building with minimal notification, disrupting their lives and often causing challenges for tenants both finding and affording alternative housing, and making it uncertain when or if they will return to their home.

With this new “Essential Services Program”, when the department has ordered such hazardous or unlivable violations to be corrected, and the landlord has not caused corrections to occur in a reasonable and timely manner, and vacating the tenants is an imminent certainty, the Director will have discretion to authorize city approved contractors to proceed with immediately correcting the violations, alleviating the need for the tenants to be ordered to vacate. Such work shall be funded by an initial \$500,000 allocation previously approved by City Council this fiscal year. Upon completion of the work by the city, the department will seek reimbursement from the property owner for all associated costs incurred as a result

of the department's actions to remedy the situation. The department will bill for these expenses, and has authority to forward the expenses to collection, to assess the costs to the property tax bill for repayment, or to potentially foreclose on property for lack of payment.

City Council should note that procedurally, this process is similar to protocols the department currently utilizes to enforce the Hazard Abatement Program, Barricade Program, and PLAP Program.

This ordinance further establishes a dedicated fund, 346, which when reimbursements from property owners are received, will be returned to their source and be available for future properties needing their Essential Services corrected. This too is modeled after another department fund, 347, which is replenished with reimbursements received from our city paid for demolitions within our Hazard Abatement Program

The Administration recommends passage of the attached Emergency Ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections

## EMERGENCY

MSS

-2023

**MODIFYING** the provisions of Chapter 1101, “Administration,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by **ORDAINING** new Section 1101-62, “Emergency Correction of Essential Building Facilities Within Residential Rental Buildings,” to authorize the Director of Buildings and Inspections to remediate the failure of essential building facilities, such as heat, electrical, and fire safety exiting facilities, within residential rental buildings on an emergency basis; **AMENDING** Section 1101-64, “Recovering Total Cost of Correcting Hazardous Condition of Building and/or Abating Nuisance,” to provide for recovery of the costs of emergency remediation under Section 1101-62; and **ESTABLISHING** Fund 346, “Emergency Remediation of Defects in Rental Housing,” into which shall be deposited revenue from the total costs of remediation and abatement recovered under Section 1101-64 to be used for expenses related to emergency remediation and abatement of failed essential building facilities within residential rental housing expended in enforcement of Section 1101-62.

WHEREAS, Council is concerned with securing and maintaining the viability of safe and accessible rental housing within the City of Cincinnati; and

WHEREAS, Council finds that many residential rental dwelling units are unsafe because building owners or others responsible for property maintenance fail to provide properly functioning essential building facilities such as plumbing, heating, electrical, structural, or fire safety exiting facilities; and

WHEREAS, residents of such rental units frequently have no practical options other than to live in unsafe conditions, without timely remediation of such conditions or the ability to secure alternative housing, because they lack the means either to afford alternative housing or to cause the repair of essential building facilities themselves and utilize available procedures to recoup the costs of doing so; and

WHEREAS, Council has authorized the Department of Buildings and Inspections to repair and stabilize structures that are in a dangerous condition when property owners fail to do so and the property presents an immediate hazard, with the cost of such repairs and stabilization recovered from property owners; and

WHEREAS, this authority has proven to be a vital and necessary tool in ameliorating such conditions on an emergency basis, providing for the safety of the community and preventing buildings from falling into further disrepair; and

WHEREAS, rental dwelling units and buildings lacking properly functioning essential facilities pose an immediate and emergent threat to the health, safety, and welfare of residents; and

WHEREAS, residential rental property owners are responsible for providing properly functioning essential building facilities and should bear the cost of maintaining such facilities and providing emergency remediation when they fail, but may be unwilling or unable to do so; and

WHEREAS, Sections 715.26, 715.261, and 715.29 of the Ohio Revised Code authorize the City to regulate unsanitary and unsafe conditions, compel their remediation, and recover the costs of remediation from property owners when the City is required to remediate such conditions because of the owner's or person in charge's failure to do so; and

WHEREAS, Council intends through this ordinance to provide tools to the Director of the Department of Buildings and Inspections to expeditiously resolve unsafe living conditions caused by emergency situations related to essential building facilities in residential rental properties and to recover the costs of doing so from the property owners; and

WHEREAS, it is desirable to establish a dedicated fund to provide resources for the Department of Buildings and Inspections' remediation and abatement activities authorized by this ordinance, into which the recovered costs of remediation and abatement shall be deposited for the continued enforcement of the provisions of this ordinance; now, therefore,

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

Section 1. That Section 1101-62, "Emergency Correction of Essential Building Facilities Within Residential Rental Buildings," of Chapter 1101, "Administration," of the Cincinnati Municipal Code is ordained as follows:

**Sec. 1101-62. – Emergency Correction of Essential Building Facilities Within Residential Rental Buildings.**

1101-62.1 *Definitions:* For the purposes of this section, the following words and phrases shall have the following meaning:

*Emergency Condition:* "Emergency condition" means any condition resulting from the failure of essential building facilities that is dangerous or injurious to the health or safety of the occupants of the dwelling unit or building, or occupants of a neighboring dwelling unit or building. It includes, but is not limited, to the following:

- (1) A mechanical failure of a ventilation or heating system, including failure by such system to maintain a minimum temperature of 60 degrees Fahrenheit inside the dwelling unit;
- (2) Lack of adequate water supply, including an adequate supply of hot water, to the dwelling unit or building due to mechanical failures of pipes or appliances such as boilers or hot water heaters;

- (3) A structural, mechanical, or electrical defect that creates a substantial and serious risk of fire, accident, injury to health or safety, or other calamity;
- (4) Lack of adequate and properly functioning sanitary facilities in the dwelling unit; or
- (5) A failure of fire safety exiting devices to function properly.

*Essential Building Facilities:* “Essential building facilities” means the devices and systems that must be fully functional to allow for the safe and healthy habitation of a legal residential dwelling unit or building, including but not limited to:

- (1) Heating System, including boilers and furnaces, and associated delivery systems and facilities providing fuel sources or air handling necessary to utilize such system;
- (2) Plumbing System, including drinking, bathing, and sanitary fixtures and pipes, and all facilities necessary to utilize such system;
- (3) Structural System, including foundational and structural support systems necessary to stabilize and support the envelope of the building and structures supporting the prescribed emergency exiting path within the building;
- (4) Electrical System, including panels, outlets, wiring, service lines, and all facilities necessary to utilize such system; or
- (5) Fire Safety System, including fire escapes, fire exit stairs, and emergency doors.

1101-62.2 *Limitation on Repair of Essential Building Facilities.* Whenever the director determines that an emergency condition exists, the director may act according to the provisions of this section unless the director estimates the cost of proceeding under this section to exceed forty percent of the assessed improvement value of the subject building as determined from the records of the Hamilton County Auditor. If the director may not proceed under this section because the cost of remediation exceeds this threshold, the director may utilize any other remedy available under law as the director deems appropriate to ameliorate the emergency condition.

1101-62.3 *Emergency Repair of Essential Building Facilities.* If the director determines that an emergency condition exists and elects to proceed under this section, the director shall issue an order pursuant to Section 1101-61 specifying the condition requiring correction, the timeframe in which remedial action must be taken, and the consequences of failure to comply with the order. The director shall issue the order promptly to the property owner or person in control of the property responsible for the maintenance, operation, and repair of such structures, equipment, or systems. After such order has been served pursuant to Section 1101-61, the director may enter upon the premises pursuant to Section 1101-45 and repair or cause to be repaired such condition,



in a workmanlike manner by a licensed and registered contractor. All costs of proceeding under this section shall be recoverable as total cost under Section 1101-64.

1101-62.4 *Fund for Repair of Essential Building Facilities*: Total cost, as defined in Section 1101-64, recovered pursuant to Sections 1101-62.3 and 1101-64 shall be paid to the city treasurer and credited to a fund established for the purpose of making resources available for the continued enforcement of this section. The director may use such resources as are in the fund, in addition to other resources available, to aid in the enforcement of this section. The director shall make all reasonable attempts to recover the total cost incurred in proceeding under this section for crediting to the fund.

Section 2. That Section 1101-64, “Recovering Total Cost of Correcting Hazardous Condition of Building and/or Abating Nuisance,” of Chapter 1101, “Administration,” of the Cincinnati Municipal Code is amended as follows:

**Sec. 1101-64. – Recovering Total Cost of Correcting Hazardous Condition of Building Conditions, Abating Emergency Conditions Related to Essential Building Facilities, and/or Abating Nuisance-Nuisances.**

- (a1) The director may collect the total cost of abatement activities from the property owner or person in control of a property ~~whose~~ when the property has benefitted from the abatement activity using one or more of the following methods ~~prescribed in division (a)(1-4) of this section;~~
- (1a) The director may invoice the property owner or person in control of the benefitted property ~~pursuant to the quarterly fee schedule established pursuant to Section 1101-85;~~
- (2b) The director may place a lien on the benefitted property in accordance with the process set forth in Ohio Revised Code Sections 715.26, 715.261, and 731.54 or any successor sections;
- (3c) The city solicitor may commence a civil action ~~to recover the total costs, including from against~~ the property owner or person in control of the benefitted property at the time the costs were incurred;
- (4d) The director may file a lien against and pursue a foreclosure of the benefitted property in accordance with the process set forth in Ohio Revised Code Sections 323.65 to 323.79, and 715.261(B)(3) or any successor sections; or

- (e) The director may invoice the property owner or person in control of the benefitted property pursuant to the quarterly fee schedule established under Section 1101-85 of this chapter.
- (b2) For the purposes of this section, the following words and phrases shall have the following meaning:
- (1a) “Abatement activity” means each instance of any of the following:
- (A1) Removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures;
- (B11) Making emergency corrections of hazardous conditions;
- (C111) Abatement of any nuisance condition by the director as authorized by the Ohio Revised Code; ~~and~~
- (D111) All code enforcement activity undertaken to abate a nuisance condition that exists for more than sixty days following the director’s issuance of orders describing the nuisance condition including, but not limited to, inspections and attempts to achieve code compliance; or
- (v) Correction, abatement, or remediation of emergency conditions related to essential building facilities within residential buildings.
- (b) “Emergency condition” has the same meaning as in Section 1162.1
- (c) “Essential building facilities” has the same meaning as in Section 1162.1.
- (2d) “Nuisance condition” means any violation of a building code, housing code, zoning code, quality of life code, and any other codes under the jurisdiction of the director.
- (3e) “Total cost” means the sum of the following costs incurred or borne by the city in pursuit of abatement activity authorized under this chapter: any costs incurred due related to the use of employees, materials, or equipment of the city; any accrued quarterly code enforcement monitoring fees resulting from abatement activities associated with Section 1101-64(2)(a)(iv); any costs arising out of related to contracts for labor, materials, or equipment; and any costs of related to issuance or service of notice or publication as required under Chapter 11 of the Cincinnati Municipal Code this chapter. “Total cost” includes, but is not limited to, any attorney’s fees, costs of inspection, administrative and support staff fees, property maintenance costs, court costs, title search fees, process

server fees, and skip tracing expenses;; any costs of police, fire, and medical services provided to abate the nuisance conditions;; any costs of collection or prosecution, including discovery and deposition expenses, ~~incurred under this section relating~~ related to the demolition, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance condition; and any costs of providing emergency temporary housing authorized by the Cincinnati Municipal Code related to abatement activity.

- (e3) The director may suspend the obligation to pay the total cost of abatement activities for a period of up to one year provided that the property owner or person in control of the benefitted property demonstrates to the satisfaction of the director that the person requesting the suspension:
  - (1a) has a bona fide and viable plan to correct the conditions that gave rise to the abatement activity;
  - (2b) has the financial capacity to implement the plan or is making a bona fide effort to obtain the financial resources to implement the plan;
  - (3c) will suffer an undue burden if required to pay the costs of abatement activity prior to implementation of the plan; and
  - (4d) ~~demonstrates that the subject~~ maintains the benefitted property in a condition that does not pose an unreasonable hazard to emergency personnel and the health and safety of the public, including trespassers.
- (d4) All suspensions issued under subsection (e3) of this section are subject to the following conditions:
  - (1a) The ~~subject~~ benefitted property must be maintained in a manner that does not pose an unreasonable hazard to emergency personnel and the health and safety of residents or the public, including trespassers;
  - (2b) Any condition that arises or is discovered during the suspension period that poses an unreasonable hazard to emergency personnel and the health and safety of residents or the public, including trespassers, must be repaired promptly, as required by the director;
  - (3c) The condition or conditions giving rise to the abatement activity must be corrected prior to the expiration of the suspension period; and
  - (4d) The director shall be permitted to inspect the interior and exterior of the ~~subject~~ benefitted property based on an inspection schedule established by the director as necessary to ensure ongoing compliance with applicable laws and conditions.

- (e5) The director may impose additional conditions on a suspension issued under subsection (e3) to the extent necessary to ensure that the subject-benefitted property is maintained in a manner that does not pose an unreasonable hazard to emergency personnel and the health and safety of the public, including trespassers, during the suspension period.
- (f6) The director may approve the assignment of an existing suspension to a subsequent purchaser or person in control of the subject-benefitted property upon determining that they meet the same standards on-pursuant to which the suspension was granted. Upon approval, the purchaser or person in control of the benefitted property shall have the same rights and responsibilities as the initial petitioner to whom the suspension was granted.
- (g7) The director may terminate a suspension at any time and levy all suspended costs upon determining that the petitioner knowingly violated applicable law or a condition imposed on the suspension. Costs reinstated under this section shall be a debt due and payable to the city within 30 days of the decision and shall be collectible as a total cost as provided for in this section.
- (h8) The director shall certify that any costs suspended during the period are permanently waived upon correction of the conditions that gave rise to the abatement activity.
- (9) The director is authorized to promulgate rules and regulations to carry out the purposes of this section.

Section 3. That the establishment of Fund 346, “Emergency Remediation of Defects in Rental Housing,” is authorized, into which shall be deposited revenue from the total costs of remediation and abatement recovered under Section 1101-64 to be used for expenses related to emergency remediation and abatement of failed essential building facilities within residential rental housing expended in enforcement of Section 1101-62.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3.

Section 5. 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 need to implement the property maintenance programs and policies adopted as soon as possible to ensure that the Department of Buildings and Inspections is fully authorized to implement the program.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

Date: October 18, 2023

To: Members of City Council 202302211  
From: Mayor Aftab Pureval  
Subject: ORDINANCE – Residential Rental Inspection Expansion

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Attached is an ordinance captioned as follows:

**MODIFYING** the provisions of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by **AMENDING** Section 1127-07, “Residential Rental Property Inspection Pilot Program,” to make permanent the pilot program and expand its geographic area; and **AMENDING** Section 1501-5(a), “Class B Civil Offenses,” and Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code.

This ordinance is to expand and make permanent the Residential Rental Inspection (RRI) Pilot Program enacted in 2020. The pilot program has demonstrated that additional oversight of recalcitrant housing providers through routine and ongoing inspection motivates and incentivizes the correction of code violations and the continued maintenance required to prevent deterioration of the housing stock.

To increase the protection of public health, safety, and welfare against the harm of neglected deteriorating housing, the ordinance will expand the scope of the program from three neighborhoods to seven neighborhoods. To the original three pilot neighborhoods of Clifton- University Heights Fairview (CUF), Avondale, and East Price Hill, will be added the four neighborhoods of West Price Hill, Westwood, College Hill, and Madisonville. These neighborhoods were selected due to the higher number of rental properties, the aged housing stock, and the volume of code violations occurring.

In addition to expanding the geographic scope of the eligible properties, the ordinance provides a feature for better addressing poorly operating housing providers. Namely, if a housing provider owns a property within any of the identified neighborhoods that falls into disrepair and otherwise becomes eligible for the rental inspection program, the eligibility will trigger a review of the owner’s entire portfolio located anywhere within the corporate limits of Cincinnati. Any properties owned by the same owner or person in control will be reviewed to determine if there has been a pattern of neglect. Those eligible properties will enter the RRI Program and receive additional attention until fully code compliant. The same eligibility criteria of the ordinance (such as history of non-compliance) will be used to determine eligibility of properties both in the focus neighborhoods, and when triggered by ownership throughout the City.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections



**MODIFYING** the provisions of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by **AMENDING** Section 1127-07, “Residential Rental Property Inspection Pilot Program,” to make permanent the pilot program and expand its geographic area; and **AMENDING** Section 1501-5(a), “Class B Civil Offenses,” and Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code.

WHEREAS, rental housing provides affordable housing for many City residents with the existing rental housing stock of approximately 80,000 units accounting for half of all of the City’s housing stock, and the City has a significant interest in ensuring that rental housing remains a viable housing option for its citizens; and

WHEREAS, over time, due to neglect by property owners, managers, and tenants, rental housing often deteriorates, resulting in substandard or hazardous conditions that adversely affect the value of neighboring structures; and

WHEREAS, property owners often choose not to make necessary repairs because of cost, tenants do not report deficiencies because they lack knowledge or fear retaliatory eviction, and mismanaged rental property often becomes dilapidated, disorderly, an environment for crime, and a public nuisance, disturbing the peace and safety of the neighborhood and causing surrounding property values to depreciate; and

WHEREAS, the City of Cincinnati suffers from a shortage of affordable rental housing units, which will be exacerbated if residential rental properties that are eligible to receive federal housing assistance are not maintained in good repair; and

WHEREAS, residential rental properties require greater health and safety regulation than other types of property, and the governmental interest in protecting the community from unsafe housing is more critical with rental property, which has numerous residents, common areas, and greater access by the general public; and

WHEREAS, the Residential Rental Property Inspection Pilot Program, which has operated in the Clifton-University Heights-Fairview, East Price Hill, and Avondale neighborhoods since 2021, has helped to ensure that rental housing units in these areas are in compliance with minimum standards, do not contribute to blight, and provide decent, safe, and sanitary housing for residential rental tenants; and

WHEREAS, the neighborhoods of Avondale, Clifton-University Heights-Fairview, College Hill, East Price Hill, Madisonville, West Price Hill, and Westwood were selected due to the higher than average concentration of aging rental properties with known or suspected code violations; and



WHEREAS, the Residential Rental Inspection Pilot Program and code enforcement data demonstrates that deferred maintenance and neglect frequently exists across the entire portfolio of an ownership entity and, accordingly, that a comprehensive approach providing for inspection of all properties in an ownership entity's portfolio, regardless of in which neighborhood any particular property is located, is necessary to provide for the greatest impact and improvement of rental housing in Cincinnati; and

WHEREAS, the Avondale neighborhood is an important part of the program because it contains a significant number of older, multi-family rental housing units owned and operated by out-of-town and absentee landlords; and

WHEREAS, the Clifton-University Heights-Fairview neighborhood is an important part of the program because it contains a significant number of student housing rentals characterized by frequent turnover, which can more quickly result in deterioration of housing conditions, property damage, and a higher risk of fire deaths; and

WHEREAS, the College Hill Neighborhood is an important part of the program because it contains a significant number of older, single- and multi-family rental housing units owned and operated by out-of-town and absentee landlords, which housing units have historically suffered from deferred maintenance; and

WHEREAS, the East Price Hill neighborhood is an important part of the program because it contains a significant number of older, single-family, and multi-family housing rentals with out-of-town and absentee landlords, has the highest rate of housing-related code enforcement activity in Cincinnati, and because a property condition survey of East Price Hill completed by Price Hill Will indicates that conditions at rental properties in the area are inferior to those of owner-occupied properties; and

WHEREAS, the Madisonville Neighborhood is an important part of the program because it contains a significant number of older, single- and multi-family rental housing units that have historically suffered from deferred maintenance; and

WHEREAS, the West Price Hill neighborhood is an important part of the program because it contains a significant number of older, single- and multi-family rental housing units owned and operated by out-of-town and absentee landlords, and has the third highest rate of housing-related code enforcement activity in Cincinnati; and

WHEREAS, the Westwood neighborhood is an important part of the program because it contains a significant number of multi-family rental housing units that have suffered from deferred maintenance for decades, and because it has the second highest rate of housing-related code enforcement activity in Cincinnati; and

WHEREAS, the pilot program demonstrated that regular inspections of residential rental properties protects the health, welfare, and safety of tenants by incentivizing correction of code violations before housing deteriorates to the point of becoming uninhabitable and assists in the City's broader goal of preserving all available housing stock; and

WHEREAS, Council finds that making permanent and expanding the program is in the interests of the public health, safety, morals, and general welfare; now, therefore,

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

Section 1. That Section 1127-07, “Residential Rental Property Inspection Pilot Program,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 1127-07 - RESIDENTIAL RENTAL PROPERTY INSPECTION PILOT PROGRAM**

**1127-07.1. - Definitions.** As used in this section, the following words and terms shall have the meanings indicated in the definition herein. Words and terms used and not specifically defined in this section, but which are defined in the Cincinnati Building Code (“CBC”), shall have the meanings defined in the CBC.

**1127-07.1-A. - Applicable Codes.** “Applicable Codes” includes, but is not limited to, the Residential Code of Ohio (“RCO”), the Ohio Building Code (“OBC”), Chapter 3742 of the Ohio Revised Code (“ORC”), the CBC, and the following provisions of the Cincinnati Municipal Code (“CMC”): Chapter 1117 - Housing Code; Title XII - Cincinnati Fire Prevention Code; Title XIV - Zoning Code; Title XVII - Land Development Code; Chapter 761 - Chronic Nuisance Premises; Chapter 714 - Littering, and Chapter 731 - Weed Control; and any other building, housing, health and safety codes and provisions applicable to residential rental property that materially affect the public health, safety and welfare.

**1127-07.1-C. - Code Compliant.** “Code Compliant” means a residential rental property that, upon inspection by the city under this section, is found to be compliant with all applicable code provisions. In determining whether a residential rental property is Code Compliant, the director may consider additional factors including, without limitation, whether the properties which are well maintained; have any code violations; require some routine maintenance work but not beyond responding to normal wear and use expected for the property age and type of construction; are suitable for rental occupancy and affords the occupants a decent, safe, and sanitary habitation; the maintenance and management of the property does not contribute to depreciating neighboring property values and does not adversely impact the peaceful enjoyment of surrounding properties; there is no history of ignoring substantiated housing violation-related complaints about the property within the previous twelve months.

**1127-07.1-N. - Non-compliant.** “Non-compliant” means a residential rental property that, upon inspection by the city under this section, is found to have one or more violations of applicable codes that (1) constitute an immediate hazard or threat to the occupants of the property or (2) in their totality indicate that the rental unit is not being properly maintained. In determining whether a residential rental property is Non-compliant, the director may consider additional factors including, without limitation, whether properties are not being maintained in compliance with the applicable codes;

have a number of code violations, some of which appear to be longstanding and/or could materially affect the health and safety of the occupants; have deferred maintenance and/or have evidence of lack of routine maintenance of the halls, yard, common areas or dwelling units; unless the violations are promptly corrected and the premises proactively and routinely maintained, are not suitable for rental occupancy and would not afford the occupants a decent, safe, and sanitary habitation.

**1127-07.1-P. - ~~Pilot~~ Residential Areas.** “~~Pilot~~ Residential Areas” are specified census tracts within the statistical neighborhood boundary maps of the neighborhoods of Avondale, Clifton-University Heights-Fairview, College Hill, East Price Hill, Madisonville, West Price Hill, and Westwood. The qualifying census tract numbers within each ~~Pilot~~ Residential Area are listed below:

<b>Neighborhood</b>	<b>Qualifying Census Tract Numbers</b>
Avondale	<u>66, 68, 69, 270</u>
East Price Hill	<u>92, 93, 94, 95, 96</u>
Clifton-University Heights-Fairview	<u>25, 26, 27, 29.01, 29.02, 30</u>
<u>College Hill</u>	<u>81, 82.01, 82.02, 84, 111 (partial tract)</u>
<u>Madisonville</u>	<u>55 (partial tract), 56 (partial tract), 242 (partial tract), 244.01 (partial tract), 276</u>
<u>West Price Hill</u>	<u>97 (partial tract), 98, 99.01 (partial tract), 99.02 (partial tract), 100.05, 107 (partial tract), 214.01</u>
<u>Westwood</u>	<u>88, 100.02, 100.03, 100.04, 101, 102.01 (partial tract), 102.02, 109(partial tract), 209.01</u>

**1127-07.1-R. - Residential Rental Properties.** “Residential Rental Properties” shall have the same meaning as O.R.C. Section 5323.01(E).

- (a) The director may consider one or more of the following criteria in identifying whether real property constitutes residential rental property for purposes of this Chapter:
- (1) The property does not receive an owner occupancy tax credit based on the records of the Hamilton County Auditor;
  - (2) The property contains a dwelling unit registered as a rental property with the Hamilton County Auditor pursuant to O.R.C. Chapter 5323;
  - (3) The property is owned by a corporate entity and not individually;
  - (4) For single-family homes, the water records kept by greater Cincinnati water works reflect third-party billing;

- (5) The Hamilton County Auditor has applied any of the following land use codes to the property:

CATEGORY	DESCRIPTION	DEPT. OF TAX EQUALIZATION	HAMILTON COUNTY
COMMERCIAL	APARTMENTS - 4 TO 19 UNITS	401	401
COMMERCIAL	APARTMENTS - 20 TO 39 UNITS	402	402
COMMERCIAL	APARTMENTS - 40+ UNITS	403	403
COMMERCIAL	RETAIL - APARTMENTS OVER		404
COMMERCIAL	OFFICE - APARTMENTS OVER		431
RESIDENTIAL	TWO FAMILY DWELLINGS	520	520
RESIDENTIAL	THREE FAMILY DWELLINGS	530	530
RESIDENTIAL	LOW INCOME HOUSE TAX CREDIT (residential)	569	569
RESIDENTIAL	OTHER STRUCTURES	599	599

- (6) The property has been registered as a residential rental property with the Hamilton County Auditor as required by Ohio Revised Code 5323.02 and/or the city of Cincinnati;
- (7) Other reasonable indicators that real property has been rented to tenants for residential purposes, for example, the existence of a lease agreement.
- (b) Real property or a portion thereof used exclusively for the following purposes shall be exempt from the requirements of this section:
- (1) Hotels or motels;
  - (2) College or university dormitories that are state-owned and are inspected for code compliance under other procedures or licensure;
  - (3) Two-family units where one unit is ~~are~~ owner-occupied;
  - (4) Properties that are currently unoccupied because they have been ordered vacated by the director;
  - (5) Properties that are available to the public for rental for a period of thirty days or less;

- (6) Non-residential purposes when separate and distinct from a portion used as a residential rental property, e.g., first floor retail in a multi-story mixed-use apartment building.
- (c) In the event of a dispute over whether a property is subject to the application and inspection provisions of this ordinance, property owners may submit evidence to the director demonstrating that their property is not “Residential Rental Property” for purposes of this section.

**1127-07.1-S. - Substantially Compliant.** “Substantially Compliant” means a residential rental property that, upon inspection by the city under this section, is found to have one or more violations of applicable codes that (1) do not constitute an immediate hazard or threat to the occupants of the residential rental property and (2) do not indicate in their totality that the rental unit is not being properly maintained. In determining whether a residential rental property is Substantially Compliant, the director may consider additional factors including, without limitation, whether the owner of a substantially compliant property has demonstrated a plan and capacity to abate the violations within thirty (30) days, or in a reasonable time as determined by the director; the maintenance and management of a substantially compliant property does not contribute to depreciating neighboring property values and does not adversely impact the peaceful enjoyment of surrounding properties; and based on the number of units at the property, there have been few or no substantiated complaints of code violations on the premises within the previous twelve months and there is no history of ignoring substantiated code violations.

**1127-07.3. - Purpose.** The purpose of this section is to protect the public health, safety and welfare by authorizing the periodic evaluation of certain residential rental property businesses for compliance with applicable codes, including but not limited to, the RCO, the OBC, ORC Chapter 3742, the CBC, and the following provisions of the CMC: Chapter 1117 - Housing Code; Title XII - Cincinnati Fire Prevention Code; Title XIV - Zoning Code; Title XVII - Land Development Code; Chapter 761 - Chronic Nuisance Premises; Chapter 714 - Littering, and Chapter 731 - Weed Control; and any other building, housing, health, and safety codes and provisions applicable to residential rental property that materially affect the public health, safety and welfare. This section incorporates provisions of CBC Chapter 1101 by reference.

This section does not preempt, supersede, cancel or set aside the requirements of any other applicable landlord-tenant laws, and building, housing, zoning or related regulations.

**1127-07.5. — Scope.**

- ~~(a) — This section authorizes a pilot inspection program to determine the effectiveness and benefits of proactive enforcement and periodic inspection and evaluation, with enhanced reactive enforcement, of rental property businesses in specified 2010 U.S. Census tracts and blocks in the following three neighborhoods Avondale, East Price Hill and Clifton University Heights Fairview that meet certain conditions described in section 1127-07.1-R of this section.~~

~~(b) The duration of the pilot program shall be four years from the effective date of this section.~~

~~(c) This section does not preempt, supersede, cancel or set aside the requirements of any other applicable landlord-tenant laws, and building, housing, zoning or related regulations.~~

**1127-07.7. - Applicable Properties: Residential Rental Properties.**

(a) This section shall apply to any Residential Rental Property as defined in section 1127-07.1-R of this chapter that is located in the ~~Pilot~~ Residential Areas and that:

- (1) Is currently the subject of a delinquent lead hazard control order issued by the Cincinnati health department;
- (2) Has been ordered vacated in part by the Cincinnati building department pursuant to section 1101-65 of the CBC, but which remains partially occupied;
- (3) Has failed an inspection of the U.S. Department of Housing and Urban Development Real Estate Assessment Center within the last twelve (12) months;
- (4) Has been determined to be a public nuisance pursuant to section 1101-57 of the CBC;
- (5) Has been the subject of two or more orders issued within a twelve-month period by the department of buildings and inspections, the Cincinnati fire department, and/or the board of health or its designee for building, housing, fire prevention, public health, quality of life, or health code violations;
- (6) Has been the subject of four or more validated complaints received by the department of buildings and inspections of housing or zoning code violations within a twelve-month period;
- (7) Has been identified by the City of Cincinnati as being at risk of being declared a chronic nuisance as set forth in section 761-3 of the CMC;
- (8) Is currently or within the past twenty-four (24) months has been the subject of civil or criminal prosecution by the City of Cincinnati for violations of the ORC, CMC, or CBC; or
- (9) Is certified as tax delinquent by the Hamilton County Treasurer.

(b) This section shall also apply to any Residential Rental Property, as defined in section 1127-07.1-R of this section, that is owned entirely or in part, operated, or managed by an individual, entity, or person in control, as defined by Cincinnati

Municipal Code Section 1101-03, regardless of its location in the city of Cincinnati, who owns or has an ownership interest in, operates, or manages any Residential Rental Property that qualifies for this program under subsection 1127-07.7(a), including Residential Rental Properties owned entirely or in part, managed, or operated by related entities, sister entities, parent entities, holding entities, subsidiary entities, or distinct entities where there is evidence of a common principal, board, shareholder base, or headquarters.

**1127-07.9. - Rental Inspection Certificate Application Process.**

- (a) All owners and persons in control of Residential Rental Properties as that term is defined in subsections 1127-07.1-R and 1127-07.7 of this Section in the ~~pilot~~ residential areas shall apply for a rental inspection certificate under this section ~~within thirty (30) days of enactment of this ordinance.~~
- (b) Application for a rental inspection certificate shall be made on forms and instructions prescribed by the director. The application shall include:
  - (1) A description of the Residential Rental Property, including but not limited to the street address and parcel identification number;
  - (2) The name, street address, and telephone number of the owner or person in control;
  - (3) A copy of the owner's current rental registration with the Hamilton County Auditor pursuant to Ohio Revised Code Section 5323, or in the alternative, the same information that would otherwise be provided by the owner to the Auditor on the Auditor's rental registration form; and
  - (4) A written certification whether the owner or person in control of the Residential Rental Property consents to an inspection of the property.
- (c) An application for a residential rental certificate shall not be construed by the city as a waiver of the owner's Fourth Amendment rights.

**1127-07.11. - General Inspection Requirements.**

- (a) Upon receipt of a complete application and the applicable fee, the director shall perform a visual inspection of the interior and exterior of a Residential Rental Property to determine whether the property complies with all applicable codes.
- (b) The director shall inspect Residential Rental Properties at a reasonable time agreed to by the owner or person in control of the Residential Rental Property; ~~provided, however, if an owner, person in control, or tenant refuses to provide the director with permission to inspect the private areas of the Residential Rental Property at a reasonable time, the director shall obtain an administrative search warrant from a court of competent jurisdiction as allowed by law.~~

- (c) The owner or person in control of the Residential Rental Property shall be responsible for notifying the tenants of a scheduled inspection in accordance with notice requirements under applicable landlord-tenant regulations.
- (d) All dwelling units in a Residential Rental Property shall be inspected.
- (e) If a Residential Rental Property is inspected and found to be compliant, the director shall issue a residential rental inspection certificate to the owner or person in control of a Residential Rental Property following the inspection. The certificate shall indicate that the property is compliant and indicate the next required inspection date based upon the inspection interval for compliant properties provided for in section 1127-07.13 of this section.
- (f) If a Residential Rental Property is inspected and found to be substantially complaint or non-compliant, the director shall provide the owner or person in control with a written order specifying the reasons for the designation and establishing an inspection schedule based upon the inspection intervals provided for in section 1127-07.13 of this section.
- (g) A residential rental inspection certificate shall expire thirty (30) days following the required inspection date indicated on the certificate; provided, however, a residential rental inspection certificate shall expire six months following the transfer in ownership of a Residential Rental Property or the transfer of a controlling interest in any entity that owns Residential Rental Property if occurring sooner than thirty (30) days following the required inspection date indicated on the certificate.
- (h) Upon the transfer in ownership of a Residential Rental Property or the transfer of a controlling interest in any entity that owns a Residential Rental Property, the owner or person in control shall notify the new owner or person in control of their obligation to maintain a residential rental inspection certificate for the property.
- (i) The director is authorized to seek the assistance of personnel from the fire department, health department, police department, and other enforcement agencies concerned with the operation of residential rental property in carrying out the inspections authorized in this section.
- (j) The provisions of this section shall not limit or restrict the director or any other authorized official from conducting inspections of residential rental property in administering or enforcing the laws, rules, and regulations they are charged with enforcing, e.g., responding to tenant complaints or upon probable cause that a violation is present.

**1127-07.13. - Inspection Intervals.**

- a. Residential Rental Properties shall be inspected and evaluated according to the following intervals:



- (1) Code Compliant. Properties found to be code compliant shall be issued a certificate and shall be inspected again after forty-eight months, ~~prior to the expiration of the certificate or prior to the expiration of the Pilot Program, whichever comes first.~~
- (2) Substantially Compliant. Properties found to be substantially compliant shall be inspected at thirty-day intervals following the initial inspection, or at reasonable intervals established by the director as necessary to promote and sustain code compliance, to verify whether previously identified code violations have been cured. Once compliance is achieved, the property shall be issued a certificate and shall be inspected again after forty-eight months, ~~prior to the expiration of the certificate or prior to the expiration of the Pilot Program, whichever comes first.~~
- (3) Non-Compliant. Properties found to be non-compliant shall be inspected at thirty-day intervals following the initial inspection, or at reasonable intervals established by the director as necessary to promote and sustain code compliance, to verify whether previously identified code violations have been cured. Once compliance is achieved, the property shall be inspected in twelve months following the initial inspection ~~or prior to the expiration of the Pilot Program, whichever comes first.~~ Based on the level of non-compliance, if any, found upon inspection, the director may change the inspection interval as determined necessary to attain compliance.
- (4) Revocation. Following the issuance of a certificate, any code compliant, substantially compliant, or non-compliant property that becomes subject to one of the conditions set forth in Section 1127-07.7(a)(1)-(8) shall have its certificate revoked by the director and be subject to the application and inspection processes set forth in Sections 1127-07.9 and 1127-07.11.

**1127-07.15. - Appeals.**

- a. *Administrative Ruling.* Any person who has a bona fide controversy with the interpretation, application, or enforcement of the provisions of this section may petition the director for a written decision, order, or adjudication pursuant to section 1101-80.1 of the CBC.
- b. *Appeals.* Any person adversely affected by a final, appealable decision, order, or adjudication issued by the Director of the Department of Buildings and Inspections under section 1127-07.15(a) may appeal to the Board of Housing Appeals within 30 days from the date of the mailing of the final, appealable decision, order, or adjudication.

**1127-07.17. - Recovery of Additional Costs Incurred in Program Administration and Enforcement.** The director is authorized to charge the owner or person in control of a Residential Rental Property subject to inspection under this section for the recovery of reasonable costs incurred in its administration and enforcement of this inspection program. Additional costs may include the cost of third-party technical experts hired to

assist the director of buildings and inspections in the administration and enforcement of this inspection program.

**1127-07.19. - Inspection Fees.**

- a. Initial inspections will be charged a \$100 per unit inspected inspection fee. The re-inspection fee schedule for each unit re-inspected is as follows:
  - (1) First re-inspection \$70
  - (2) Second re-inspection \$140
  - (3) Third re-inspection \$210
  - (4) Fourth or more re-inspection \$280
- b. All fees and fine penalties collected under this Section shall be deposited in the building hazard abatement fund.

**1127-07.21. - ~~Rules and Regulations~~ Warrant Requirement.** ~~The city manager or the city manager's designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this section. If an owner, person in control, or tenant refuses to provide the director with permission to inspect the private areas of the Residential Rental Property at a reasonable time, the director shall obtain an administrative search warrant from a court of competent jurisdiction as allowed by law.~~

**1127-07.23. - Rules and Regulations.**

- a. The city manager or the city manager's designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this section.
- b. This section does not preempt, supersede, cancel, or set aside the requirements of any other applicable landlord-tenant laws or any building, housing, zoning, or related laws or regulations.

**1127-07.99. – Penalties.**

- a. An owner or person in control of a Residential Rental Property ~~in one of the three pilot neighborhoods~~ who fails to apply for a residential rental inspection certificate, commits a Class ~~B~~ C1 civil offense as defined by CMC Section 1501-8(a) on the first day, and having once been notified under CMC Section 1501-13, "Notice of Civil Offense and Civil Fine; Procedures, each additional day that the owner or person in control fails to apply for a residential rental inspection certificate shall constitute a separate, subsequent Class D civil offense.~~under section 1501-5 of the CMC.~~
- b. ~~Having once been notified of the violation under Section 1501-13, an owner or person in control of Residential Rental Property commits a separate, subsequent~~

~~Class C D civil offense on each additional day on which the owner or person in control fails to apply for a rental inspection certificate.~~

Section 2. That Section 1501-5(a), “Class B Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code is hereby amended as follows:

			Civil Fine for Subsequent Offense
(1)	§ 720-15	Public [Stormwater] Facilities	Class C
(2)	§ 720-29	[Stormwater] Permits and Plan Review	Class B
(3)	§ 721-83	Street Contractor's License	Class C
(4)	§ 723-3	Unauthorized Wires, etc., in Streets	Class C
(5)	§ 1219-3	Material Subject to Spontaneous Ignition	Class B
(6)	§ 1219-7	Baled Material	Class B
(7)	§ 1219-9	Combustible Containers	Class B
(8)	§ 1219-15	Fire Doors, Shutters and Windows	Class B
(9)	§ 1219-29	Drip Pans	Class B
(10)	§ 1219-41	Exhaust Fans	Class B
(11)	§ 1219-45	Gas Shutoff Valves	Class B
(12)	Chapter 1225	Smoking and the Use of Open Flame	Class B
(13)	§ 1231-11	Obstructing Fire Hydrants	Class B
(14)	§ 718-9	Advertising in the Public Right-of-Way	Class C
(15)	Chapter 765	Special Event Permits	Class B
(16)	§ 1601-7	Early Fire Warning System	Class C
(17)	§ 1127-07.99	<del>Rental Property Inspection Pilot Program</del>	<del>Class C</del>

Section 3. That Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code is hereby amended as follows:

			Civil Fine for Subsequent Offense
(1)	§ 714-11	Duty to Keep Sidewalks Free of Litter	Class D
(2)	§ 714-35	Litter on Occupied or Unoccupied Private Property	Class C1
(3)	§ 714-37	Owner or Person in Control to Maintain Premises Free of Litter	Class C1
(4)	§ 714-39	Litter on Vacant Lots	Class C1
(5)	§ 731-3	Height Restrictions on Unoccupied Private Property (grass and weed control)	Class C1
(6)	Chapter 313	Outdoor Advertising Sign Excise Tax	Class C1
(7)	Chapter 315	Short Term Rental Excise Tax	Class C1

(8)	Chapter 886	Equitable Restrooms (eff. January 1, 2022)	Class C1
(9)	§ 511-31	Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts	Class C1
(10)	§ 1127-07.99	<u>Rental Property Inspection Program</u>	<u>Class D</u>

Section 4. That existing Section 1127, “Residential Rental Inspection Pilot Program,” of Title XI, “Cincinnati Building Code,” and Section 1501-5(a), “Class B Civil Offenses,” and Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code are hereby repealed.

Section 5. That this ordinance shall take effect November 1, 2023.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Date: October 18, 2023

To: Members of City Council  
From: Mayor Aftab Pureval  
Subject: ORDINANCE – Fence Nuisance Properties

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Attached is an ordinance captioned as follows:

**MODIFYING** the provisions of Chapter 1117, “Housing Code,” of the Cincinnati Municipal Code by **AMENDING** Section 1117-53, “Vacant Lots,” of the Cincinnati Municipal Code to provide those City officials charged with enforcement of the health code, building and housing codes, and quality of life regulations with additional tools to address nuisance conditions associated with illegal dumping and protect the public health, safety, and welfare.

The purpose of this ordinance is to amend existing legislation to provide a more specific and effective program regarding fencing of vacant lots with chronic nuisance violations. The department often notes chronic nuisance dumping sites are vacant and unmaintained, creating multiple citable offenses and often resulting in the city, through the Private Lot Abatement Program (PLAP) program, to clean up properties at considerable and often unrecoverable expense to the city. The department has found, through a recent pilot program, that more proactive fencing vacant properties has deterred reoccurrence of dumping and that the cost of fencing was potentially a more cost and time effective solution than the reoccurring costs to manage the multiple dumping violations. The result is a more lasting solution that reduces blighting influences that negatively impacts adjacent property owners. And given that the majority of dumping citations and chronic dumping sites are within our low-moderate income single family neighborhoods, the anticipated benefit of proactive fencing of chronic sites would be immediately apparent to the neighboring property owners and would be one tool to begin to reduce the multiple blighting influences that can negatively impact these streets and neighborhoods.

Noteworthy amendments to this ordinance from the existing law include:

- Clearer procedures on how enforcement actions are escalated on vacant lots.
- Clearer standards for fencing may be considered the most appropriate alternative.
- Provision for property owner appeals against a proposed action in a public hearing.
- Clarity that the property owner/person in control is “jointly and severally liable” for costs incurred, even if sale of the property occurs after costs are incurred.
- Authority for the department to assess a lien upon the property and seek collection through the County Auditor’s Office for the additional costs associated with fencing.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections

**MODIFYING** the provisions of Chapter 1117, “Housing Code,” of the Cincinnati Municipal Code by **AMENDING** Section 1117-53, “Vacant Lots,” of the Cincinnati Municipal Code to provide those City officials charged with enforcement of the health code, building and housing codes, and quality of life regulations with additional tools to address nuisance conditions associated with illegal dumping and protect the public health, safety, and welfare.

WHEREAS, vacant lots and unoccupied, unproductive spaces that are accessible to the public are more likely to be the source of illegal dumping and nuisance activity that is harmful to communities; and

WHEREAS, visibly designating control of and limiting access to these locations is an effective tool to prevent chronic dumping and other illegal activity; and

WHEREAS, erecting and maintaining fencing to limit access to unproductive spaces effectively prevents against the use of those spaces for illegal dumping and otherwise provides for the public welfare by reducing access to unmaintained property; and

WHEREAS, the use of fencing to prevent nuisance activity at unmaintained spaces can be more efficient and affordable than repeatedly incurring the cost of abating chronic dump sites and nuisance conditions; and

WHEREAS, the costs incurred by the City in abating nuisance conditions and illegal dump sites along Beekman Street was more than twice the expense of installing fencing; and

WHEREAS, Council finds that authorizing the use of fencing to protect against nuisance activity on vacant lots is necessary and in the interest of the public health, safety, and general welfare; now, therefore,

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

Section 1. That Section 1117-53, “Vacant Lots,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code is hereby amended as follows:

**Sec. 1117-53. — Vacant Lots.**

~~1117-53.1 General: Whenever the maintenance of any vacant lot or lots without enclosing fences shall, in the opinion of the director of buildings and inspections, constitute a nuisance, he shall be authorized to compel the owner, person in control, or agent in charge of any such lot or lots to enclose the same with a fence. Notice of the order of the director of buildings and inspections declaring a vacant or unenclosed lot or lots to be a nuisance shall be served upon the owner, person in control, or any agent. If there is no resident owner, person in control, or agent,~~

~~the notice shall be served by mail addressed to the last known place of residence of the owner, person in control, or agent. Any owner, person in control, or agent failing to comply with such notice within 20 days from the date of serving, shall be subject to the penalty prescribed by the COBBC. In a situation of immediate danger, the director of buildings and inspections shall be authorized to cause such protective construction to be erected as he may consider necessary, and to charge the cost thereof to the owner or person in control.~~

**Sec. 1117-53. – Fencing Vacant Premises.**

1117-53.1 Abatement of nuisance conditions on vacant premises: The director of buildings and inspections shall be authorized to order the owner or person in control of a premises to take necessary measures, including, but not limited to, erecting fencing or posting signage on the premises, to prevent their premises from being used as an illegal dump site or for similar nuisance activity if any of the following conditions exist:

- (a) The premises is unsafe or unsanitary;
- (b) The premises has been abated at least once pursuant to Cincinnati Municipal Code Chapter 714, “Littering,” or Chapter 731, “Weed Control,”; or
- (c) The premises has been used as a dump site in violation of Section 729-30, “Dumping Prohibited,” of the Cincinnati Municipal Code.

This section shall apply only to vacant lots or lots with vacant structures.

1117-53.3 Abatement measures: The abatement measures taken by the owner or person in control in response to an order issued pursuant to Section 1117-53.1 must be approved by the director and shall be maintained until the director of buildings and inspections approves of the owner or person in control’s plan to prevent or timely abate nuisance conditions.

1117-53.5 Failure to take abatement measures: If, after service of an order issued under Section 1117-53.1, the owner or person in control fails to take abatement measures within the time provided, the director of buildings and inspections may enter the premises and undertake abatement measures, including installing fencing to protect against the creation of future nuisance conditions.

1117-53.7 Administrative procedures: Whenever premises is subject to abatement measures pursuant to Section 1117-53.1, the director of buildings and inspections shall:

- (a) Serve the owner, as determined from the official land records of Hamilton County, or person in control by personal delivery or by certified mail with a notice of intent to undertake abatement measures. If there is a vacant and unoccupied structure, the director shall also post a copy of the notice on the structure.
- (b) The notice shall set forth the street address of the premises, the date of intended entry on the premises, the right of an owner or person in control to a public hearing before the director on the necessity of the abatement measures by the director prior to the measures being taken, and the time limit for requesting a public hearing, which shall be no less than seven days after the date of the notice of intent being issued and before the date of intended entry.

- (c) If the owner or person in control requests in writing a public hearing within the time set forth in the notice of intent, the director shall refrain from fencing the premises until after the director has held a public hearing.

1117-53.9 Hearings: Whenever an owner or person in control requests a public hearing pursuant to this section, the director of buildings and inspections shall fix the time for the hearing and send notice of the hearing to the owner or person in control. The director of buildings and inspections shall conduct the hearing and receive testimony and other evidence as to whether good cause exists for the director to take abatement measures. The director shall announce the decision made at the conclusion of the hearing.

1117-53.11 Liability of Owners or Persons in Control: Any owner or person in control shall be jointly and severally liable for the costs incurred pursuant to this section.

1117-53.13 Costs as a Lien on the Land and Personal Judgment Against Owners and Persons in Control: When abatement measures have been taken in accordance with this section, the cost thereof shall be a lien on such lot or land from the date such expenses are reported to council. The clerk of council shall certify such cost to the county auditor to be placed upon the tax list and collected as other taxes are collected and returned to the City of Cincinnati in accordance with Section 715.26, Section 715.261, or Section 731.54 of the Ohio Revised Code. The cost of abatement may also be recovered by means of a judgment against the owner or person in control.

1117-53.13 Nonconformity of Order to Take Abatement Measures: Fencing may be erected pursuant to this section notwithstanding any contrary provision related to zoning or land use within the Cincinnati Municipal Code.

Section 2. That existing Section 1117-53, “Vacant Lots,” of Title XI, “Cincinnati Building Code,” is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



Date: October 18, 2023

To: Members of City Council

From: Mayor Aftab Pureval

202302212

Subject: ORDINANCE – 729-30 Impoundment for Illegal Dumping

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Attached is an ordinance captioned as follows:

**ORDAINING** new Section 729-31, “Impoundment of Motor Vehicles Used to Facilitate Illegal Dumping,” of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code; **MODIFYING** the provisions of Chapter 513, “Impoundment of Motor Vehicles,” of the Cincinnati Municipal Code by **AMENDING** Section 513-1, “Impoundment of Motor Vehicles,” Section 513-5, “Notice of Impoundment,” Section 513-7, “Impounding Fees,” Section 513-9, “Appeal Procedure,” and Section 513-11, “Sales of Impounded Vehicles”; **MODIFYING** the provisions of Chapter 515, “Parking Infractions; Collections Procedure,” of the Cincinnati Municipal Code by **AMENDING** Section 515-9, “Impoundment and Immobilization”; and **MODIFYING** the provisions of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code by **AMENDING** Section 729-30, “Dumping Prohibited,” to permit impoundment of vehicles used to facilitate illegal dumping and to conform the Cincinnati Municipal Code to the policies and procedures of the City with respect to parking violations.

The purpose of this ordinance is to provide a comprehensive update to the laws pertaining to the impoundment of vehicles within the city. This ordinance addresses concerns about the impounding procedure, impound costs and appeals processes, which are best represented by the Law and Police Departments. More importantly, for Buildings & Inspections, it provides a comprehensive new tool in our efforts to curb dumping. By expanding the impounding laws, the city can now seek to impound the vehicles causing illegal dumping. Given our use of cameras and the ability to identify vehicle license plates, we believe this measure will help curb numerous citable offenses upon vacant lots, reduce costly clean-up measures paid for by the city, and decrease blight within our low-moderate single family neighborhoods where most of these offenses occur. This new approach requires three changes outlined below:

- Sec. 729-30 pertains to vehicles engaged in dumping activity. Amendments clarify each act by a vehicle is an offense, and violations are liable for a \$1,250 fine, escalating to \$3,000 if sent to collection.
- Sec. 729-31 introduces a new section, allowing police to impound privately owned vehicles, not rental agency, or common carrier owned vehicles, that have been engaged in illegal dumping activity. It provides impounding procedures and appeals processes and notes this impoundment is in addition to fines levied by Section 729.30.
- Sec. 513-1(a)(13) adds violations of Sec 729-31 as an impoundable offense and subject to the regulations pertaining to impoundment.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections

**ORDAINING** new Section 729-31, “Impoundment of Motor Vehicles Used to Facilitate Illegal Dumping,” of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code; **MODIFYING** the provisions of Chapter 513, “Impoundment of Motor Vehicles,” of the Cincinnati Municipal Code by **AMENDING** Section 513-1, “Impoundment of Motor Vehicles,” Section 513-5, “Notice of Impoundment,” Section 513-7, “Impounding Fees,” Section 513-9, “Appeal Procedure,” and Section 513-11, “Sales of Impounded Vehicles”; **MODIFYING** the provisions of Chapter 515, “Parking Infractions; Collections Procedure,” of the Cincinnati Municipal Code by **AMENDING** Section 515-9, “Impoundment and Immobilization”; and **MODIFYING** the provisions of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code by **AMENDING** Section 729-30, “Dumping Prohibited,” to permit impoundment of vehicles used to facilitate illegal dumping and to conform the Cincinnati Municipal Code to the policies and procedures of the City with respect to parking violations.

WHEREAS, illegal dumping on vacant land negatively affects and contributes to blight in City neighborhoods; and

WHEREAS, the rate of illegal dumping on public and private property is a serious problem that cost the City approximately \$2,000,000 to remediate in 2021; and

WHEREAS, Council finds that current penalties are not sufficiently deterring individuals from engaging in illegal dumping and that the additional penalty of impoundment of motor vehicles involved in illegal dumping is needed to combat incidents of illegal dumping on public or private property; and

WHEREAS, appeals of the propriety of an impoundment of a motor vehicle currently are determined by the City Solicitor and appeals for parking violations are determined by the Office of Administrative Hearings; and

WHEREAS, consolidating hearings regarding infractions involving motor vehicles by having hearings on both motor vehicle impoundment and hearings regarding parking violations heard by the Office of Administrative Hearings would ensure consistent and efficient processing of appeals; now, therefore,

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

Section 1. That new Section 729-31, “Impoundment of Motor Vehicles Used to Facilitate Illegal Dumping,” of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

**Sec. 729-31. Impoundment of Motor Vehicles Used to Facilitate Illegal Dumping.**

- (a) A police officer may impound and cause to be towed any motor vehicle when the officer has probable cause to believe that the motor vehicle was used to facilitate a violation of subsection 729-30(b).
- (b) Upon impounding the motor vehicle for violation of subsection 729-30(b), the police officer shall provide by hand delivery to any owner or person in control of the motor vehicle present at the time of impoundment the following:
  - (1) notice that the motor vehicle is impounded;
  - (2) notice of a civil offense and civil fine in accordance with Section 1501-13;
  - (3) the location of the city impound lot: and
  - (4) the right to post a cash bond pursuant to subsection 729-31(d)(1).

If the motor vehicle owner is not present to receive such notice, the police officer or agent of the city police department shall provide notice to all owner(s) of the motor vehicle at addresses set forth in the motor vehicle registration within three business days of the date of impoundment. The notice shall include the information specified in subsections (b)(1) through (b)(4) above.

- (c) The owner of the impounded motor vehicle may admit the violation of subsection 729-30(b) by paying the civil fine for the underlying Class E Civil Offense as specified in Section 1501-99, together with all towing and storage costs in accordance with Section 513-7. The motor vehicle shall be released to the owner when all civil fines and towing and storage costs are paid.
- (d) A person served with notice of a violation of subsection 729-30(b) and/or impoundment pursuant to Section 729-31(a) may answer the charge in accordance with Section 1501-15 and may request a hearing before a hearing examiner in accordance with Section 1501-17.
  - (1) The owner may secure release of the motor vehicle prior to the hearing by posting a cash bond equal to the amount of the civil fine specified in Section 1501-99 for a Class E Civil Offense, together with all towing and storage costs in accordance with Section 513-7.
  - (2) At the hearing, the city shall have the burden to show by a preponderance of the evidence that the motor vehicle was used in the commission of a violation of Section 729-30(b). It shall be an affirmative defense to this charge if the motor vehicle owner is able to establish, by a preponderance of the evidence, that the motor vehicle was stolen at the time of the commission of the offense. For

purposes of this chapter, “stolen” shall mean the trespassory taking and carrying away of the tangible personal property of another with the intent to permanently deprive the other of the property.

- (3) The hearing examiner shall issue a written decision determining whether a violation of Section 729-30(b) occurred and whether the motor vehicle was subject to impoundment pursuant to Section 729-31. If a violation is found, then the hearing examiner shall enter an order finding the person charged liable to the city for the fine specified in Section 1501-99 for the violation of Section 729-30(b), plus any and all accumulated towing and storage costs in accordance with Section 513-7.
- (4) The motor vehicle shall be returned to the owner along with any posted cash bond, costs, or fees if the hearing examiner finds any of the following:
  - (i) That the city did not meet its burden of proof as set forth in this subsection;
  - (ii) That one of the exceptions of Section 729-31(e) applies; or
  - (iii) That the motor vehicle was stolen at the time it was impounded.
- (e) No motor vehicle shall be impounded or towed pursuant to this section under either of the following circumstances:
  - (1) The motor vehicle was operating as a common carrier at the time it was subject to impoundment; or
  - (2) The motor vehicle is a rental vehicle from an automobile rental or leasing agency for a term of no more than thirty consecutive calendar days.
- (f) The impounding of any motor vehicle authorized by Section 729-31 is in addition to any civil fines authorized by Section 729-30.

Section 2. That existing Section 513-1, “Impoundment of Motor Vehicles,” Section 513-5, “Notice of Impoundment,” Section 513-7, “Impounding Fees,” Section 513-9, “Appeal Procedure,” and Section 513-11, “Sales of Impounded Vehicles,” of Chapter 513, “Impoundment of Motor Vehicles,” existing Section 515-9, “Impoundment and Immobilization,” of Chapter 515, “Parking Infractions; Collections Procedure,” and existing Section 729-30,

“Dumping Prohibited,” of Chapter 729, “Waste Disposal,” of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 513-1. Impoundment of Motor Vehicles.**

Any police officer may impound and cause to be towed any motor vehicle:

- (a) (1) Which is stolen; or
- (2) Which is parked in violation of law; or
- (3) Which is involved in an accident; or
- (4) Which has been declared delinquent because of two or more outstanding traffic capiases or two or more outstanding traffic citations which have not been paid, or a bond posted pursuant to § 513-3 of the Cincinnati Municipal Code and registered for court in accordance with the provisions of § 511-23 of the Cincinnati Municipal Code; or
- (5) Which has been declared delinquent because of two or more ~~outstanding parking judgments or two or more~~ outstanding parking infractions which have not been paid or not had a bond posted pursuant to § 515-9 of the Cincinnati Municipal Code and not been registered for hearing with the Parking Violations Bureau in accordance with the provisions of CMC §§ 515-5 and 515-6 ~~C.M.C.~~; or
- (6) Which does not display currently valid license plates; or
- (7) Which is parked so as to block ingress or egress to a street, alley, roadway, driveway, parking facility or loading facility; or
- (8) Which is in the possession of a physically arrested person; or
- (9) Which is driven by a person who is under the influence of alcohol or drugs or a combination thereof; or
- (10) Which is subject to seizure and impoundment pursuant to the provisions of § ~~910-10~~ 909-5; or
- (11) When the person in possession of a motor vehicle requests it to be impounded for safekeeping; or
- (12) Which motor vehicle was used in the commission of an offense in violation of Ohio Revised Code § 2921.331, “Failure to Comply with Order or Signal of Police Officer-”; or

(13) Which motor vehicle was used in the commission of an offense in violation of § 729-30.

(b) A motor vehicle which is subject to impoundment under items (8) or (9) above shall not be impounded if title or right to possession of the motor vehicle can be readily established, at the location where the motor vehicle is initially stopped, by either the driver of the motor vehicle, or the person in possession of the motor vehicle, or the person to whom possession of the motor vehicle is to be given if:

(1)(a) The motor vehicle can be safely and legally parked at its location;  
or

(2)(b) The driver is able to arrange for someone to take care of the motor vehicle after being given a reasonable opportunity to do so; unless the driver requests that the motor vehicle be impounded for safekeeping after being advised of such driver's rights under (1a) and (2b) of § 513-1(b) above.

~~All motor vehicles impounded pursuant to (8) and (9) above shall be released without charge within 18 hours after impoundment where special equipment or handling is not required to accomplish the impoundment of the motor vehicle. A driver in police custody shall be given an opportunity to arrange for someone to retrieve the motor vehicle. All motor vehicles impounded pursuant to (8) or (9) above shall be released without charge where the person arrested is not charged with a crime; except the motor vehicle may be retained, when necessary, for other law enforcement purposes.~~

(c) In the event that a motor vehicle ordered to be towed pursuant to this section has been reported stolen to the Cincinnati Police Department or constitutes a stolen vehicle to the knowledge of the Cincinnati Police Department at the time that such vehicle is towed, the Cincinnati Police Department shall take appropriate action to have such vehicle towed to an impound facility owned or controlled by the City of Cincinnati. ~~Following standard issuance of notice to the owner pursuant to this chapter, any City-originated fees shall be waived by the City of Cincinnati for up to seven days following the towing of the vehicle excluding any fees owed to the City of Cincinnati pursuant to Section 513-3 arising from outstanding parking infractions or delinquent traffic citations. In the event that the vehicle has not been claimed or recovered by the owner after the seventh day, Cincinnati Police Department may, after payment of any amounts due to the towing company or the City of Cincinnati, make arrangements for transfer of the vehicle to a private impound facility and may thereafter proceed to dispose of the vehicle pursuant with the provisions of this chapter.~~ For purposes of this chapter, a vehicle will be found to constitute "a stolen vehicle to the knowledge of the Cincinnati Police Department" if the Cincinnati Police Department has received written or verbal notice regarding the theft of the vehicle from a law enforcement agency at the time that the vehicle is towed

pursuant to an order issued by the Cincinnati Police Department. The Cincinnati Police Department shall be deemed to have such notice of the vehicle's stolen status; if the vehicle's owner reported the vehicle stolen in another law enforcement jurisdiction and that jurisdiction provided the report or status update to the Cincinnati Police Department in a manner reasonably calculated to have provided such information to the Cincinnati Police Department administration at the time that the vehicle in question was towed.

#### **Sec. 513-5. Notice of Impoundment.**

Within three days or as soon as practicable after the impoundment of any motor vehicle under the provisions of §§ 513-1 or 515-9 CMC notice shall be given of the impoundment to the owner of the motor vehicle: personally; or by regular mail sent to the last known address of the registered owner; or by certified mail where notice of the date of the auction of the motor vehicle as unclaimed is to be held is included. Such notice shall state:

- (1) That the motor vehicle has been taken into custody and stored;
- (2) The location where the motor vehicle is stored;
- (3) The reason for impoundment;
- (4) The procedure for obtaining release of the motor vehicle;
- (5) The basic charges for impoundment and storage;
- (6) That the person claiming the motor vehicle can challenge the validity of the impoundment at a hearing before a person designated by the chief of police;
- (7) That failure to obtain release of the motor vehicle within 20 days after notice of impoundment has been given or sent as provided in this section may cause it to be sold at public auction if unclaimed; and
- (8) That in the event that the impounded motor vehicle was reported stolen to the Cincinnati Police Department or constituted a stolen vehicle to the knowledge of the Cincinnati Police Department at the time that such vehicle is towed, any City-originated fees shall be waived by the City of Cincinnati for up to seven days following the towing of the vehicle excluding any fees owed pursuant to Section 513-3 arising from outstanding parking infractions or delinquent traffic citations.

#### **Sec. 513-7. Impounding Fees.**

- (a) ~~Except as provided in Section 513-1, the charges for all impounded motor vehicles shall be as follows:~~ The city manager is authorized to charge a fee to recover the cost and expense related to the tow, impound, administration, processing, maintenance, storage, release, sale, auction, or disposal of an impounded motor vehicle as well as the cost of maintaining the impound lot infrastructure, fixtures, and equipment, including pavement, fencing, security features, and facilities. The

city manager or the city manager's designee shall determine the fees on a biennial schedule as part of the budget based on the project cost of the services herein, and the amount of such fees shall be posted conspicuously where the fees are paid.

- ~~(1) — \$190 basic impound charge; and~~
  - ~~(2) — \$25 per day for the time the impounded motor vehicle is in storage; and~~
  - ~~(3) — \$75 extended storage fee for any motor vehicle which the owner has willfully failed to claim within 120 hours after the notice of impoundment has been mailed or personally given to the registered owner.~~
- (b) In addition to the charges in section (a), the owner may also be required to pay for towing services other than those described above, and for any service performed by the city in order to properly maintain said impounded motor vehicle. The fee for a heavy duty tow is \$250 per hour. Notwithstanding the provisions of subsection (a), for the first seven days following the impoundment of a motor vehicle that is either reported stolen to the Cincinnati Police Department or that constitutes a stolen motor vehicle to the knowledge of the Cincinnati Police Department at the time that such motor vehicle is impounded, the city shall charge only any fees owed to the city pursuant to Section 513-3 arising from outstanding parking infractions or delinquent traffic citations. A motor vehicle that is either reported stolen to the Cincinnati Police Department or that constitutes a stolen motor vehicle to the knowledge of the Cincinnati Police Department can be disposed of pursuant to this chapter if not claimed or recovered by the owner within twenty days after notice of impoundment.
- (c) An impound fee of \$100 shall be charged for vehicles impounded in accordance with an Administrative License Suspension in addition to all other applicable fees. A driver in police custody shall be given an opportunity to arrange for another person to retrieve a motor vehicle impounded solely pursuant to §§ 513-1(a)(8) or 513-1(a)(9). Notwithstanding the provisions of subsections (a) and (d), a motor vehicle shall be released without fee if it is claimed within eighteen hours of notice of its impoundment and no special equipment or handling was required to accomplish the impoundment of the motor vehicle. All motor vehicles impounded pursuant to §§ 513-1(a)(8) or 513-1(a)(9) shall be released without charge where the person arrested is not charged with a crime.
- (d) An impounded motor vehicle shall be released to the owner or other person authorized by the owner to claim the motor vehicle only upon the payment of all impound and towing charges.
- (e) Impounded motor vehicles ~~which are stolen and abandoned by the thief or which were disabled at the time of impoundment~~ may be released without charge or at a reduced charge ~~at the discretion of the police chief~~ upon evidence establishing that the motor vehicle was ~~stolen or disabled at the time of its impoundment~~ and in accordance with a policy established by the ~~police chief~~ of police and contained in the rules and regulations required by section 869-7.



- (f) The owner or person entitled to possession of an impounded motor vehicle which is retained in police custody for law enforcement purposes not related to the original impoundment shall not be responsible for any impounding fees related solely to the continuing possession of the motor vehicle by the city of Cincinnati for law enforcement purposes.
- (g) The impound fees ~~provided in this section~~ authorized by the city manager pursuant to this section shall be included in the fee list authorized by ~~CMC~~ section 869-7 or its successor.

**Sec. 513-9. Appeal Procedure.**

- (a) At the time that the owner or other person authorized by the owner to claim the motor vehicle attempts to claim an impounded motor vehicle, such person shall be advised that he or she may have the propriety of the impoundment of the motor vehicle reviewed immediately by a person designated by the chief of police ~~and that this decision can be appealed to the city solicitor. The person challenging the impoundment shall be entitled to present witnesses and documentary evidence in support of his or her position.~~ The person designated by the chief of police to hear the case shall immediately investigate the matter ~~if further investigation is necessary and make a prompt~~ and issue a written decision within 48 hours following the conclusion of the hearing stating the basis for the decision. ~~Such decision shall be rendered within 48 hours of the hearing.~~
- (b) The owner or other person authorized by the owner to claim the motor vehicle may appeal the decision of the designee of the chief of police by submitting a written notice of appeal to the Office of Administrative Hearings and paying a bond equal to the amount of any fees and/or fines due to the city within 48 hours of receiving notice of the decision. The Office of Administrative Hearings shall conduct a hearing after notifying the parties of the date and time of the hearing and promptly issue a written decision following the conclusion of the hearing.
- (c) If the motor vehicle is found to be improperly impounded, the motor vehicle shall be released and any fees or fines due as a result of the impoundment shall be waived.

~~All impounding charges must be paid prior to the release of an impounded motor vehicle except in those instances where the hearing officer is unable to reach an immediate decision. Impounded motor vehicles shall be released without charge pending a decision of the hearing officer where the hearing officer must conduct a further investigation or is otherwise unable to make an immediate decision in the hearing. The owner of the motor vehicle shall have 72 hours after notice by certified mail of the decision to pay any assessed impounding fees. If assessed impounding fees are not paid within 72 hours, the motor vehicle shall become subject to immediate impoundment, and the assessment of additional impounding charges without further notice. An adverse decision may be appealed by filing a written statement with the city solicitor within 10 days of such adverse decision. The city solicitor shall render a decision within 30 days of receipt of the claim. The only issue to be considered at the hearing or on appeal shall be the correctness of the impoundment of the motor vehicle. Any question of the merits of any traffic citation or of a parking infraction~~

~~issued concurrently with or underlying the impoundment of the motor vehicle shall not be considered.~~

### **Sec. 513-11. Sales of Impounded Vehicles.**

Whenever any vehicle which has been impounded by a police officer remains in the possession of the city, unclaimed by any person having the right to possession of such vehicle, for a period of 20 days after notice of impoundment, such vehicle shall be sold under the direction of the chief of police at public auction to the highest bidder, after a notice of such auction has been given by advertisement published three times in the City Bulletin or in a newspaper of ~~given~~ general circulation within the city of Cincinnati, or otherwise disposed of to a junk yard or other appropriate facility in accordance with the provisions of Section 4513.~~6462~~ of the Ohio Revised Code.

At least 15 days prior to such sale, a notice shall be mailed by Certified Mail, Return Receipt Requested, to the owner of such motor vehicle, if ascertainable, and to all mortgage and lien holders of record, advising them of their rights to claim the vehicle upon payment of all towing, storage and impounding fees, and in addition thereto, the costs of any services performed by the city in order to properly maintain the impounded vehicle.

In addition to junk yards, scrap metal processors who can guarantee that a junk motor vehicle will never again appear back upon the city streets are hereby determined to be a proper facility relating to the disposition of junk motor vehicles as required by Section 4513.~~6462~~ of the Ohio Revised Code.

### **Sec. 515-9. Impoundment and immobilization.**

- (a) A vehicle involved in three or more parking infractions in which judgments or default judgments have been entered into the records of the Parking Violations Bureau, have been filed with the Clerk of the Municipal Court pursuant to Section 515-7 of this Chapter is subject to impoundment by law enforcement officers of the City of Cincinnati or their agents. Impoundment pursuant to this section is permitted without regard to whether the vehicle, at the time of impoundment, is legally parked. The owner of a vehicle impounded pursuant to this Chapter shall be liable for impoundment fees and storage charges as provided by Section 513-7 of this Code.
- (b) A vehicle impounded under paragraphs (a) or (c) of this section shall be released to the owner, or person lawfully authorized by the owner to claim the vehicle, if the owner or person lawfully authorized by the owner does both of the following:
  - (1) ~~upon the owner presenting~~ presents a valid certificate of title to the vehicle to the Cincinnati Police Department ~~Clerk of the Parking Violations Bureau;~~ and
  - (2) ~~upon the owner~~ either
    - (A) paying all outstanding judgments or default judgments issued by the Parking Violations Bureau; the fines, penalties, fees and costs

~~due on the parking infractions issued or outstanding or payment of the judgments or default judgments which led to the impoundment, or~~

- (B) ~~postings~~ a bond equal to the amount of ~~said~~ fines, penalties, fees, and costs. In no case, however, shall the owner of a vehicle impounded pursuant to this Chapter be required to post a bond in excess of one thousand dollars (\$1,000) to obtain release of the vehicle.
- (c) Notwithstanding paragraphs (a) and (b) of this section, a vehicle parked, stopped, or standing on a public street or highway in commission of a parking infraction is subject to impoundment.
- (d) A vehicle involved in three or more parking infractions in which judgments or default judgments have been entered into the records of the Parking Violations Bureau filed with the Clerk of the Municipal Court pursuant to Section 515-7 of this Chapter is subject to immobilization. A vehicle may be immobilized by law enforcement officers or parking enforcement officers of the City of Cincinnati or parking enforcement officers acting pursuant to any ~~parking modernization agreement~~ contract with the city or vehicle immobilization services agreement with the City. Immobilization pursuant to this section is permitted without regard to whether the vehicle, at the time of immobilization, is legally parked.
- (e) A vehicle immobilized under paragraph (d) of this section shall be released to the owner or the person lawfully authorized to ~~be in control of~~ claim the vehicle upon the owner or person lawfully authorized to ~~be in control of~~ claim the vehicle paying ~~the fines, penalties, fees and costs due on the parking infractions issued or outstanding or payment of the judgments or default judgments, which led to the immobilization,~~ or posting a bond equal to the amount of ~~said~~ fines, penalties, fees and costs. In no case, however, shall the owner of a vehicle immobilized pursuant to this Chapter be required to post a bond in excess of one thousand dollars (\$1,000) to obtain release of the vehicle.

**Sec. 729-30. Dumping Prohibited.**

- (a) As used in this section, “vehicle” shall include but not be limited to a car, truck, trailer, semitrailer, or pole trailer.
- (b) No person shall dump or otherwise dispose of waste, including acceptable waste, unacceptable waste, commercial waste or yard waste materials, by use of any vehicle on any public or private property. Any owner of a vehicle who permits or employs another person to use the vehicle and who knows or should have known through due diligence that the vehicle will be used for the purpose described in this division violates this subsection. Each individual act of dumping or disposal of waste by use of a vehicle on any public or private property constitutes a separate violation under this subsection regardless of whether the acts occur on the same day and at the same or multiple locations.

- (c) ~~Whoever violates~~ A violation of subsection 729-30(b) shall be guilty of a misdemeanor of the first degree or commits a ~~is a~~ Class E Civil Offense as defined by CMC subsection 1501-11(b) or a misdemeanor of the first degree. A person who violates subsection 729-30(b) may be liable for the civil fine specified in § 1501-99 for a Class E Civil Offense.
- (d) Notwithstanding any other penalty authorized by this section, if the city manager ~~or;~~ the city manager's designee ~~or the director of public services~~ ascertains that a person has violated this section, the director of public services ~~the city manager or the city manager's designee~~ may remove ~~may direct the removal of~~ the waste and the city solicitor may take any legal action necessary to collect the cost of the removal from the violator.
- (e) This section shall not apply to land being used under a City of Cincinnati building or construction permit or license, a City of Cincinnati permit or license or a conditional zoning permit or variance to operate a junk yard, scrap metal processing facility or similar business, or a permit or license issued pursuant to Chapter 3734, Section 4737.05 to 4737.12, or Chapter 6111 of the Ohio Revised Code.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

Date: October 18, 2023

To: Members of City Council 202302209  
From: Mayor Aftab Pureval  
Subject: ORDINANCE – Amending 729-7: Canister Settings

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Attached is an ordinance captioned as follows:

**MODIFYING** the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 729-7, “Setting Out Containers,” to ensure the clean and safe storage of garbage containers and dumpsters throughout Cincinnati.

The primary purpose of this ordinance is to clarify that the existing pertaining to how waste containers are set at the curb pertain to all property owners, regardless of whether the property owner receives waste collection directly from the city’s Public Service Department or from private contractors. As the law is presently written, citations can only be written against properties occupied by 1-4 dwelling structures. The department regularly receives constituent complaints presently on multifamily, commercial, and industrial properties but has no legal recourse to remedy the situation.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections

**MODIFYING** the provisions of Title VII, “General Regulations,” of the Cincinnati Municipal Code by **AMENDING** Section 729-7, “Setting Out Containers,” to ensure the clean and safe storage of garbage containers and dumpsters throughout Cincinnati.

WHEREAS, the collection and disposal of solid waste within the city of Cincinnati is a matter that affects the public health and welfare of all local residents; and

WHEREAS, ensuring that waste containers are timely brought to and removed from the appropriate collection point is crucial to ensuring the accessibility of the City’s public rights of way; and

WHEREAS, the City of Cincinnati currently provides waste collection to certain occupied residential structures, while private waste haulers contract with property owners to provide waste collection services to commercial structures and residential structures with five or more units; and

WHEREAS, the public health and welfare is best protected by ensuring the prompt collection and removal of waste containers from all types of property regardless of whether the collection of the waste is by the City, a commercial waste collector or a private waste collector; now, therefore,

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

Section 1. That Section 729-7, “Setting Out Containers,” of Title VII, “General Regulations,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 729-7. Setting Out Containers.**

It shall be the duty of every owner, tenant, agent, lessee, occupant, and person in charge of any and every building, premises, or place of business of any and every dwelling in the city to place all waste that is to be collected ~~by the division of sanitation~~ in properly closed containers that meet the requirements of Section 729-5. Such containers shall be placed not more than three feet from the curb or curblin in front of the building unless the owner, tenant, agent, lessee, occupant, or person in charge of the building, premises, or place of business a dwelling is notified by or receives approval from the department of public services to place the containers in another location ~~for collection~~. All containers must be set out for collection no earlier than 5:00 p.m. on the day before the scheduled day of collection, but no later than 6:00 a.m. on the day of collection. The waste containers shall in all cases be kept outside of any fence, wall, enclosure, dwelling, or building on the day of collection.

Any city resident with a physical ~~disability~~ limitation that impacts the resident's ability ~~who is unable~~ to set the week's accumulation of waste at the curb for collection ~~can~~ may receive set-out service as provided in Section 729-11 by providing written documentation of ~~his or her~~ the condition to the director of public services or ~~his or her~~ the director's designee and following procedures established by the director for requesting set-out service. The director of public services or ~~his or her~~ the director's designee will approve any request for set-out service that meets the requirements of this section.

Section 2. That existing Section 729-7, "Setting Out Containers," of Title VII, "General Regulations," of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.



**Jan-Michele Lemon Kearney**  
*Vice Mayor*

October 17, 2023

## MOTION

**WE MOVE** that the City Administration rename The Office of Human Relations to The Office of Equity and realign its mission. That mission and office should include the following:

1. Focusing on and prioritizing closing the racial wealth gap in The City of Cincinnati.
2. Managing and continuing to execute the Mayor’s Financial Blueprint Plan by (but not limited to):
  - a. Identifying annual targets for each fiscal year.
  - b. Identifying innovative strategies to achieve the targets within that fiscal budget year.
  - c. Reporting on the process of those targets at the end of each fiscal year including the amount of resources allocated to those targets.
  - d. Holding community engagement sessions to update, educate and receive feedback on the City efforts.
3. Annually monitoring and reporting on the progression of closing the racial wealth gap including budget recommendations, best practices across the country with innovation at the forefront. The report should include but not be limited to a presentation before City Council and community members.
4. A community advisory committee, consisting of seven (7) members and appointed by the City Manager pursuant to a transparent application process, shall assist the Office of Equity in its efforts to close the racial wealth gap.

\_\_\_\_\_  
Mayor Aftab Pureval

\_\_\_\_\_  
Councilmember Scotty Johnson

*Jan-Michele Lemon Kearney*  
\_\_\_\_\_  
Vice Mayor Jan-Michele Lemon Kearney

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President Pro Tem Victoria Parks

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## **STATEMENT**

The Financial Blueprint does a thorough job of tracing the history of the racial wealth gap, identifying the major drivers behind the gap, and identifying some initial action steps in the 2024 budget year that will start addressing the gap. City Council commits to continual improvement on closing the wealth gap. To build on the work done in creating the Financial Blueprint, City Council must establish a system for ongoing research and assessment of progress, as well as advice and dialogue with the public through a community advisory council.

202302145

**Date:** October 18, 2023

**To:** Councilmember Jeff Cramerding and Vice Mayor Jan-Michele Lemon Kearney

**From:** Emily Smart Woerner, City Solicitor *EESW*

**Subject:** **Resolution – Support of Single-Payer Healthcare**

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Transmitted herewith is a resolution captioned as follows:

**EXPRESSING** the support of the Mayor and Council for the Medicare For All Act of 2023 (H.R. 3421 and S.B. 1655 of 2023) and **EXPRESSING** the support of the Mayor and Council for statewide organization Single Payer Action Network (SPAN)/Health Care for All Ohioans and the Ohio Health Care Act of 2023.

EESW/CNS(dmm)  
Attachment  
390845

JTSW

**RESOLUTION NO. \_\_\_\_\_ - 2023**

**EXPRESSING** the support of the Mayor and Council for the Medicare For All Act of 2023 (H.R. 3421 and S.B. 1655 of 2023) and **EXPRESSING** the support of the Mayor and Council for statewide organization Single Payer Action Network (SPAN)/Health Care for All Ohioans and the Ohio Health Care Act of 2023.

WHEREAS, the United States spends eighteen percent of its gross domestic product (GDP) on health care, twice as much per capita compared to most other wealthy nations that provide universal health care, yet it has the lowest life expectancy and highest maternal mortality rates; and

WHEREAS, the uninsured rate in the City is 8.1 percent, and when compared to White residents, there is a 53 percent higher uninsured rate among Black residents and an 81 percent higher uninsured rate among Hispanic residents in Hamilton County; and

WHEREAS, according to the Cincinnati Health Department, the City has the fourteenth-worst disparity in life expectancy between neighborhoods in the country; and

WHEREAS, infant mortality and cardiovascular disease contribute 2,000 years of premature life lost per year to the disparities, and access to care is critical to eliminating this disparity; and

WHEREAS, the infant mortality rate in Ohio is 6.7 infant deaths per 1000 live births which ranks the tenth highest in the United States; and

WHEREAS, the never-ending rising costs of health care take funding from our state and local government budgets that could be better used to improve the quality of life of our citizens and the economic vitality of our local businesses; and

WHEREAS, almost 200,000 Ohioans will lose Medicaid coverage this year due to the federal government ending the Continuous Enrollment policy put in place during the COVID-19 pandemic; and

WHEREAS, Ohio House Bill 174, also known as the Ohio Health Care Act of 2023, would provide coverage for all Ohioans without copays, deductibles, or other out-of-pocket costs, and would reduce bureaucracy, protect the doctor-patient relationship, and assure patients a free choice of doctors; and

WHEREAS, the Medicare For All Act of 2023 would create a single-payer national health plan that would establish healthcare as a basic human right and help Americans access the excellent health care system we deserve; now, therefore,

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

Section 1. That the Mayor and Council express their support for the Medicare For All Act of 2023 (H.R. 3421 and S.B. 1655 of 2023) and encourage our federal legislators to work toward its immediate enactment, assuring appropriate and efficient health care for all residents of the United States.

Section 2. That the Mayor and Council express their support for statewide organization Single Payer Action Network (SPAN)/Health Care for All Ohioans and encourage our state legislators to work toward immediate enactment of the Ohio Health Care Act of 2023, House Bill 174, ensuring appropriate and efficient health care for all Ohio residents.

Section 3. That copies of this resolution be spread upon the minutes of Council.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Submitted by Councilmember Jeff Cramerding and Vice Mayor Jan-Michele Lemon Kearney

202302149  
**Date:** October 11, 2023

**To:** Councilmember Liz Keating  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Resolution – Hispanic Heritage Month**

---

Transmitted herewith is a resolution captioned as follows:

**RECOGNIZING** Diana Lara as a 2023 Hispanic Heritage Month honoree; and  
**EXPRESSING** the appreciation of the Mayor and Council for Ms. Lara’s selfless service to her community.

EESW/CMZ(dmm)  
Attachment  
390949

## RESOLUTION NO. \_\_\_\_\_ - 2023

**RECOGNIZING** Diana Lara as a 2023 Hispanic Heritage Month honoree; and **EXPRESSING** the appreciation of the Mayor and Council for Ms. Lara's selfless service to her community.

WHEREAS, Ms. Lara is the daughter of immigrant parents from Spain, growing up in Long Island, New York; and

WHEREAS, Ms. Lara is a bilingual media and communications expert, as her first language is Spanish; and

WHEREAS, in 2004, Ms. Lara moved to Cincinnati as a single mother; and

WHEREAS, for the past twenty years, Ms. Lara has been a bridge between the growing Latinx community within Greater Cincinnati and the community at large; and

WHEREAS, Ms. Lara has endlessly volunteered throughout the Greater Cincinnati region; and

WHEREAS, as a former Big Sister within the Big Brothers and Big Sisters of Greater Cincinnati, Ms. Lara mentored two sisters and created a ten year ongoing relationship with the sisters; and

WHEREAS, Ms. Lara is a former board member of the League of United Latin American Citizens (LULAC); and

WHEREAS, Ms. Lara is a current member of the Board of Directors of the YMCA of Greater Cincinnati; and

WHEREAS, Ms. Lara is a current board member of the Cincinnati Animal CARE Humane Society; and

WHEREAS, Ms. Lara is a current board member of Esperanza Latino Center of Northern Kentucky; and

WHEREAS, Ms. Lara is a current member and gala emcee annually of Hispanic Chamber Cincinnati USA; and

WHEREAS, Ms. Lara is a current gala emcee annually of Casa De Paz, a safe haven for Latina women and their children in the Greater Cincinnati area to begin a new life, free from abuse and trauma; and

WHEREAS, Ms. Lara is currently a volunteer organizer and communications specialist with the annual Indian Film Festival of Cincinnati; and

WHEREAS, Ms. Lara is currently a manager in Marketing and Communications at 1819 Innovation Hub at the University of Cincinnati; and

WHEREAS, Ms. Lara exemplifies what it means to be a first-generation Cincinnati through her selfless nature and strong will; now, therefore,

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

Section 1. That the Mayor and Council recognize Diana Lara as a 2023 Hispanic Heritage Month honoree for her selfless service to her community.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Diana Lara through the office of Councilmember Liz Keating.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Submitted by Councilmember Liz Keating

202302189  
**Date:** October 18, 2023

**To:** Vice Mayor Jan-Michele Lemon Kearney

**From:** Emily Smart Woerner, City Solicitor *ESW*

**Subject:** **Resolution – Recognizing Napoleon Maddox**

---

Transmitted herewith is a resolution captioned as follows:

**RECOGNIZING** and honoring Napoleon Maddox and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for his cultural contributions to the City of Cincinnati.

ESW/KKF(dmm)  
Attachment  
391128



## RESOLUTION NO. \_\_\_\_\_ -2023

**RECOGNIZING** and honoring Napoleon Maddox and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for his cultural contributions to the City of Cincinnati.

WHEREAS, Napoleon Maddox grew up in the Northside neighborhood and rose to fame beginning in the late 1990s as a hip-hop artist with the internationally recognized jazz/hip-hop ensemble ISWHAT?!; and

WHEREAS, Mr. Maddox continues to shine as a cultural arts ambassador, bringing global attention to the art form and his hometown of Cincinnati; and

WHEREAS, Mr. Maddox is a playwright, producer, beatbox artist, visual artist, vocalist, and DJ who has worked with respected artists such as Chuck D, DJ Spinna, DJ Logic, and the late great Les Paul; and

WHEREAS, Mr. Maddox gained international acclaim across Europe, particularly in France, and was profiled in a four-part mini-series documentary on French television channel France 3; and

WHEREAS, Mr. Maddox's 2017 award-winning multimedia multi-genre performance piece Millie-Christine: Twice the First Time, based on the real-life story of his grand aunts, premiered in an opera-esque form in Italy with rave reviews, providing reverence for the history of the Black struggle and liberation; and

WHEREAS, during the year in which we celebrate the 50th anniversary of hip-hop, Mr. Maddox is, for the fifth year in a row, bringing the Underworld Black Arts Festival back to his hometown of Cincinnati from October 19-21, 2023; and

WHEREAS, Mr. Maddox explored the African diasporic history through music, film, dance, visual, spoken arts, and live performances with Danny Simmons, co-producer of HBO's Def Comedy Jam and older brother of hip-hop moguls Russell Simmons and Joseph Simmons; and

WHEREAS, Mr. Maddox is a true role model for youth and black and brown artists who want to take their art to the world while never forgetting their roots; and

WHEREAS, Mr. Maddox is relentless in his desire to always continue to advance the fabric of the cultural arts community as a devoted arts ambassador for the Queen City; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Napoleon Maddox for his numerous contributions to the Cincinnati community.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Napoleon Maddox through the office of Vice Mayor Jan-Michele Lemon Kearney.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Submitted by Vice Mayor Jan-Michele Lemon Kearney

202307196

**Date:** October 18, 2023

**To:** Vice Mayor Jan-Michele Lemon Kearney  
**From:** Emily Smart Woerner, City Solicitor *ESW*  
**Subject:** **Emergency Ordinance – Honorary Secondary Street Name “Ventura Navarro Crossing”**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**DECLARING** that the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of “Ventura Navarro Crossing” in honor of Federico Ventura Navarro who was hit by a car while crossing Warsaw Avenue, as a reminder of the necessity to know and observe road and traffic regulations, and in recognition of his contributions as a business owner to the Cincinnati community.

ESW/JRS (dmm)  
Attachment  
391234



EMERGENCY

City of Cincinnati

JRS

EESW

An Ordinance No. \_\_\_\_\_ - 2023

**DECLARING** that the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of “Ventura Navarro Crossing” in honor of Federico Ventura Navarro who was hit by a car while crossing Warsaw Avenue, as a reminder of the necessity to know and observe road and traffic regulations, and in recognition of his contributions as a business owner to the Cincinnati community.

WHEREAS, Federico Ventura Navarro came to America from Guatemala in 1991; and

WHEREAS, Mr. Navarro opened his store, Tienda Julia, a decade later in 2001; and

WHEREAS, Tienda Julia serves the Hispanic community by providing traditional ingredients and products not offered by standard grocery stores; and

WHEREAS, Mr. Navarro became a beloved businessman and member of the East Price Hill community, and was known for his kindness and friendliness; and

WHEREAS, Mr. Navarro was tragically struck and killed in a hit and run vehicle collision at the intersection of Warsaw Avenue and McPherson Avenue; and

WHEREAS, At the time of his death, Mr. Navarro was actively working in conjunction with the East Price Hill Improvement Association Community Council to address pedestrian safety concerns on Warsaw Avenue; and

WHEREAS, Mr. Navarro is remembered for his friendliness and being a loving family man, and is survived by his wife and three children who still own Tienda Julia today; and

WHEREAS, Council, together with Mr. Navarro’s loving and dedicated family, wishes to honor his memory by placing an honorary, secondary name on the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood; and

WHEREAS, by this action, Council and Mr. Navarro’s family further seek to increase education and awareness of pedestrian safety issues in the hope that future tragedies of this type are prevented; now, therefore,

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

Section 1. That the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue in the East Price Hill neighborhood shall hereby receive the honorary, secondary name of

“Ventura Navarro Crossing” to honor Federico Ventura Navarro and to serve as a reminder of the necessity for both drivers and pedestrians to know and observe road and traffic regulations and in honor of Mr. Navarro’s contributions to the Cincinnati business community and the East Price Hill neighborhood.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate the crosswalk across Warsaw Avenue at the intersection of McPherson Avenue as “Ventura Navarro Crossing” in accordance with the Department of Transportation and Engineering’s procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to the family of Federico Ventura Navarro via the office of Vice Mayor Jan-Michele Lemon Kearney.

Section 4. 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 allow the Department of Transportation and Engineering to move forward with the administrative requirements related to the honorary naming of streets to provide for the ceremony and dedication of the honorary name at the earliest possible time.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

# City of Cincinnati



801 Plum Street, Suite 356  
Cincinnati, Ohio 45202

Phone (513) 352-5205  
Email Jan-Michele.Kearney@  
cincinnati-oh.gov  
Web www.cincinnati-oh.gov

*20230720*

**Jan-Michele Lemon Kearney**  
*Vice Mayor*

October 16, 2023

## MOTION

WE MOVE that the Administration prepare a report within the next thirty (30 days) on plans for a new disparity study ("Croson Study") for the City of Cincinnati including the timeline for issuing a new Request for Proposal from vendors through the targeted completion date for the study, as well as the proposed scope of the new disparity study.

*Jan Michele Lemon Kearney*  
Vice Mayor Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

## STATEMENT

**Date:** October 18, 2023

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Liquor License – NEW**

202302081

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 0040337  
**PERMIT TYPE:** NEW  
**CLASS:** D1  
**NAME:** AD STAFFING LLC  
**DBA:** NONE LISTED  
1026 E MCMILLAN  
CINCINNATI OH 45206

On September 7, 2023 the Walnut Hills Area Council was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
 Objection       No Objection

**MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: October 31, 2023**

**Date:** October 18, 2023

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Liquor License – NEW**

202302163

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 9307825  
**PERMIT TYPE:** NEW  
**CLASS:** D5  
**NAME:** VYBEZ LLP  
**DBA:** VYBEZ HOOKAH BAR AND LOUNGE  
7825 READING RD  
CINCINNATI, OH 45237

On September 15, 2023 the Roselawn Community Council was notified of this application and does object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
 Objection       No Objection

**MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: September 22, 2023**



October 18, 2023

To: Mayor and Members of City Council 202302165  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Accepting and Confirming the Grant of a Public Utility Easement at Fuhrman Road - 8601 Ridge

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Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Amberley Village, Hamilton County, Ohio in accordance with the plat entitled MISC123-Fuhrman Road Fire Hydrant-E1074, as recorded in Plat Book 487, Page 40, Hamilton County, Ohio Recorder's Office.

The above easement is being granted to the City of Cincinnati by Molly J. Properties, LLC, an Ohio limited liability company, and Amberley Village, an Ohio municipal corporation, for construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment and appurtenances through certain real property in Amberley Village, Hamilton County, Ohio. The easement has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director, Greater Cincinnati Water Works

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Amberley Village, Hamilton County, Ohio in accordance with the plat entitled MISC123 – Fuhrman Road Fire Hydrant – E1074, as recorded in Plat Book 487, Page 40, Hamilton County, Ohio Recorder’s Office.

WHEREAS, Molly J. Properties, LLC, an Ohio limited liability company, and Amberley Village, an Ohio municipal corporation, have granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Amberley Village, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled MISC123 – Fuhrman Road Fire Hydrant – E1074, as recorded in Plat Book 487, Page 40, Hamilton County, Ohio Recorder’s Office (“Easement Plat”); and

WHEREAS, the Greater Cincinnati Water Works Chief Engineer has examined and approved the Easement Plat as to its technical features and found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the public utility easement granted by Molly J. Properties, LLC, an Ohio limited liability company, and Amberley Village, an Ohio municipal corporation, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property in Amberley Village, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled MISC123 – Fuhrman Road Fire Hydrant – E1074, as recorded in Plat Book 487, Page 40, Hamilton County, Ohio Recorder’s Office and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the public utility easement is more particularly described as follows:

Tract I

Situated in Section 26, Town 4, Entire Range 1, Village of Amberley, Sycamore Township, Miami Purchase, Hamilton County, State of Ohio, and being more particularly described as follows:

Commencing at the point of intersection of the centerline of Ridge Road and the Village of Amberley - City of Reading Corporation Line, said point being also the northeast corner of the southwest quarter of Section 26;

Thence with said corporation line, being also the half section line of Section 26, north  $88^{\circ}06'18''$  west a distance of 435.60 feet to a point;

Thence south  $2^{\circ}28'18''$  west with the projection of the Grantor's east line, a distance of 30.00 feet to the Grantor's northeast corner and the real place of beginning for the description;

Thence along the following course:

Continuing with the Grantor's east line south  $2^{\circ}28'18''$  west a distance of 0.64 feet to a point;

North  $88^{\circ}08'40''$  west a distance of 293.41 feet to a point; North  $88^{\circ}24'19''$  west a distance of 503.71 feet to a point;

North  $89^{\circ}03'40''$  west a distance of 266.87 feet to a point;

South  $81^{\circ}47'07''$  west a distance of 31.43 feet to a point;

On a curve to the left a distance of 75.59 feet to a point on the Grantor's west line, said curve having a radius of 180.00 feet and chord bearing south  $78^{\circ}54'33''$  west and 75.03 feet in length;

With the Grantor's west line north  $1^{\circ}53'42''$  east a distance of 30.31 feet to the Grantor's northwest corner;

With the Grantor's north line south  $88^{\circ}06'18'$  east a distance of 1168.00 feet to the place of beginning.

Containing 4,562 square feet (0.1047 acres). Hamilton County Auditor's Parcel No. 526-0040-0061-00.

Tract II

Situated in Section 26, Town 4, Entire Range 1 of the Miami Purchase, Village of Amberley, Hamilton County, Ohio and being part of the property conveyed to Amberley Village, Ohio by deed recorded in Official Record Volume 7706, Page 2563 of the Hamilton County, Ohio records and further being more particularly described as follows:

Commencing at a point in the centerline of Ridge Road, being the intersection of the north-south half-section line and the east-west half-section line of Section 26;

Thence with said east-west half-section line North 88°06'18" West, a distance of 435.60 feet to a point;

Thence South 02°28'18" West, a distance of 30.64 feet to an Iron pin found at the grantor's northeasterly corner and the northeasterly corner of a parcel of land leased by DBS Ridge Road, LLC, of record in Official Record 13387, Page 834;

Thence with the grantor's northerly line and the northerly line of said lease area, North 88°08'40" West, a distance of 293.41 feet to an iron pin found;

Thence continuing with said northerly line, North 88°24'19" West, a distance of 284.70 feet to an iron pin with cap set at the northwesterly corner of said lease area and the Principal Point of Beginning for this description;

Thence through the grantor's property, along a new division line and with the westerly line of said lease area, South 01°35'55" West, a distance of 243.02 feet to an iron pin with cap set in the northerly line of a parcel of land conveyed to the State of Ohio for right-of-way purposes, of record in Official Record 8243, Page 1890;

Thence with said right-of-way parcel, South 75°30'36" West, a distance of 173.73 feet to an iron pin with cap set;

Thence continuing with said right-of-way parcel, South 76°29'13" West, a distance of 176.54 feet to an iron pin with cap set;

Thence through the grantor's property, along a new division line, North 0°56'20" East, a distance of 335.79 feet to an iron pin with cap set in the grantor's northerly line;

Thence with the grantor's northerly line, South 89°03'40" East, a distance of 122.22 feet to an iron pin with cap set;

Thence continuing with said northerly line, South 88°24'19" East, a distance of 219.01 feet to the point of beginning.

Containing 2.2658 acres, more or less, and being subject to all easements, restrictions, covenants and/or conditions of record.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 18, 2023

To: Mayor and Members of City Council 202302172  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Accepting and Confirming the Grant of a Public Utility Easement at  
3801 Miami Run

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Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in the Village of Mariemont, Ohio in accordance with the plat entitled WSL 3651 Water Easement Plat E-1046, Condominium Development, as recorded in Plat Book 482, Page 85, Hamilton County, Ohio Recorder's Office.

The above easement is being granted to the City of Cincinnati by Miami Run JV, LLC, an Ohio limited liability company, for construction, installation, reconstruction, operation, maintenance, repair, replacement, modification and removal of water mains and related fixtures, equipment and appurtenances through certain real property in the Village of Mariemont, Ohio. The easement has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director, Greater Cincinnati Water Works

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in the Village of Mariemont, Ohio in accordance with the plat entitled WSL 3651 Water Easement Plat E-1046, Condominium Development, as recorded in Plat Book 482, Page 85, Hamilton County, Ohio Recorder's Office.

WHEREAS, Miami Run JV, LLC, an Ohio limited liability company, has granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in the Village of Mariemont, Ohio, as more particularly depicted and described on the plat entitled WSL 3651 Water Easement Plat E-1046, Condominium Development, as recorded in Plat Book 482, Page 85, Hamilton County, Ohio Recorder's Office ("Easement Plat"); and

WHEREAS, the Greater Cincinnati Water Works Chief Engineer has examined and approved the Easement Plat as to its technical features and found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the public utility easement granted by Miami Run JV, LLC, an Ohio limited liability company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property in the Village of Mariemont, Ohio, as more particularly depicted and described on the plat entitled WSL 3651 Water Easement Plat E-1046, Condominium Development, as recorded in Plat Book 482, Page 85, Hamilton County, Ohio Recorder's Office, and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the public utility easement is more particularly described as follows:

Situated in Section 9, Town 4, Fractional Range 2, Village of Mariemont, Hamilton County, Ohio and being more particularly described as follows:

Beginning at a point in the intersection of the centerline of Mt. Vernon Avenue (Old Wooster Pike) and the east line of Section 9, said point being south 02 degrees 00' 35" west, 614.75 feet from the intersection of the centerline of Wooster Pike (as now improved) and the said east line of Section 9;

thence along the said east line of Section 9, south 02 degrees 00' 35" west 452.17 feet;

thence departing the said east line of Section 9, south 66 degree 06' 00" west, 292.92 feet;

thence north 84 degrees 14' 50" west, 50.53 feet; thence south 66 degrees 06' 00" west, 82.15 feet;

thence with the arc of a curve with a radius of 13,793.91 feet, counterclockwise, 120.32 feet (chord of said arc bears south 66 degrees 21' 00" west, 120.32 feet);

thence north 01 degrees 16' 48" east, 245.42 feet;

thence north 87 degrees 47' 48" east, 171.88 feet;

thence north 01 degree 16' 48" east, 184.05 feet;

thence north 32 degrees 42' 31" west, 27.76 feet;

thence north 74 degrees 52' 31" east, 111.58 feet;

thence north 62 degrees 12' 51" east, 120.90 feet;

thence north 53 degrees 30' 42" east, 171.94 feet to the said east line of Section 9 and the point of beginning.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.



Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 18, 2023

To: Mayor and Members of City Council 202302173  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Accepting and Confirming the Grant of a Public Utility Easement at Airy Hills at North Bend Crossing

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Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Green Township, Hamilton County, Ohio in accordance with the plat entitled WSL 3344 Water Line Easement Plat E-1049, Airy Hills at North Bend Crossing, as recorded in Plat Book 483, Page 74, Hamilton County, Ohio Recorder's Office.

The above easement is being granted to the City of Cincinnati by Airy Hills at North Bend Crossing, LLC, for water mains, related fixtures, equipment and appurtenances through certain real property located in Green Township, Hamilton County, Ohio. Water mains and appurtenances in the easement will afford system integrity and access for maintenance. The easement has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director, Greater Cincinnati Water Works

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Green Township, Hamilton County, Ohio in accordance with the plat entitled WSL 3344 Water Line Easement Plat E-1049, Airy Hills at North Bend Crossing, as recorded in Plat Book 483, Page 74, Hamilton County, Ohio Recorder's Office.

WHEREAS, Airy Hills at North Bend Crossing, LLC, an Ohio limited liability company, has granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Green Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled WSL 3344 Water Line Easement Plat E-1049, Airy Hills at North Bend Crossing, as recorded in Plat Book 483, Page 74, Hamilton County, Ohio Recorder's Office ("Easement Plat"); and

WHEREAS, the Greater Cincinnati Water Works Chief Engineer has examined and approved the Easement Plat as to its technical features and found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the public utility easement granted by Airy Hills at North Bend Crossing, LLC, an Ohio limited liability company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property in Green Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled WSL 3344 Water Line Easement Plat E-1049, Airy Hills at North Bend Crossing, as recorded in Plat Book 483, Page 74, Hamilton County, Ohio Recorder's Office, and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the public utility easement is more particularly described as follows:

Situate in Section 11, Town 2, Fractional Range 2, Miami Purchase, Green Township, Hamilton County, Ohio, and being more particularly described as follows:

Beginning at the intersection of the centerline of West Fork Road and the west line of said Section 11;

Thence leaving the west line of said Section 11, along the centerline of West Fork Road, South 87 degrees 00 minutes 07 seconds East, 276.99 feet to a point;

Thence leaving the centerline of West Fork Road, South 03 degrees 30 minutes 45 seconds West, 40.00 feet to a set iron pin in the southerly right-of-way of West Fork Road and the real place of beginning for this description;

Thence South 87 degrees 00 minutes 07 seconds East for a distance of 20.00 feet;

Thence South 03 degrees 30 minutes 45 seconds West for a distance of 351.48 feet;

Thence South 11 degrees 26 minutes 47 seconds West for a distance of 168.70 feet;

Thence South 02 degrees 22 minutes 16 seconds West for a distance of 50.60 feet;

Thence South 09 degrees 28 minutes 13 seconds East for a distance of 201.45 feet;

Thence along a curve to the right having a radius of 237.50 feet and an arc length of 57.26 feet, being subtended by a chord of South 02 degrees 33 minutes 48 seconds East for a distance of 57.12 feet to a set magnail;

Thence South 86 degrees 27 minutes 51 seconds East for a distance of 210.64 feet to a set 5/8" iron pin and cap;

Thence North 48 degrees 32 minutes 09 seconds East for a distance of 87.71 feet to a set 5/8" iron pin and cap;

Thence South 86 degrees 27 minutes 51 seconds East for a distance of 89.33 feet to a set 5/8" iron pin and cap;

Thence South 03 degrees 32 minutes 09 seconds West for a distance of 354.23 feet to the northerly Limited Access Right of Way for Interstate 74 to an existing 5/8" iron pin;

Thence North 86 degrees 39 minutes 27 seconds West for a distance of 103.10 feet with the northerly Limited Access Right of Way for Interstate 74 and an existing 5/8" iron pin and cap;

Thence North 81 degrees 09 minutes 37 seconds West for a distance of 283.07 feet continuing with the northerly Limited Access Right of Way for Interstate 74 and an existing 5/8" iron pin and cap;

Thence North 04 degrees 10 minutes 29 seconds East for a distance of 267.32 feet leaving the northerly Limited Access Right of Way for Interstate 74;

Thence along a curve to the left having a radius of 217.50 feet and an arc length of 51.80 feet, being subtended by a chord of North 02 degrees 38 minutes 53 seconds West for a distance of 51.68 feet;

Thence North 09 degrees 28 minutes 13 seconds West for a distance of 203.52 feet;

Thence North 02 degrees 22 minutes 16 seconds East for a distance of 54.26 feet;

Thence North 11 degrees 26 minutes 47 seconds East for a distance of 168.90 feet;

Thence North 03 degrees 30 minutes 45 seconds East for a distance of 349.92 feet to the place of beginning.

Together with and subject to covenants, easements, and restrictions of record. Said property contains 3.0434 acres more or less. Based on a survey by Nordloh & Associates, Inc., 614 Wooster Pike, Terrace Park, Ohio 45174 under the direct supervision of Lee C. Nordloh P.S. Ohio Registration No. 7066 dated April 2012.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**Date:** October 18, 2023

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Liquor License – TRFO**

202302175

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 2786777  
**PERMIT TYPE:** TRFO  
**CLASS:** D5 D6  
**NAME:** FLORA & FLAIR LLC  
**DBA:** NONE LISTED  
1101 ST GREGORY UNIT 130  
CINCINNATI, OH 45202

On September 19, 2023 the Mt Adams Civic Association was notified of this application and does not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
 Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 10, 2023

Date: October 18, 2023

To: Mayor and Members of City Council

202302176

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – NEW**

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***FINAL RECOMMENDATION REPORT***

OBJECTIONS: None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 7226028  
PERMIT TYPE: NEW  
CLASS: D3  
NAME: RED TREE COMMUNITY LLC  
DBA: RED TREE COFFEE AND ART  
229 W 12<sup>TH</sup> ST  
CINCINNATI, OH 45202

On September 19, 2023 the Over-the-Rhine Community Council was notified of this application and does not object.



\_\_\_\_\_  
Police Department Approval

\_\_\_\_\_  
David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
 Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 10, 2023



Date: 09/29/2023  
 To: Colonel Teresa A. Theetge, Police Chief  
 From: P.O. Carroll A Todd, Neighborhood Liaison Unit  
 Copies to:  
 Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

**PATROL BUREAU MEMO #:** 23-521

**DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE:** District One

**PERMIT #:** 7226028

**TYPE OF PERMIT APPLIED FOR:** New

**PERMIT NAME & ADDRESS:**

Name:	Red Tree Community LLC DBA Red Tree Coffee and Art
Address:	229 West 12 <sup>th</sup> Street Cincinnati Ohio 45202

**APPLICANTS NAME(S):** Kyle Sweetland

**INSPECTION / INVESTIGATION INFORMATION:**

Officer:	P.O. Carroll A Todd
Date:	N/A
Findings:	N/A

**COMMUNITY COUNCIL NOTIFIED:**

Name 1: Danny Klingler	Date: 9/20/2023	Notified by: email
Phone:	E-mail: dannyklingler@gmail.com	
Name 2: Amy Yokel	Date: 09/20/2023	Notified by: email
Phone:	E-mail: Amy@otrchamber.com	

**DISPOSITION OF THE COMMUNITY COUNCIL:**

NO OBJECTIONS     
  OBJECTION: Attached Letter with Community Council Letterhead

**DISPOSITION OF THE DISTRICT:**

NO OBJECTIONS     OBJECTION: If objection checked, a narrative is required below

**REASON FOR OBJECTION:**

District One objects to this application due to the fact that Officer was unable to make contact with applicant. Several phone call attempts were made to listed number on application. Officer drove to listed location and observe that location under construction. Applicant may resubmit a new application to restart the process.

*[Handwritten signature]*  
CAT

OBJECTION AT  
THIS TIME DUE TO  
NO CONTACT.  
MEL C 7/10/23

For objection as indicated above  
-mg/LTC4  
10/5/23.

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6808 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43088-9005  
(614)644-2380 FAX(614)644-3168

TO

<b>7226028</b> PERMIT NUMBER		<b>NEW</b> TYPE	<b>RED TREE COMMUNITY LLC DBA REDTREE COFFEE AND ART 229 W 12TH ST CINCINNATI OH 45202</b>
ISSUE DATE			
<b>08 24 2023</b> FILING DATE			
<b>D3</b> PERMIT CLASSES			
<b>31</b> TAX DISTRICT	<b>066</b> A	<b>D89429</b> RECEIPT NO.	

FROM **09/12/2023**

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED **09/12/2023**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **10/13/2023**

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**A NEW 7226028**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

20230912 15:58

CLERK OF COUNCIL

**CINCINNATI CLERK OF COUNCIL  
CITY HALL  
801 PLUM ST ROOM 308  
CINCINNATI OHIO 45202**



# City of Cincinnati

## Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

September 14, 2023

OHIO DIVISION OF LIQUOR CONTROL  
LICENSING SECTION  
NEW PERMIT SECTION  
6606 TUSSING ROAD  
P O BOX 4005  
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 7226028  
Permit Type: NEW D3  
Name: RED TREE COMMUNITY LLC  
DBA REDTREE COFFEE AND ART  
229 W 12<sup>TH</sup> STREET  
CINCINNATI, OHIO 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC  
Clerk of Council

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

For City Bulletin

## Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 7226028  
Permit Type: NEW D3  
Name: RED TREE COMMUNITY LLC  
DBA REDTREE COFFEE AND ART  
229 W 12<sup>TH</sup> ST  
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

09/14/23

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/13/23

October 18, 2023

To: Mayor and Members of City Council 202302177  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Accepting and Confirming the Grant of a Public Utility Easement at  
Crosley Meadow

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Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled WSL #3673- Crosley Meadows Easement E-1081, as recorded in Plat Book 497, Page 23, Hamilton County, Ohio Recorder's Office.

The above easement is being granted to the City of Cincinnati by D.R. Horton-Indiana, LLC, a Delaware limited liability company, for construction, maintenance, and repair of water mains and appurtenances on property located at Crosley Meadow in Colerain Township, Hamilton County, Ohio. The easement has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, GCWW, Executive Director

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled WSL #3673- Crosley Meadows Easement E-1081, as recorded in Plat Book 497, Page 23, Hamilton County, Ohio Recorder's Office.

WHEREAS, D.R. Horton-Indiana, LLC, a Delaware limited liability company, dedicated and granted a public utility easement in favor of the City of Cincinnati for water mains and appurtenances on property located along Crosley Meadow in Colerain Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled WSL #3673- Crosley Meadows Easement E-1081, as recorded in Plat Book 497, Page 23, Hamilton County, Ohio Recorder's Office ("Easement Plat"); and

WHEREAS, the Greater Cincinnati Water Works Chief Engineer has examined and approved the Easement Plat as to its technical features and found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the public utility easement granted by D.R. Horton-Indiana, LLC, a Delaware limited liability company, to the City of Cincinnati for the construction, maintenance, and repair of water mains and appurtenances on property located at Crosley Meadow in Colerain Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled WSL #3673- Crosley Meadows Easement E-1081, as recorded in Plat Book 497, Page 23, Hamilton County, Ohio Recorder's Office and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the public utility easement is more particularly described as follows:

Situated in Section 1, Town 2, Entire Range 1, Colerain Township, Miami Purchase, Hamilton County, State of Ohio, and being part of Lot 49 and Lot 50 of Crosley Meadows Subdivision, as recorded in Plat Book 491, Pages 21 and 22, Hamilton County, Ohio Records.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder’s Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_

Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



**Date:** October 18, 2023

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Liquor License – NEW**

202302178

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 0284077  
**PERMIT TYPE:** NEW  
**CLASS:** D5H  
**NAME:** ART ACADEMY OF CINCINNATI  
**DBA:** NONE LISTED  
1212 JACKSON ST  
CINCINNATI, OH 45202

On September 19, 2023 the Over-the-Rhine Community Council was notified of this application and does not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
 Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 14, 2023

October 18, 2023

To: Mayor and Members of City Council 202302179  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Accepting and Confirming the Grant of a Public Utility Easement at Traditions Anderson Phase 1

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Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Anderson Township, Hamilton County, Ohio in accordance with the plat entitled *Water Main Easement E-1093, WSL 3686, Tradition Anderson-I*, as recorded in Plat Book 491, Page 92, Hamilton County, Ohio Recorder's Office.

The attached Ordinance accepts and confirms the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Anderson Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled *Water Main Easement E-1093, WSL 3686, Tradition Anderson-I*, as recorded in Plat Book 491, Page 92, Hamilton County, Ohio Recorder's Office, and which easement has been granted by Traditions Anderson, LLC, an Ohio limited liability company. The plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer and found to be correct. The City Manager in consultation with the Greater Cincinnati Water Works recommends that Council accept and confirm the acceptance of the public utility easement.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, GCWW, Executive Director

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in Anderson Township, Hamilton County, Ohio in accordance with the plat entitled Water Main Easement E-1093, WSL 3686, Tradition Anderson-I, as recorded in Plat Book 491, Page 92, Hamilton County, Ohio Recorder's Office.

WHEREAS, Traditions Anderson, LLC, an Ohio limited liability company, has granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Anderson Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled Water Main Easement E-1093, WSL 3686, Tradition Anderson-I, as recorded in Plat Book 491, Page 92, Hamilton County, Ohio Recorder's Office ("Easement Plat"); and

WHEREAS, the Greater Cincinnati Water Works Chief Engineer has examined and approved the Easement Plat as to its technical features and found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the public utility easement granted by Traditions Anderson, LLC, an Ohio limited liability company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property in Anderson Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled Water Main Easement E-1093, WSL 3686, Tradition Anderson-I, as recorded in Plat Book 491, Page 92, Hamilton County, Ohio Recorder's Office, and incorporated herein by reference, is hereby accepted and confirmed. The real property encumbered by the public utility easement is more particularly described as follows:

Situated in M.S. No. 620, Anderson Township, Hamilton County, Ohio, and being more particularly described as follows:

Being parts of Lots 8 and 9 of Traditions Anderson 1 Subdivision, as shown on the plat recorded in Plat Book 493, Pages 96-97, Hamilton County, Ohio Recorder’s Office.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder’s Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_

Aftab Pureval, Mayor

Attest: \_\_\_\_\_

Clerk

Date: October 18, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202302180

Subject: **Liquor License – TRFO**

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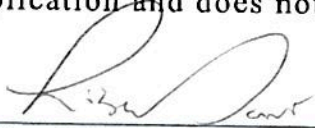
***FINAL RECOMMENDATION REPORT***

OBJECTIONS: Cincinnati Police Department

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

APPLICATION: 5077825  
PERMIT TYPE: TRFO  
CLASS: C1 C2  
NAME: LEANNE INVESTMENTS LLC  
DBA: I MART STORES  
1550 QUEEN CITY AV & GAS PUMPS  
CINCINNATI, OH 45214

On September 19, 2023 the South Fairmount Community Council was notified of this application and does not object.



Police Department Approval

David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
Objection                      No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 14, 2023

**Date:** September 29, 2023  
**To:** Colonel Teresa A Theetge, Police Chief  
**From:** Police Officer Doug Utecht, District Three Neighborhood Liaison Unit  
**Copies to:**  
**Subject:** **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

**PATROL BUREAU MEMO #:** 23-515

**DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE:** District Three

**PERMIT #:** 5077825

**TYPE OF PERMIT APPLIED FOR:** Transfer of Ownership

**PERMIT NAME & ADDRESS:**

<b>Name:</b>	I Mart Stores
<b>Address:</b>	1550 Queen City

**APPLICANTS NAME(S):** Munadel Rizek

**INSPECTION / INVESTIGATION INFORMATION:**

<b>Officer:</b>	Doug Utecht
<b>Date:</b>	September 29, 2023
<b>Findings:</b>	This location is a convenience store and gas station located at the corner of Queen City Ave and Harrison Ave. I met with Parminder Singh for inspection on 9-29-23 who stated that he is the brother of Munadel Rizek. The buisness was found to be compliant with respect to inspection report criteria.

**COMMUNITY COUNCIL NOTIFIED:**

<b>Name 1:</b> Jim Casey	<b>Date:</b> 9/29/2023	<b>Notified by:</b> email
<b>Phone:</b>	<b>E-mail:</b> velocrazed07@yahoo.com	
<b>Name 2:</b>	<b>Date:</b>	<b>Notified by:</b> (select from menu)
<b>Phone:</b>	<b>E-mail:</b>	

**DISPOSITION OF THE COMMUNITY COUNCIL:**

NO OBJECTIONS    
  OBJECTION: Attached Letter with Community Council Letterhead

**DISPOSITION OF THE DISTRICT:**

NO OBJECTIONS     OBJECTION: If objection checked, a narrative is required below

**REASON FOR OBJECTION:**

The city plans on objecting to the renewal based on the nature and volume of calls for service to this location.

South Fairmount Community Council president Jim Casey was advised via email of this application.

DRU

*Dr. John D. ... C-8*

*10/2/23*

*For objection  
- mfb/lrccy  
10/4/23.*



**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6808 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)644-2360 FAX(614)644-3166

TO

5077825		TRFO	LEANNE INVESTMENTS LLC	
06 01 2023			DBA I MART STORES	
08 25 2023			1550 QUEEN CITY AV & GAS PUMPS	
C1 C2			CINCINNATI OHIO 45214	
31	066	A	F30045	
TAX DISTRICT		RECEIPT NO.		
FROM 09/13/2023				

41545920040			IYS VENTURES LLC	
06 01 2023			DBA I MART STORES	
08 25 2023			1550 QUEEN CITY AV & GAS PUMPS	
C1 C2			CINCINNATI OHIO 45214	
31	066			
TAX DISTRICT		RECEIPT NO.		



MAILED 09/13/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/16/2023

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.  
REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 5077825

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

AD-1888  
CINCINNATI CLERK OF COUNCIL  
CITY HALL  
801 PLUM ST ROOM 308  
CINCINNATI OHIO 45202

CLERK OF COUNCIL



# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

September 18, 2023

OHIO DIVISION OF LIQUOR CONTROL  
LICENSING SECTION  
NEW PERMIT SECTION  
6606 TUSSING ROAD  
P O BOX 4005  
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 5077825  
Permit Type: TRFO C1 C2  
Name: LEANNE INVESTMENTS LLC  
DBA I MART STORES  
1550 QUEEN CITY AV & GAS PUMPS  
CINCINNATI, OHIO 45214

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC  
Clerk of Council

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

For City Bulletin

## Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 5077825  
Permit Type: TRFO C1 C2  
Name: LEANNE INVESTMENTS LLC  
DBA I MART STORES  
1550 QUEEN CITY AVE & GAS PUMPS  
CINCINNATI, OH 45214

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

09/18/23

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/16/23

**Date:** October 18, 2023

**To:** Mayor and Members of City Council

202302181

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Liquor License – NEW**

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 1833326  
**PERMIT TYPE:** NEW  
**CLASS:** D5J  
**NAME:** CROWN CANTINA LLC  
**DBA:** LA CANTINA  
326 E 8<sup>TH</sup> ST  
CINCINNATI, OH 45202

On September 19, 2023 the Downtown Residents Council was notified of this application and does not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
 Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: October 6, 2023

**Date:** October 18, 2023

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Liquor License – TRFO**

202302182

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

This is a report on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for the following:

**APPLICATION:** 30612130110  
**PERMIT TYPE:** TRFO  
**CLASS:** C1 C2  
**NAME:** GB LICENSE LLC  
**DBA:** NONE LISTED  
2139 CENTRAL PKWY  
CINCINNATI, OH 45214

On September 21, 2023 the West End Community Council was notified of this application and does not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation  
 Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 14, 2023

October 18, 2023

To: Mayor and Members of City Council 202302197  
From: Sheryl M. M. Long, City Manager  
Subject: ORDINANCE – LEASE AGREEMENT – SHARP ALLEY – OTR

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Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a Lease Agreement with 60 East LLC pursuant to which the City will lease for a term of up to 5 years a portion of Sharp Alley located southwest of Hust Alley and northeast of East McMicken Avenue in Over-the-Rhine.

The City owns the public right-of-way known as Sharp Alley, located southwest of Hust Alley and Northeast of East McMicken Avenue in Over-the-Rhine.

60 East, LLC owns certain real property abutting Sharp Alley, located at 60 East McMicken Avenue, Cincinnati, OH 45202. 60 East, LLC has requested to lease portions of Sharp Alley.

The City has determined the lease will not have an adverse effect on the usability or accessibility of any existing facilities in the public right-of-way, and leasing the area to 60 East, LLC is not averse to the City's retained interest in the Leased Premises.

The fair market value of the Lease Area is approximately \$225 per year, which 60 East, LLC has agreed to pay.

The City Planning Commission approved the lease at its meeting on July 21, 2023.

The Administration recommends passage of the attached ordinance.

Attachment I – Lease Agreement – Lease of Sharp Alley

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

**AUTHORIZING** the City Manager to execute a Lease Agreement with 60 East LLC pursuant to which the City will lease for a term of up to 5 years a portion of Sharp Alley located southwest of Hust Alley and northeast of East McMicken Avenue in Over-the-Rhine.

WHEREAS, the City of Cincinnati owns certain real property, designated as public right-of-way, commonly known as Sharp Alley located southwest of Hust Alley and northeast of East McMicken Avenue in Over-the-Rhine (“Property”), which Property is under the management of the Department of Transportation and Engineering (“DOT”); and

WHEREAS, 60 East LLC, an Ohio limited liability company (“Lessee”), owns or otherwise controls certain real property abutting the Property located at 60 East McMicken Avenue and has requested to lease from the City a portion of the Property, as more particularly described and depicted in the Lease Agreement attached to this ordinance as Attachment A and incorporated herein by reference (“Leased Premises”); and

WHEREAS, the City Manager, in consultation with DOT, has determined that (i) the Leased Premises, above grade, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease, and (ii) leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises or the Property; and

WHEREAS, the City’s Real Estate Services Division has determined by a professional appraisal that the fair market rental value of the Leased Premises is approximately \$225 per year, which Lessee has agreed to pay; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the lease of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City and leasing the Leased Premises to Lessee is in the best interest of the City because (i) the City desires to lease the Leased Premises to Lessee to maintain the Leased Premises at no cost to the City, (ii) Lessee has provided the City with the written consent to the lease from all property owners abutting the Leased Premises, and (iii) as a practical matter, no one other than an adjoining property owner would have any interest in leasing the Leased Premises and assuming responsibility for the maintenance and repair thereof; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Leased Premises at its meeting on July 21, 2023; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Lease Agreement with 60 East LLC, an Ohio limited liability company (“Lessee”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City of Cincinnati will lease for a term of up to 5 years a portion of Sharp Alley located southwest of Hust Alley and northeast of East McMicken Avenue in Over-the-Rhine, as more particularly described and depicted in the Lease Agreement (“Leased Premises”).

Section 2. That the Leased Premises, above grade, is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease.

Section 3. That leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Leased Premises is in the best interest of the City because (i) the City desires to lease the Leased Premises to Lessee to maintain the Leased Premises at no cost to the City, (ii) Lessee has provided the City with the written consent to this Lease from the property owners abutting the Leased Premises, and (iii) as a practical matter, no one other than Lessee, an abutting property owner, would have any interest in leasing the Leased Premises and assuming responsibility for the maintenance and repair thereof.

Section 5. That the fair market value of the lease, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$225 per year, which Lessee has agreed to pay.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the Lease Agreement, including executing any and all ancillary documents associated with the Lease Agreement, such

as amendments or supplements to the Lease Agreement deemed by the City Manager to be in the vital and best interests of the City.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



Contract No. \_\_\_\_\_

Property: Sharp Alley

**LEASE AGREEMENT**  
(triple net)

This Lease Agreement (“**Lease**”) is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which is 801 Plum Street, Room 122, Cincinnati, OH 45202; Attention: Real Estate (the “**City**”), and **60 EAST LLC**, an Ohio limited liability company, the address of which is 57 E McMicken, Cincinnati, OH 45202 (“**Lessee**”).

Recitals:

A. The City owns the public right-of-way known as Sharp Alley in the Over-the-Rhine neighborhood of Cincinnati, including an approximately 0.0331-acre portion of Sharp Alley, more particularly described on Exhibit A (Legal Description), and depicted on Exhibit B (Survey) hereto (the “**Leased Premises**”), which is under the management of the Department of Transportation and Engineering (“**DOT**”).

B. Lessee or an affiliate thereof owns the properties located on either side of the Leased Premises, more particularly identified as Hamilton County, Ohio Auditor’s Parcel Nos. 094-0005-0297 and 094-0005-0296 (“**Lessee’s Property**”).

C. Lessee desires to lease the Leased Premises from the City, and the City is agreeable to lease the Leased Premises to Lessee on the terms and conditions set forth herein.

D. The City has determined that the Leased Premises above grade is not currently needed for transportation or other municipal purposes.

F. The fair market rental value of the Leased Premises, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$225.00 per year, which Lessee has agreed to pay.

G. The City has determined that eliminating competitive bidding in connection with the lease of the Leased Premises is in the best interest of the City because (i) the City desires to lease the Leased Premises to Lessee to provide maintenance and lighting to the area; (ii) Lessee has provided the City with the written consent to this Lease from all property owners abutting the Leased Premises, and (iii) as a practical matter, no one other than an adjoining property owner would have any interest in leasing the Leased Premises and assuming responsibility for the maintenance and repair thereof.

H. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City’s lease of the Leased Premises to Lessee at its meeting on July 21, 2023.

I. Cincinnati City Council authorized the execution of this Lease by Ordinance No. [\_\_\_\_]-2023, passed on [\_\_\_\_], 2023.

NOW THEREFORE, the parties hereby agree as follows:

**1. Grant.**

(A) Grant. The City does hereby lease the Leased Premises to Lessee, and Lessee does hereby lease the Leased Premises from the City, on the terms and conditions set forth herein. The rights herein

granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions, and other matters of record affecting the Leased Premises. Lessee acknowledges and agrees that it has conducted its own due diligence to familiarize itself with the physical condition and characteristics of the Leased Premises. The City makes no representations or warranties concerning the title, condition, or characteristics of the Leased Premises or the suitability or fitness of the Leased Premises for any purpose. Lessee acknowledges and agrees that it is not relying upon any such representations or warranties from the City. Without limitation of the foregoing, under no circumstances shall the City be responsible or liable for any pre-existing environmental conditions affecting the Leased Premises. Lessee shall accept the Leased Premises in "as is," "where is" condition with all faults and defects, known or unknown.

(B) Access by City Departments, Utility Companies and Others. Lessee shall ensure continuous access to the Leased Premises (24 hours/day, 7 days/week, 52 weeks/year) by the City's Police and Fire Departments, Greater Cincinnati Water Works ("**GCWW**"), Metropolitan Sewer District ("**MSDGC**"), Duke Energy, Altafiber, and any and all other utility companies that have utility lines or other utility installations within or near the Leased Premises, for the inspection, maintenance, repair, replacement, and removal thereof. Lessee shall not construct any structures within the Leased Premises. If Lessee constructs any additional improvements within the Leased Premises or undertakes any other action that interferes with the access rights reserved to the City and third parties herein, the same shall constitute an immediate default of Lessee under this Lease, whereupon the City and such third parties shall be permitted to take all actions reasonably necessary to eliminate such interference at Lessee's expense. If Lessee's activities within the Leased Premises cause damage to existing utility lines or other utility facilities belonging to a utility provider, Lessee shall immediately notify the appropriate utility provider. All actual, out-of-pocket costs of repairing such damage, including without limitation, all costs of replacing any damaged utility lines and facilities that are not capable of being properly repaired as determined by the applicable utility provider in its sole discretion, shall be borne by Lessee and shall be payable by Lessee within thirty (30) days after Lessee receives documentation substantiating such costs. If any utility company damages or must remove any improvements installed by Lessee within the Leased Premises in connection with its inspection, maintenance, repair, replacement, or removal of its existing utility facilities in the area, Lessee shall be solely responsible for all costs associated with the repair or replacement of Lessee's improvements. Under no circumstances shall the City be responsible for any damage to the Leased Premises or improvements thereon resulting from the entry onto the Leased Premises by utility companies and others having the right to enter upon the Leased Premises.

## 2. Term.

(A) Term. The term of this Lease (the "**Term**") shall commence on the Effective Date (also referred to herein as the "**Commencement Date**") and shall continue for **five (5)** years thereafter, unless extended or sooner terminated as herein provided.

(B) City's Early Termination Rights. The City shall have the right to terminate this Lease at any time, by giving Lessee no less than 60 days prior written notice, if the City determines that the Leased Premises are needed for a municipal purpose. Upon such termination, the City shall refund any prepaid base rent.

## 3. Base Rent.

(A) Base Rent. Lessee shall pay annual base rent to the City for the Leased Premises of \$225.00. Lessee shall make a single, annual payment to the City no later than the Commencement Date, and on each one-year anniversary thereof, without demand, notice, or setoff.

(B) Late Payment; Place of Payment. If any payment owed by Lessee hereunder is not received by the City on the due date, Lessee shall pay the City a late charge equal to five percent of the amount past due, together with interest on the past due amount, until paid, at an annual rate of ten percent. If the Term of this Lease is terminated early for any reason (other than due to the City's desire to use the Leased Premises for a municipal purpose under paragraph 2(B) above), the City shall not be required to refund any portion of the prepaid rent for such period. All payments shall be made by check payable to the "City of

Cincinnati - Treasurer" and mailed to: City of Cincinnati, 801 Plum Street, Room 122, Cincinnati, Ohio 45202, Attention: Real Estate.

**4. Permitted Use.** Lessee shall use the Leased Premises for ingress and egress and maintenance purposes, and for no other purpose unless consented to in writing by DOTE. Lessee shall not bring or permit to be brought onto the Leased Premises any hazardous materials or other contaminants or substances that are harmful to the public or to the environment.

**5. Utilities; Real Estate Taxes; Other Expenses.** During the Term of this Lease, Lessee shall pay, when due, (i) any and all utility expenses for utilities directly serving the Leased Premises, (ii) any and all real estate taxes, assessments, penalties, interest, and charges levied against the Leased Premises that become due and payable during the Term, including the two semi-annual tax bills issued by the Hamilton County Treasurer following the expiration or termination of the Term, payable in arrears, and (iii) any and all other operating expenses associated with the Leased Premises. *Lessee acknowledges and agrees that the City shall not be liable for any expenses associated with the Leased Premises during the Term of this Lease.*

**6. Maintenance and Repairs.** Lessee shall, at its sole expense, keep and maintain the Leased Premises in good, safe, orderly, sanitary, and clean condition and repair, ordinary wear and tear excepted, including without limitation any and all concrete or brick pavement, pavers, curbs and sidewalks within the Leased Premises. Lessee shall not permit garbage, debris or unsightly or odorous materials to accumulate within the Leased Premises. In the event of damage to the Leased Premises, Lessee shall promptly repair such damage, at its sole expense, to the satisfaction of DOTE (however Lessee shall not be required to restore the Leased Premises to a better condition than otherwise required under this Lease). Lessee shall be solely responsible for all snow and ice removal from the Leased Premises. *During the Term of this Lease, the City shall have no maintenance or repair obligations with respect to the Leased Premises or any improvements thereon.*

**7. Alterations.**

(A) Alterations. Lessee shall not make any alterations or improvements to the Leased Premises, including without limitation installing any additional fences, signs, lighting, or other utilities, or remove any existing improvements within the Leased Premises, without obtaining the prior written consent of DOTE. If Lessee proposes to install any new fences or permanent-type structures or other improvements within the Leased Premises, Lessee shall also obtain the prior written consent of all utility companies whose utility facilities might be affected.

(B) No Liens. Lessee shall not permit any mechanics liens to attach to the Leased Premises in connection with work performed by or at the request of Lessee.

(C) Compliance with Laws. Lessee shall obtain all necessary City permits associated with work within the Leased Premises performed by Lessee and shall pay all required permit fees. Lessee shall ensure that all work is performed in compliance with all applicable federal, state, and local laws, codes, regulations, and other governmental requirements.

**8. Insurance; Indemnification.**

(A) Insurance. Throughout the Term, Lessee shall maintain: (i) Commercial General Liability insurance in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, naming the City of Cincinnati as an additional insured; (ii) property insurance on any and all equipment and other personal property of Lessee from time to time kept on the Leased Premises; and (iii) such additional insurance as the City or its risk advisors may from time to time reasonably require. All insurance required to be maintained by Lessee hereunder shall be issued by insurance companies reasonably acceptable to the City. On or prior to the Commencement Date and prior to the expiration of

each insurance policy, Lessee shall furnish to the City a certificate of insurance evidencing the insurance required hereunder.

(B) Waiver of Claims and Subrogation. All improvements, materials, equipment, and other personal property of every kind that may at any time be on the Leased Premises shall be on the Leased Premises at Lessee's sole risk, and under no circumstances shall the City be liable for any loss or damage thereto, no matter how caused. As a material consideration under this Lease, Lessee hereby waives, as against the City, its employees, agents and contractors, all claims and liability, and on behalf of Lessee's insurers, rights of subrogation, with respect to property damaged by fire or other casualty or any other cause, even if caused by negligence, it being the agreement of the parties that Lessee shall at all times protect itself against such loss or damage by maintaining adequate property insurance.

(C) Indemnification. Lessee shall defend (with counsel reasonably acceptable to the City), indemnify and hold the City harmless from and against any and all claims, causes of action, losses, costs, judgments, fines, liability and damages caused by or arising out of any occurrence on the Leased Premises during or with respect to the Term of this Lease, including without limitation any of the foregoing that may occur or be claimed with respect to any death, personal injury or loss of or damage to property on or about the Leased Premises.

**9. Casualty.** If the Leased Premises is damaged or destroyed by fire or other casualty, Lessee shall repair and restore the same, as expeditiously as possible, and to the extent practicable, to substantially the same condition in which they were in immediately prior to such occurrence. The City and Lessee shall jointly participate in filing claims and taking such other actions pertaining to the payment of proceeds resulting from such occurrence. If Lessee's insurance proceeds are insufficient to fully repair and restore the Leased Premises, Lessee shall make up the deficiency. Lessee shall handle all construction in accordance with the applicable requirements set forth by DOTE. Lessee shall not be relieved of any obligations, financial or otherwise, under this Lease during any period in which the Leased Area is being repaired or restored.

**10. Default.** Should Lessee fail to pay any sum due hereunder or perform any other obligation under this Lease within thirty (30) days after receiving written notice thereof from the City (herein, a "default"), the City, at its option, immediately or at any time during the continuance of the default, may terminate this Lease by delivering a written notice of termination to Lessee. Lessee shall pay to the City, upon demand, all costs and damages suffered or incurred by the City in connection with Lessee's default or the termination of this Lease. Without limitation of the City's other rights and remedies hereunder, upon the occurrence of a default, the City may, but shall not be obligated to, cure or attempt to cure such default at Lessee's sole expense and may, if necessary, enter onto the Leased Premises in order to undertake such cure. Lessee shall pay the City within ten (10) days after the City's written demand an amount equal to all costs paid or incurred by the City in effecting compliance with Lessee's obligations under this Lease, together with interest thereon from the date that the City pays or incurs such costs at an annual rate of ten percent. The rights and remedies of the City under this Lease are cumulative and are not intended to be exclusive of, and the City shall be entitled to, any and all other rights and remedies to which the City may be entitled hereunder, at law or in equity. The City's failure to insist in any one or more cases on strict performance of any provision of this Lease or to exercise any right herein contained shall not constitute a waiver in the future of such right.

**11. Notices.** All notices required to be given hereunder by either party shall be in writing and personally delivered, sent by Federal Express or other recognized overnight courier that in the ordinary course of business maintains a record of each delivery, or mailed by U.S. certified mail, postage prepaid, return receipt requested, addressed to the City at its address set forth in the introductory paragraph of this Lease, and to Lessee at its address set forth below, or at such other address as either party may from time to time specify by notice to the other. Notices shall be deemed to have been given on the date of receipt if personally delivered, on the following business day if sent by an overnight courier, and on the date noted on the return receipt if mailed by U.S. certified mail. If Lessee sends a notice to the City alleging that the City is in default under this Lease, Lessee shall simultaneously send a copy of such notice by U.S. certified

mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. All notices given to Lessee under this Lease shall be delivered as follows:

60 East LLC  
57 E McMicken,  
Cincinnati, OH 45202  
Attn: Michael Chewning  
[chewning@8kconstruction.com](mailto:chewning@8kconstruction.com)

**12. Surrender; Holdover.**

(A) Surrender; Holdover. At the end of the Term, Lessee shall surrender the Leased Premises to the City in the condition in which Lessee is required to maintain the Leased Premises under the terms of this Lease. If Lessee remains in possession of the Leased Premises after the end of the Term without the City's consent, then, at the City's option, such holdover shall create a tenancy-at-will on the same terms and conditions as set forth in this Lease except that rent payable during such holdover shall be equal to the then fair market rental value of the Leased Premises as determined by appraisal by the City's Real Estate Services Division.

(B) Removal of Alterations. If Lessee has made improvements to the Leased Premises during the Term, then, at the end of the Term, the City shall identify which improvements, if any, Lessee shall be required to surrender (at no cost to the City) and which improvements Lessee shall be required to remove. If Lessee fails to timely remove improvements that are designated for removal by the City and fails to restore the Leased Premises to their former condition, or if Lessee fails to remove any items of personal property from the Leased Premises, such improvements and items of personal property shall be deemed abandoned by Lessee, whereupon the City may remove, store, keep, sell, discard or otherwise dispose of such improvements and items of personal property, and Lessee shall pay all costs incurred by the City in so doing within ten (10) days after the City's written demand. If the City incurs costs in removing Lessee's improvements and restoring the Leased Premises to their former condition, Lessee shall reimburse the City for all such removal and restoration costs within thirty (30) days after receiving an invoice therefor from the City.

**13. Assignment and Sublease.** Lessee shall not assign or sublet its interests under this Lease without the prior written consent of the City.

**14. General Provisions.**

(A) Entire Agreement. This Lease (including the exhibits hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof.

(B) Amendments. This Lease may be amended only by a written amendment signed by both parties.

(C) Governing Law. This Lease shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Lease shall be brought in the Hamilton County Court of Common Pleas, and Lessee agrees that venue in such court is proper. Lessee hereby waives trial by jury with respect to any and all disputes arising under this Lease.

(D) Binding Effect. This Lease shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(E) Captions. The captions of the various sections and paragraphs of this Lease are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Lease.

(F) Severability. If any part of this Lease is held to be void, illegal or unenforceable by a court of law, such part shall be deemed severed from this Lease, and the balance of this Lease shall remain in full force and effect.

(G) No Recording. This Lease shall not be recorded in the Hamilton County Recorder's office.

(H) Time. Time is of the essence with respect to the performance by Lessee of its obligations under this Lease.

(I) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Lease.

(J) No Brokers. Lessee represents that it has not dealt with a real estate broker, salesperson or other person who might claim entitlement to a fee or other compensation as a result of the parties' execution of this Lease.

(K) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Lease shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future member, officer, agent or employee of the City in other than his or her official capacity. No official executing or approving the City's participation in this Lease shall be personally liable under this Lease.

(L) Representation as to Authority. Lessee represents that it has the power and authority to enter and perform its obligations under this Lease without the consent of anyone who is not a party to this Lease and that the execution and performance of this Lease has been duly authorized by all necessary actions on Lessee's part.

(M) Counterparts and Electronic Signatures. This Lease may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This Lease may be executed and delivered by electronic signature.

**15. Additional Conditions from City's Coordinated Report (CR#99-2022)**. Lessee shall comply with the following additional terms and conditions:

- (a) MSD: Ready access to the alley must be maintained due to the presence of a 24" brick sewer main in the public right-of-way.
- (b) Altafiber: Altafiber has existing underground telephone facilities at this location. Altafiber can approve this request if the existing facilities must remain in place, in service an able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result of this request will be handled entirely at the Lessee's expense.

**15. Exhibits**. The following exhibits are attached hereto and made a part hereof:  
Exhibit A – *Legal Description*  
Exhibit B – *Survey*

[SIGNATURE PAGES FOLLOW]

This Lease is executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the "**Effective Date**").

**60 EAST LLC,**  
an Ohio limited liability company

By: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2023 by \_\_\_\_\_, the \_\_\_\_\_ of **60 EAST LLC**, an Ohio limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

*[CITY SIGNATURE PAGE FOLLOWS]*

**CITY OF CINCINNATI**

By: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2023 by \_\_\_\_\_, the \_\_\_\_\_ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Approved by:

\_\_\_\_\_  
John S. Brazina, Director  
Department of Transportation & Engineering

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_  
Fund/Code: \_\_\_\_\_  
Amount: \_\_\_\_\_  
By: \_\_\_\_\_  
Karen Alder, City Finance Director



**EXHIBIT A**  
to Lease Agreement

*Legal Description*

Situated in Section 13, Town 3, Fractional Range 2, Millcreek Township, Between the Miamis, City of Cincinnati, Hamilton County, Ohio, and is more particularly described as follows:

All bearings referred to herein are based upon the Ohio State Plane Coordinate System, South Zone, NAD83 (2011).

**BEGINNING**, at the intersection of the northeasterly right-of-way line of East McMicken Avenue, 33.00 feet as measured perpendicular to the centerline, and the northwesterly right-of-way line of Sharp Alley, 6.00 feet as measured perpendicular to the centerline, being the southerly corner of Northcrown 56 McMicken LLC (Official Record Book 14045, page 1711), an existing cut notch bears S48°52'11"W 3.00 feet;

**THENCE**, with the northwesterly right-of-way line of Sharp Alley N48°52'11"W 120.00 feet to a point at the intersection of the southwesterly right-of-way line of Hust Alley, 6.00 feet as measured perpendicular to the centerline, and the northwesterly right-of-way line of Sharp Alley, an existing MAG Nail and washer stamped "HARTIG PS 8765" bears N48°52'11"E 5.00 feet;

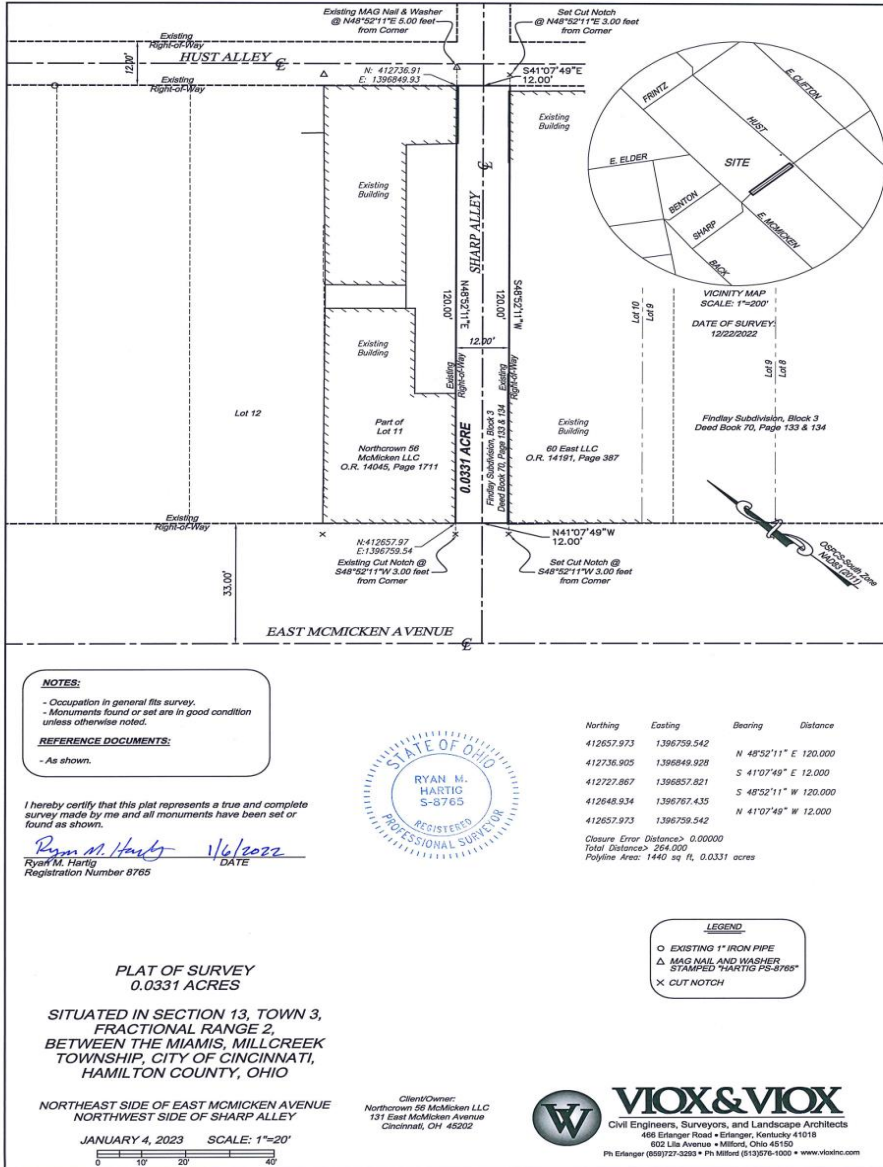
**THENCE**, with the southwesterly right-of-way line of Hust Alley, S41°07'49"E 12.00 feet to a point at the intersection of the southwesterly right-of-way line of Hust Alley and the southeasterly right-of-way line of Sharp Alley, a set cut notch bears N48°52'11"E 3.00 feet;

**THENCE**, with the southeasterly right-of-way line of Sharp Alley S48°52'11"W 120.00 feet to a point at the intersection of the southeasterly right-of-way line of Sharp Alley and the northeasterly right-of-way line of East McMicken Avenue, a set cut notch bears S48°52'11"W 3.00 feet;

**THENCE**, with the northeasterly right-of-way line of East McMicken Avenue N41°07'49"W 12.00 feet to the **POINT OF BEGINNING CONTAINING 0.0331 ACRES** being subject to all right-of-ways and easements of record.

This description was prepared from a new survey made by Ryan M. Hartig, PS 8765, for Viox & Viox, Inc., December 22, 2022.

**EXHIBIT B**  
to Lease Agreement  
Survey



**October 18, 2023**

**To:** Mayor and Members of City Council

202302201

**From:** Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – President Pro Tem Parks: Authorizing Expenditures to Cincinnati Public Schools (CPS) for Girls in Government Programming**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the expenditure of up to \$29,000 from Special Events Fund 314 to provide resources to Cincinnati Public Schools for upcoming Girls in Government programming, including a field trip to the Ohio Statehouse in Columbus, Ohio; and **DECLARING** such expenditure to be for a public purpose.

Ordinance No. 0190-2023 authorized the transfer of \$29,000 from the FY 2023 office budget of President Pro Tem Victoria Parks to the Special Events Fund to provide resources for upcoming Girls in Government programming. This Emergency Ordinance will authorize the provision of resources to Cincinnati Public Schools (CPS) to fund the programming. The expense is also declared to serve a public purpose because the resources will fund an important program that benefits the community.

The reason for the emergency is the immediate need to provide resources for upcoming Girls in Government programming and a field trip before the end of calendar year 2023.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**E M E R G E N C Y**

CNS

**-2023**

**AUTHORIZING** the expenditure of up to \$29,000 from Special Events Fund 314 to provide resources to Cincinnati Public Schools for upcoming Girls in Government programming, including a field trip to the Ohio Statehouse in Columbus, Ohio; and **DECLARING** such expenditure to be for a public purpose.

WHEREAS, Ordinance No. 190-2023 authorized the transfer of \$29,000 from the office budget of President Pro Tem Victoria Parks to the Special Events Fund to provide resources for upcoming Girls in Government programming; and

WHEREAS, Council now desires to provide these resources to Cincinnati Public Schools to manage upcoming Girls in Government programming, including a field trip to the Ohio Statehouse in Columbus, Ohio; and

WHEREAS, these funds will be used to fund an important program that benefits the community; now, therefore,

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

Section 1. That the City's expenditure of up to \$29,000 from the unappropriated surplus of Special Events Fund 314 is authorized to provide resources to Cincinnati Public Schools for upcoming Girls in Government programming, including a field trip to the Ohio Statehouse in Columbus, Ohio.

Section 2. That these expenditures are declared to serve a public purpose because the resources will be used to fund an important program that benefits the community.

Section 3. That the proper City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 and 2.

Section 4. 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 provide resources for upcoming Girls in Government programming and a field trip before the end of calendar year 2023.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 18, 2023

**To:** Mayor and Members of City Council

202302202

**From:** Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Cincinnati Recreation Commission:  
Moral Obligation Payment to the Ohio Treasurer of State**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** a payment of \$4,394.25 from Cincinnati Recreation Commission General Fund non-personnel operating budget account no. 050x199x4940x7289 as a moral obligation to the Ohio Treasurer of State for criminal history information query services provided by the Ohio Bureau of Criminal Investigation’s Volunteer and Employee Criminal History System.

Approval of this Emergency Ordinance will authorize the payment \$4,394.25 from Cincinnati Recreation Commission General Fund non-personnel operating budget account no. 050x199x4940x7289 as a moral obligation to the Ohio Treasurer of State for criminal history information query services provided to the Cincinnati Recreation Commission.

The City entered into a contract with the Ohio Bureau of Criminal Investigation’s Volunteer and Employee Criminal History System (VECHS) program to conduct state and federal criminal history information queries for job applicants at Cincinnati Recreation Commission certified childcare centers on November 4, 2019. The agreement expired in November 2022. The moral obligation payment covers criminal history information query services provided outside of a contract. A new contract has been finalized effective October 2023.

Cincinnati Recreation Commission staff were informed of the contract issues and educated on the best practices for coordinating and reviewing contracts prior to expiration dates to prevent moral obligations in the future.

The reason for the emergency is the immediate need to pay the Ohio Treasurer of State for criminal history information query services provided to the Cincinnati Recreation Commission.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**EMERGENCY**

**IMD**

**- 2023**

**AUTHORIZING** a payment of \$4,394.25 from Cincinnati Recreation Commission General Fund non-personnel operating budget account no. 050x199x4940x7289 as a moral obligation to the Ohio Treasurer of State for criminal history information query services provided by the Ohio Bureau of Criminal Investigation’s Volunteer and Employee Criminal History System.

WHEREAS, the City entered into a contract (“Agreement”) with the Ohio Bureau of Criminal Investigation’s Volunteer and Employee Criminal History System (“VECHS”) program on November 4, 2019; and

WHEREAS, through the Agreement, VECHS conducts state and federal criminal history information queries for job applicants at Cincinnati Recreation Center’s (“CRC”) certified childcare centers; and

WHEREAS, the Agreement expired on November 22, 2022, and a new contract is expected to be finalized effective October 2023; and

WHEREAS, criminal history information query services continued through August 2023 until halted by the State for outstanding invoices; and

WHEREAS, a moral obligation payment of \$4,394.25 is now required for the outstanding invoice for criminal history information query services performed after the Agreement expired; and

WHEREAS, CRC staff has been educated on the best practices for coordinating and reviewing contracts prior to their expiration dates to prevent moral obligations in the future; and

WHEREAS, sufficient resources are available in CRC General Fund non-personnel operating budget account no. 050x199x4940x7289 to pay for the services rendered; and

WHEREAS, Council desires to provide payment of \$4,394.25 to the Ohio Treasurer of State for services provided to CRC; 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 make a payment of \$4,394.25 to the Ohio Treasurer of State from Cincinnati Recreation Commission General Fund non-personnel operating budget account no. 050x199x4940x7289 as a moral obligation to the Ohio Treasurer of

State for criminal history information query services provided by the Ohio Bureau of Criminal Investigation's Volunteer and Employee Criminal History System.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1.

Section 3. 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 pay the Ohio Treasurer of State for criminal history information query services provided to the Cincinnati Recreation Commission.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



October 18, 2023

**To:** Mayor and Members of Council

202302203

**From:** Sheryl M. M. Long, City Manager

**Subject: Ordinance – DOTE: Ohio Transit Partnership Program (OTP2)  
Grant Application**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for grant resources of up to \$2,000,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance and operating assistance for the streetcar system.

This Ordinance authorizes the City Manager to apply for grant resources of up to \$2,000,000 from the Ohio Transit Partnership Program (OTP2), awarded by the Ohio Department of Transportation (ODOT), to provide resources for preventative maintenance and operating assistance for the streetcar system.

The City already applied for OTP2 grant resources to meet the application deadline, but no grant funds will be accepted without City Council approval.

This grant does not require local matching resources. However, the City applied for the OTP2 grant with a 20% percent local match offer, totaling up to \$400,000, to improve the City's competitive advantage. If awarded, matching resources may come from existing and future capital improvement program project accounts. No new FTEs/full-time equivalents are associated with this grant.

The OTP2 grant application is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and strategy to "[p]lan, design, and implement a safe and sustainable transportation system" as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



**AUTHORIZING** the City Manager to apply for grant resources of up to \$2,000,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance and operating assistance for the streetcar system.

WHEREAS, grant resources of up to \$2,000,000 are available from the Ohio Department of Transportation's Ohio Transit Partnership Program ("OTP2") which, if awarded, will be used to provide resources for preventative maintenance and operating assistance for the streetcar system; and

WHEREAS, the City already applied for the OTP2 grant to meet the application deadline, but no grant funds will be accepted without approval by Council; and

WHEREAS, while this grant does not require local matching resources, the City applied for the OTP2 grant with a 20 percent local match offer, totaling up to \$400,000, to improve the City's competitive advantage, and matching resources may come from existing and future capital improvement program project accounts; and

WHEREAS, there are no new FTEs/full time equivalents associated with the OTP2 grant; and

WHEREAS, the OTP2 grant application is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and strategy to "[p]lan, design, and implement a safe and sustainable transportation system" as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for grant resources of up to \$2,000,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance and operating assistance for the streetcar system.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 18, 2023

**To:** Mayor and Members of City Council 202302204

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Ordinance – Cincinnati Recreation Commission: Land and Water Conservation Fund Grant Application for Camp Washington Skate Park**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for a grant of up to \$500,000 from the Land and Water Conservation Fund (ALN 15.916) awarded by the Ohio Department of Natural Resources for the purpose of providing resources to construct a new skate park at the Camp Washington Recreation Area.

Approval of this Ordinance would authorize the City Manager to apply for grant resources in an amount of up to \$500,000 from the Land and Water Conservation Fund (ALN 15.196) awarded by the Ohio Department of Natural Resources for the purpose of providing resources to construct a skate park at the Camp Washington Recreation Area.

The Land and Water Conservation Fund (ALN 15.916) is a federally funded reimbursement grant program awarded by the Ohio Department of Natural Resources (ODNR). The grant provides up to fifty percent of project funding for the acquisition, development, and rehabilitation of recreational areas.

To meet ODNR's fifty percent local match, funding of up to \$250,000 will be provided from existing capital improvement program project account no. 980x199x241900, "Outdoor Facilities Renovation," or a future capital improvement program project account. Local fundraising is underway to further support the skate park project.

There are no new FTEs associated with this grant application. The deadline to apply is November 13, 2023, but CRC will not accept grant resources without authorization from the City Council.

Applying for the ODNR grant to construct a skate park, in response to public input, is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities" as described on pages 207-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



**AUTHORIZING** the City Manager to apply for a grant of up to \$500,000 from the Land and Water Conservation Fund (ALN 15.916) awarded by the Ohio Department of Natural Resources for the purpose of providing resources to construct a new skate park at the Camp Washington Recreation Area.

WHEREAS, the Land and Water Conservation Fund (ALN 15.916) is a federally funded reimbursement grant program awarded by the Ohio Department of Natural Resources (the “ODNR Grant”) that provides up to fifty percent project funding for the acquisition, development, and rehabilitation of recreational areas; and

WHEREAS, the City Administration intends to apply for a grant of up to \$500,000 to construct a skate part at the Camp Washington Recreation Area; and

WHEREAS, to meet the ODNR Grant’s requirement of a fifty percent local match, funding of up to \$250,000 will be provided from existing capital improvement program project account no. 980x199x241900, “Outdoor Facilities Renovation” or a future capital improvement program project account; and

WHEREAS, there are no new FTEs/full time equivalents associated with the ODNR Grant; and

WHEREAS, the City intends to apply for the ODNR Grant before the application deadline of November 13, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, applying for the ODNR Grant to construct a skate park, in response to public input, is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for a grant of up to \$500,000 from the Land and Water Conservation Fund (ALN 15.916) awarded by the Ohio Department of Natural Resources (the “ODNR Grant”) for the purpose of providing resources to construct a new skate park at the Camp Washington Recreation Area.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the ODNR Grant and Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 18, 2023

**To:** Mayor and Members of City Council  
202302205

**From:** Sheryl M. M. Long, City Manager

**Subject:** **Ordinance – Cincinnati Recreation Commission: 2023 Holiday Toy Drive Donations**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission’s 2023 Toy Drive to support Cincinnati Recreation Commission’s holiday season programming needs in underserved communities; and **AUTHORIZING** the Director of Finance to deposit monetary donations into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Approval of this Ordinance will authorize the City Manager and Cincinnati Recreation Commission (CRC) employees to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission’s 2023 Toy Drive to support the Cincinnati Recreation Commission’s holiday season programming needs in underserved communities. It would also authorize the Finance Director to deposit monetary donations into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

CRC estimates monetary donations to be received will be valued individually between \$6,000 and \$8,000 and in-kind donations valued individually between \$7,000 and \$10,000. Both the monetary and in-kind donations will be used to support CRC’s holiday season programming needs in underserved communities.

There are no matching funds or new FTEs associated with the acceptance of these donations.

Acceptance of these donations are in accordance with the “Collaborate” goal to [w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 208-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission's 2023 Toy Drive to support Cincinnati Recreation Commission's holiday season programming needs in underserved communities; and **AUTHORIZING** the Director of Finance to deposit monetary donations into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

WHEREAS, the Cincinnati Recreation Commission's ("CRC") annual toy drive collects monetary donations and gifts to support holiday season programming needs in underserved communities; and

WHEREAS, because CRC anticipates that it will receive monetary donations valued individually between \$6,000 and \$8,000 and in-kind donations valued individually between \$7,000 and \$10,000, advance approval from Council is needed to accept the anticipated donations; and

WHEREAS, these donations do not require matching funds, and there are no additional FTEs/full time equivalents associated with the acceptance of these donations; and

WHEREAS, acceptance of these donations is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities" as described on pages 208-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager and employees of the Cincinnati Recreation Commission are authorized to solicit and accept monetary and in-kind donations of assorted gifts from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission's 2023 Toy Drive for the purpose of supporting the Cincinnati Recreation Commission's holiday season programming needs in underserved communities.

Section 2. That the Director of Finance is authorized to deposit monetary donations into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.



Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 18, 2023

**To:** Mayor and Members of City Council 202302206  
**From:** Sheryl M. M. Long, City Manager  
**Subject: Emergency Ordinance – Cincinnati Police Department:  
Amending Ordinance No. 0276-2023**

---

Attached is an Emergency Ordinance captioned:

**AMENDING** Ordinance No. 276-2023 to authorize the City Manager to accept services from Othram Inc., which will be paid for by funds awarded through the Season of Justice DNA Testing Grant.

This Emergency Ordinance would amend Ordinance No. 0276-2023 to authorize the City manager to accept services from Othram Inc., which will be paid for by funds awarded through the Season of Justice DNA Testing Grant.

On August 2, 2023, the City Council approved Ordinance No. 0276-2023, which authorized the City Manager to apply for, accept, and appropriate a grant of up to \$8,257 in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department (CPD) with funding to assist in solving cold cases using DNA.

When the City Council approved Ordinance No. 0276-2023, the Cincinnati Police Department expected to receive the grant funds from Season of Justice, then use those grant funds to procure lab services. Instead, Season of Justice will pay the vendor, Othram Inc., directly to perform the lab services for the CPD. Ordinance No. 0276-2023 must therefore be amended to allow the City to accept services from Othram Inc., which will be paid for by Season of Justice with the DNA Testing Grant funds.

The reason for the emergency is the immediate need to comply with the grant acceptance deadline and to accept grant-funded services in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**EMERGENCY**

**KKF**

**- 2023**

**AMENDING** Ordinance No. 276-2023 to authorize the City Manager to accept services from Othram Inc., which will be paid for by funds awarded through the Season of Justice DNA Testing Grant.

WHEREAS, on August 2, 2023, Council approved Ordinance No. 276-2023, which authorized the City Manager to apply for, accept, and appropriate a grant of up to \$8,257 in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department with funding to assist in solving cold cases using DNA; and

WHEREAS, when Council approved Ordinance No. 276-2023, the Cincinnati Police Department expected to receive the grant funds from Season of Justice, then use those grant funds to procure lab services; and

WHEREAS, instead, Season of Justice will pay the vendor, Othram Inc., directly to perform the lab services for the Cincinnati Police Department; and

WHEREAS, Ordinance No. 276-2023 must be amended to allow the City to accept services from Othram Inc., which will be paid for by Season of Justice with the DNA Testing Grant funds; now, therefore;

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

Section 1. That Sections 1, 3, and 4 of Ordinance No. 276-2023, approved by Council on August 2, 2023, are hereby amended as follows:

Section 1. That the City Manager is authorized to apply for, ~~accept, and appropriate~~ a grant of up to \$8,257 ~~in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department with funding to assist in solving cold cases using DNA~~ from Season of Justice through the DNA Testing Grant for the purpose of solving cold cases, and to accept in-kind services from Othram, Inc. paid for by Season of Justice with funds awarded through the grant.

~~Section 3~~Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and ~~Sections 1 and 2~~ Section 1.

~~Section 4~~Section 3. 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 to ensure timely acceptance of the grant-funded services~~funds~~.

Section 2. That Section 2 of Ordinance No. 276-2023 is hereby deleted in its entirety.

Section 3. That all terms of Ordinance No. 276-2023 not amended or removed by this Ordinance remain in full force and effect.

Section 4. 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 comply with the grant acceptance deadline and to accept grant-funded services in a timely manner.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

Date: October 18, 2023

To: Mayor and Members of City Council

202302222

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – First Amendment to Horses on the Hill Lease

---

Attached is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to execute a First Amendment to Ground Lease with BLOC Ministries, Inc., pursuant to which the City will lease approximately three and one-half acres of land at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati for the operation of a youth horse riding academy.

The Administration recommends passage of the attached ordinance.

cc: Daniel Betts, Director, Cincinnati Recreation Commission

**AUTHORIZING** the City Manager to execute a First Amendment to Ground Lease with BLOC Ministries, Inc., pursuant to which the City will lease approximately three and one-half acres of land at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati for the operation of a youth horse riding academy.

WHEREAS, the City of Cincinnati and BLOC Ministries, Inc., an Ohio nonprofit corporation (“Lessee”), are parties to a Ground Lease, authorized by Ordinance No. 191-2018, passed by Council on June 27, 2018, pursuant to which the City leases to Lessee approximately seven acres of real property in the East Price Hill neighborhood located at 1655 Ross Avenue (“Leased Premises”) for the development and operation of a youth horse riding academy; and

WHEREAS, the City owns approximately three and one-half acres of vacant land abutting the Leased Premises (“Lease Expansion Property”), which is under the management of the Cincinnati Recreation Commission (“CRC”); and

WHEREAS, the City and Lessee desire to amend the Ground Lease to include the Lease Expansion Property to facilitate the expansion and enhancement of services provided at the youth horse riding academy, as detailed in the First Amendment to Ground Lease attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and 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 sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, the City Manager, in consultation with CRC, has determined that (i) the Lease Expansion Property is not needed for municipal or recreational purposes for the duration of the Ground Lease, and (ii) leasing the Lease Expansion Property to Lessee is not adverse to the City’s retained interest in the Lease Expansion Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the lease of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City and eliminating competitive bidding in connection with the City’s lease of the Lease Expansion Property is in the best interest of the City because the City desires to facilitate the expansion and enhancement of services provided at the youth horse riding academy and has identified the Lease Expansion Property as being an appropriate and suitable location for such expansion; and

WHEREAS, the City's Real Estate Services Division has determined, by a professional appraisal, that the fair market rental value of the Lease Expansion Property is approximately \$3,000 per year; however, the City is agreeable to lease the Lease Expansion Property to Lessee for less than its estimated fair market rental value, namely, for \$0.00 because the City anticipates that it will receive economic and non-economic benefits from the lease of the Lease Expansion Property that equal or exceed its fair market rental value because Lessee's operation of a horse riding academy for kids after school and during the summer expands exposure to unique cultural and educational programs, activities, and opportunities in the City for CRC patrons; and

WHEREAS, the City has determined that the lease of the Lease Expansion Property to Lessee is commercial in nature and constitutes a proper public purpose because the youth horse riding academy will result in the creation of employment and recreational opportunities for the benefit of the community; and

WHEREAS, Cincinnati Recreation Commission approved the lease of the Lease Expansion Property to Lessee at its meeting on May 17, 2022; and

WHEREAS, the City Planning Commission, having the authority to approve the change in use of City-owned property, approved the lease of the Lease Expansion Property to Lessee at its meeting on August 18, 2023; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a First Amendment to Ground Lease with BLOC Ministries, Inc., an Ohio nonprofit corporation ("Lessee"), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City will lease to Lessee approximately three and one-half acres of land located at 1655 Ross Avenue in East Price Hill ("Lease Expansion Property") on the same terms and conditions as set forth in that certain Ground Lease dated July 31, 2018, which Ground Lease Council authorized by Ordinance No. 191-2018, passed on June 27, 2018.

Section 2. That the Lease Expansion Property is not needed for a recreational or other municipal purpose for the duration of the Ground Lease.

Section 3. That leasing the Lease Expansion Property to Lessee is not adverse to the City's retained interest in the Lease Expansion Property.

Section 4. That the City’s Real Estate Services Division has determined, by professional appraisal, that the fair market rental value of the Lease Expansion Property is approximately \$3,000 per year; however, the City is agreeable to lease the Lease Expansion Property to Lessee for less than its estimated fair market rental value, namely, for \$0.00 because the City anticipates that it will receive economic and non-economic benefits from the lease of the Lease Expansion Property that equal or exceed its fair market rental value because Lessee’s operation of a horse riding academy for kids after school and during the summer expands exposure to unique cultural and educational programs, activities, and opportunities in the City for CRC patrons.

Section 5. That eliminating competitive bidding in connection with the City’s lease of the Lease Expansion Property is in the best interest of the public because the City desires to facilitate the expansion and enhancement of the youth horse riding academy and has identified the Lease Expansion Property as being an appropriate and suitable location for such expansion.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the First Amendment to Ground Lease, including executing any and all ancillary documents associated therewith, such as amendments or supplements to the Ground Lease deemed by the City Manager to be in the vital and best interests of the City.

Section 7. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



## FIRST AMENDMENT TO GROUND LEASE

(Addition of property to Lease Area)

This First Amendment to Ground Lease (this "**Amendment**") is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), and **BLOC Ministries, Inc.**, an Ohio nonprofit corporation, the address of which is 911 W. 8<sup>th</sup> Street, Cincinnati, Ohio 45203 ("**Lessee**").

### Recitals:

A. The City and Lessee are parties to that certain *Ground Lease* dated July 31, 2018 (the "**Lease**"), pursuant to which Lessee leases approximately seven acres of City-owned property located at 1655 Ross Avenue in the East Price Hill neighborhood of Cincinnati (the "**Lease Area**"), which Lease Area is under the management and control of the City's Public Recreation Commission ("**CRC**"). Capitalized terms used herein but not defined herein shall have the meanings ascribed to them in the Lease.

B. The City owns approximately 3.5 acres of undeveloped vacant land formerly used as recreation space, as more particularly depicted on Exhibit A (*Exhibit A-1 of Ground Lease-Site Map-Lease Area Expansion Property*) hereto (the "**Lease Area Expansion Property**"), which Lease Area Expansion Property is under the management of CRC.

C. Lessee desires to amend the Lease to add the Lease Area Expansion Property to the Lease to expand its operation of a horse-riding academy for kids after school and during the summer.

D. Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and 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 sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

E. The City is agreeable to lease to Lessee the Lease Area Expansion Property finding that it is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements.

F. The City Manager, in consultation with CRC, has determined that the Lease Area Expansion Property is not needed for recreation or other municipal purposes for the duration of the Lease and leasing the Lease Area Expansion Property to Lessee is not adverse to the City's retained interest in the Lease Area Expansion Property.

G. The City's Real Estate Services Division has determined by appraisal that the fair market rental value of the Lease Area Expansion Property is approximately \$3,000 per year; however, the City is agreeable to lease the Lease Area Expansion Property to Lessee for less than the estimated fair market rental value of the Lease Area Expansion Property, namely, for \$0.00 because the City anticipates that it will receive economic and non-economic benefits from the lease of the Lease Area Expansion Property that equal or exceed its fair market rental value because Lessee's operation of a horse riding academy for kids after school and during the summer expands exposure to unique cultural and educational programs, activities, and opportunities in the City through the provision of certain after school and summer horse riding programming available to CRC patrons.

H. The City has determined that eliminating competitive bidding in connection with the City's lease of the Lease Area Expansion Property is in the best interest of the City because the City has determined that Lessee's use of the Lease Area Expansion Property for the Permitted Use is a unique and appropriate use of the Lease Area Expansion Property that will benefit the City.

I. The Public Recreation Commission approved the lease of the Lease Area Expansion Property to Lessee at its meeting on April 18, 2023.

J. The City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Lease Area Expansion Property at its meeting on August 18, 2023.

K. Cincinnati City Council authorized City's execution of this Amendment by Ordinance No. [\_\_\_]-2023, passed [\_\_\_], 2023.

NOW, THEREFORE, effective as of the Effective Date of this Amendment, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Grant.** The City does hereby lease the Lease Area Expansion Property to Lessee, and Lessee does hereby lease the Lease Area Expansion Property from the City, on the terms and conditions set forth in the Lease, as hereby amended. The rights herein granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions, and other matters of record affecting the Lease Area Expansion Property as of the Effective Date. The City has not made any representations or warranties concerning the title, condition, or characteristics of the Lease Area Expansion Property or the suitability or fitness of the Lease Area Expansion Property for any purpose, and, on the Effective Date (defined below), Lessee shall accept the Lease Area Expansion Property in "as is," "where is" condition with all faults and defects, known or unknown. Lessee acknowledges and agrees that it is not relying upon any such representations or warranties from the City. Without limitation of the foregoing, under no circumstances shall the City be responsible or liable for any pre-existing environmental conditions affecting the Lease Area Expansion Property.

2. **Exhibit A-1, Exhibit A (Site Map)** to the Lease is hereby amended and supplemented by adding Exhibit A of this Amendment attached hereto as Exhibit A-1 of the Lease. For clarity, this amendment is solely intended to add the attached Exhibit A of this Amendment to the Exhibit A of the Lease and is not intended to delete any portion of Exhibit A as it currently exists in the Lease. All references within the Lease to Exhibit A shall be read to refer to Exhibit A and Exhibit A-1 on and after the Effective Date. Any reference in the Lease to the Property shall be deemed to include all of the real property depicted in Exhibit A and Exhibit A-1, including but not limited to the Lease Area Expansion Property, as applicable.

3. **Ratification.** All terms of the Lease not amended by this Amendment or not inconsistent with this Amendment shall remain in full force and effect, and by this reference are incorporated herein as if fully rewritten herein. The Lease, as amended by this Amendment, is hereby ratified by the parties.

4. **Counterparts; E-Signature.** The parties hereto agree that this Amendment may be executed and delivered by electronic signature, which shall have the same force and effect as an original signature. Electronic signatures may be delivered via email or other electronic means agreed upon by the parties. The parties hereto may execute this Amendment in two or more counterparts, and each executed counterpart shall be considered an original and all of which shall constitute one and the same Amendment.

5. **Exhibits.** The following exhibits are attached hereto and made a part hereof:  
Exhibit A – *Exhibit A-1 of Ground Lease-Site Map– Lease Area Expansion Property*



**CITY OF CINCINNATI,**  
an Ohio municipal corporation

By: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OHIO )  
 ) SS:  
COUNTY OF HAMILTON )

The foregoing instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2023, by \_\_\_\_\_, the \_\_\_\_\_ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of and for the municipal corporation.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Recommended By:

\_\_\_\_\_  
Daniel Betts, Director  
Cincinnati Recreation Commission

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_

Karen Alder, City Finance Director

**EXHIBIT A**  
to  
First Amendment to Ground Lease

*Exhibit A-1 of Ground Lease-Site Map- Lease Area Expansion Property*



**Clerk of Council**

801 Plum Street, Room 308  
Cincinnati, Ohio 45202  
(513) 352-3246

**\$25.00 FILING FEE**

*202305001*

**LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT**

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council".* Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days) the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

**A. LEGISLATIVE AGENT INFORMATION**

- 1. Full Name John Singleton
- 2. Occupation Government Affairs
- 3. Title/Position Partner
- 4. Business Address 17 South High Street Suite 750  
Street Suite Number  
Columbus Ohio 43215  
City State Zip(+4)
- 5. Telephone Number (614-338-5572) \_\_\_\_\_
- 6. Date of Engagement as Legislative Agent 9/28/23

**B. EMPLOYER INFORMATION**

- 1. Full name of company or organization Volunteers of America
- 2. Type of Industry Non-profit
- 3. Business Address 1780 East Broad  
Street Suite Number  
Columbus Ohio 43203  
City State Zip(+4)

**C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.**

Halfway house relocation project.  
\_\_\_\_\_  
\_\_\_\_\_

**D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Agriculture                        | <input type="checkbox"/> Environment                             | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco                    | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial          |
| <input type="checkbox"/> Arts/Entertainment                 | <input type="checkbox"/> Medical/Hospitals/Health Care           | <input type="checkbox"/> Service Business               |
| <input type="checkbox"/> Communications/Media               | <input type="checkbox"/> Insurance                               | <input type="checkbox"/> Social Svs./Human Svs.         |
| <input type="checkbox"/> Contractors/Construction           | <input type="checkbox"/> Labor/Labor Organizations               | <input type="checkbox"/> Science and Technology         |
| <input checked="" type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal                                   | <input type="checkbox"/> State Employees                |
| <input type="checkbox"/> Education                          | <input type="checkbox"/> Manufacturer                            | <input type="checkbox"/> State Government               |
| <input type="checkbox"/> Energy/Utilities                   | <input type="checkbox"/> Public Interest                         | <input type="checkbox"/> Transportation                 |

**CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.**

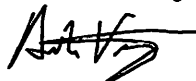
**ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.**

John Singleton  
Type or Print Name of Legislative Agent

  
Signature of Legislative Agent

9/28/23  
Date

Hector Vazquez  
Type or Print Name of Persons Signing for Employer

**BY:**   
Signature for Employer

Chief Legal & Compliance Officer

9/28/2023

Title

Date



October 11, 2023

**To:** Mayor and Members of City Council

**From:** Sheryl M. M. Long, City Manager

202302129

**Subject: Emergency Ordinance – Parks: Various Parks Donations for Capital Projects**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept a donation of up to \$198,550 from the Cincinnati Park Board Commissioners’ Fund to fund improvements to Fleischmann Gardens; **AUTHORIZING** the Director of Finance to deposit the donated funds into Parks Private Endowment and Donations Fund 430; **ESTABLISHING** new capital improvement program project account no. 980x203x242034, “Fleischmann Gardens Improvements,” to provide resources for improvements to Fleischmann Gardens; **AUTHORIZING** the transfer and appropriation of \$198,550 from Parks Private Endowment and Donations Fund 430 to newly established capital improvement program project account no. 980x203x242034, “Fleischmann Gardens Improvements,” to provide resources for improvements to Fleischmann Gardens; and **AUTHORIZING** the transfer and appropriation of \$124,900 from the unappropriated surplus of Cincinnati Riverfront Park Fund 329 to existing capital improvement program project account no. 980x203x222011, “Smale Riverfront Park Water Feature Repairs,” to replace the Main Street pump filter system.

Approval of this Emergency Ordinance will authorize the acceptance and deposit of \$198,550 from the Cincinnati Park Board Commissioners’ Fund to Parks Private Endowment and Donations Fund 430. This Emergency Ordinance also authorizes the transfer and appropriation of \$198,550 from the Parks Private Endowment and Donations Fund 430 to the newly established capital improvement program project account no. 980x203x242034, “Fleischmann Gardens Improvements” to provide resources for improvements to Fleischmann Gardens. There are no new FTEs associated with the donations.

In addition, this Emergency Ordinance authorizes the transfer and appropriation of \$124,900 from the unappropriated surplus of Cincinnati Riverfront Park Fund 329 to existing capital improvement program project account no. 980x203x222011, “Smale Riverfront Park Water Feature Repairs.”

Providing resources for Fleischmann Gardens and Smale Riverfront Park is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 207-212 of Plan Cincinnati (2012).



The reason for the emergency is the immediate need to enter into any contracts necessary to avoid project delays.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



## EMERGENCY

KKF

- 2023

**AUTHORIZING** the City Manager to accept a donation of up to \$198,550 from the Cincinnati Park Board Commissioners' Fund to fund improvements to Fleischmann Gardens; **AUTHORIZING** the Director of Finance to deposit the donated funds into Parks Private Endowment and Donations Fund 430; **ESTABLISHING** new capital improvement program project account no. 980x203x242034, "Fleischmann Gardens Improvements," to provide resources for improvements to Fleischmann Gardens; **AUTHORIZING** the transfer and appropriation of up to \$198,550 from Parks Private Endowment and Donations Fund 430 to newly established capital improvement program project account no. 980x203x242034, "Fleischmann Gardens Improvements," to provide resources for improvements to Fleischmann Gardens; and **AUTHORIZING** the transfer and appropriation of \$124,900 from the unappropriated surplus of Cincinnati Riverfront Park Fund 329 to existing capital improvement program project account no. 980x203x222011, "Smale Riverfront Park Water Feature Repairs," to replace the Main Street pump filter system.

WHEREAS, the Cincinnati Park Board Commissioners' Fund consists of funds received from endowments and donations from various entities to support the Cincinnati Park Board; and

WHEREAS, acceptance of a donation of up to \$195,550 from the Cincinnati Park Board Commissioners' Fund will help fund improvements to Fleischmann Gardens; and

WHEREAS, this donation does not require matching funds, and there are no new FTEs/full time equivalents associated with this donation; and

WHEREAS, the Main Street pump filter system at Smale Riverfront Park needs to be replaced; and

WHEREAS, sufficient resources are available in the Cincinnati Riverfront Park Fund 329 to cover the appropriation of \$124,900 to replace the Main Street pump filter system; and

WHEREAS, providing resources for improvements to Fleischmann Gardens and water features at Smale Riverfront Park is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities" as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept a donation of up to \$198,550 from the Cincinnati Park Board Commissioners' Fund to fund improvements to Fleischmann Gardens.

Section 2. That the Director of Finance is authorized to deposit the donated funds into Parks Private Endowment and Donations Fund 430.

Section 3. That new capital improvement account no. 980x203x242034, “Fleischmann Gardens Improvements,” is established to provide resources for improvements to Fleischmann Gardens.

Section 4. That the transfer and appropriation of \$198,550 from Parks Private Endowment and Donations Fund 430 to newly established capital improvement program project account no. 980x203x242034, “Fleischmann Gardens Improvements,” is authorized to provide resources for improvements to Fleischmann Gardens.

Section 5. That the transfer and appropriation of \$124,900 from the unappropriated surplus of Cincinnati Riverfront Park Fund 329 to existing capital improvement program project account no. 980x203x222011, “Smale Riverfront Park Water Feature Repairs,” is authorized to replace the Main Street pump filter system.

Section 6. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 5.

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 to enter into any contracts necessary to avoid project delays.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**October 11, 2023**

**To:** Mayor and Members of City Council 202302130  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Parks: 1<sup>st</sup> and 2<sup>nd</sup> Quarter In-Kind Donations**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept in-kind donations and contributions of artwork, horticultural supplies, park supplies, professional services, and event and program coordination services from the Cincinnati Parks Foundation, valued at approximately \$110,782.74, to benefit various City parks.

Approval of this Ordinance will authorize the City Manager to accept in-kind donations and contributions from the Cincinnati Parks Foundation valued at approximately \$110,782.74 to benefit and improve various City parks. Attached is a detailed list of the in-kind donations and contributions.

Donated Items	Amount
Artwork	\$30,164.29
Event	\$924.30
Horticultural Supplies	\$16,344.90
Professional Services	\$875.00
Program Coordination	\$46,950.05
Supplies	\$15,524.20
<b>Total:</b>	<b>\$110,782.74</b>

Acceptance of these in-kind donations and contributions does not require new FTEs/full time equivalents or matching funds.

Acceptance of in-kind donations and contributions to benefit various City parks is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” and strategy to “[p]rotect our natural resources” as described on pages 193-198 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
 Karen Alder, Finance Director



Attachments

**AUTHORIZING** the City Manager to accept in-kind donations and contributions of artwork, horticultural supplies, park supplies, professional services, and event and program coordination services from the Cincinnati Parks Foundation, valued at approximately \$110,782.74, to benefit various City parks.

WHEREAS, the Cincinnati Parks Foundation intends to donate artwork, horticultural supplies, park supplies, professional services, and event and program coordination services to the City of Cincinnati to benefit and improve various City parks; and

WHEREAS, the value of the in-kind donations is approximately \$110,782.74; and

WHEREAS, there are no matching funds required to accept this donation, and there are no new FTEs/full time equivalents associated with this donation; and

WHEREAS, acceptance of in-kind donations and contributions to benefit various City parks is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” and the strategy to “[p]rotect our natural resources” as set forth on pages 193-198 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to accept in-kind donations from the Cincinnati Parks Foundation of artwork, horticultural supplies, park supplies, professional services, and event and program coordination services valued at approximately \$110,782.74 to benefit and improve various City parks, as outlined in Attachment A hereto.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**In-Kind Donations - 1st Quarter 2023**

Donor	Date	Num	Name	Memo	Expense Type	Amount
Parks Foundation	02/28/2023	14883	NATORP LANDSCAPE SUPPLY	Order # 122042 Ault park trees for drive in to park	Horticultural Supplies	\$ 2,099.00
Parks Foundation	01/24/2023	14830	Holthaus Lackner Signs	Inv 80567 Ezz Char park signs	Supplies	\$ 1,777.00
Parks Foundation	01/24/2023	14838	E C SHAW COMPANY	Inv 837435 Rob & Sandy Somer & family	Supplies	\$ 164.91
Parks Foundation	02/28/2023	14884	NATORP LANDSCAPE SUPPLY	Inv 122196 Cindy France/Adrian Early tree	Horticultural Supplies	\$ 122.00
Parks Foundation	02/20/2023	14874	Baron Identification Products	Inv 49248 Frank, Carothers, Radley, Buchholz	Supplies	\$ 121.00
Parks Foundation	03/06/2023	14890	Baron Identification Products	Inv 49301 Townsend, Celarek, Thompson	Supplies	\$ 94.50
Parks Foundation	03/23/2023	14920	Baron Identification Products	Inv 49376 Mancini	Supplies	\$ 39.00
Parks Foundation	03/31/2023	14931	Baron Identification Products	Inv 49403 Susan Frank	Supplies	\$ 20.00
Parks Foundation	03/27/2023	14924	Joe Mastruserio	eft to pay Valentino for plaster copy from school	Artwork	\$ 10,825.90
Parks Foundation	02/28/2023	14886	DEL GIUDICE LEONARDO SNC	Foundry pymt for wolf sculpture	Artwork	\$ 8,292.42
Parks Foundation	02/14/2023	14862	DEL GIUDICE LEONARDO SNC	SHE WOLF CUSTOM CHARGES	Artwork	\$ 2,338.88
Parks Foundation	03/27/2023	14923	E C SHAW COMPANY	Inv 838644 Levi Addison memorial	Supplies	\$ 1,145.00
Parks Foundation	03/20/2023	14917	Siebenthaler Wholesale Sales	Inv #INV5565 plants for Mt Airy arboretum	Horticultural Supplies	\$ 1,035.50
Parks Foundation	02/27/2023	14875	Alt & Witzig Engineering, Inc.	Inv OG22005-1022 Anchor Bolt Pull Ezz Char project	Professional Services	\$ 875.00
Parks Foundation	03/06/2023	14897	Creech's Ohio Valley Stone	Colorado small river rock 2 tons order on 3/6/23	Horticultural Supplies	\$ 650.00
Parks Foundation	03/23/2023	14919	Greenfield Plant Farm	Inv 5944130 plants for MT Airy arboretum	Horticultural Supplies	\$ 516.50
Parks Foundation	03/27/2023	14925	Joe Mastruserio	eft to pay Valentino for plaster copy from school	Artwork	\$ 338.30
<b>Total</b>						<b>\$ 30,454.91</b>

**In-Kind Donations - 2nd Quarter 2023**

Date	Name	Memo	Expense Type	Amount
05/30/2023	Baron Identification Products	Inv 49624 sign Goodwin	Supplies	\$ 13.50
05/25/2023	Baron Identification Products	Inv 49614 Beiring, Smith, Ziegler	Supplies	\$ 79.50
05/30/2023	E C SHAW COMPANY	Inv 839986 Hyams	Supplies	\$ 204.31
05/30/2023	E C SHAW COMPANY	Inv 839987 Be strong plaque	Supplies	\$ 204.31
05/30/2023	E C SHAW COMPANY	Inv 839988 Kranz	Supplies	\$ 204.31
04/13/2023	E C SHAW COMPANY	Inv 839072 Louise AUG	Supplies	\$ 205.39
05/15/2023	E C SHAW COMPANY	Inv 839773 Hilda Rothchild cast bronze plaque	Supplies	\$ 512.00
04/25/2023	E C SHAW COMPANY	Inv 839292 Cathy's Garden memorial	Supplies	\$ 1,138.00
04/30/2023	Joe Mastruserio	wire transfer reimbursement - wolf statue	Artwork	\$ 328.79
06/15/2023	Joe Mastruserio	Wire for foundry invoice 3330 euros cast of she wolf	Artwork	\$ 3,785.00
05/12/2023	Joe Mastruserio	reimbursement for wire transfer	Artwork	\$ 4,255.00
04/13/2023	Mike Weber	reimbursement mulch Larz Anderson	Horticultural Supplies	\$ 31.92
05/12/2023	NATORP LANDSCAPE SUPPLY	Inv 124528, tree prgram - 4 trees	Horticultural Supplies	\$ 849.25
05/25/2023	NATORP LANDSCAPE SUPPLY	inv 126142 41 oak trees 5/25/23 event	Horticultural Supplies	\$ 7,145.00
05/15/2023	SERVICE SUPPLY LTD INC	Inv 23257 5 steel benches 3 arms	Supplies	\$ 8,759.00
06/22/2023	Woodlanders, Inc.	Inv 895601 Arboretum plants 2023	Horticultural Supplies	\$ 504.00
05/30/2023	Colleen O'Connor	supplies arbor day planting 5/24/23	Horticultural Supplies	\$ 155.16
06/13/2023	Gray's Tree Experts	Inv 315 Roselawn Park planting holes, stump removal	Horticultural Supplies	\$ 1,120.00
05/31/2023	The Underground Detective of Greater Cin	Inv 00089142 stump grinding Roselawn volunteer	Horticultural Supplies	\$ 940.00
06/21/2023		Cincinnati Community Toolbank-Arbor Day Foundation Roselawn planting supplies	Horticultural Supplies	\$ 105.49
06/13/2023	4IMPRINT	rain ponchos for explore nature	Supplies	\$ 842.47
04/13/2023	Paul Casteel	Reimbursement for eagle scout materials LaBoiteaux woods	Horticultural Supplies	\$ 121.08
04/13/2023	Paul Casteel	Reimbursement for eagle scout materials LaBoiteaux woods	Horticultural Supplies	\$ 950.00
06/30/2023	The Civic Garden Center	Conservation Stewardship Program 2023 - to be executed within Cin Parks 2023	Horticultural Supplies/Program Coordination	\$ 46,950.05
05/21/2023		Thunderdome Events - Currito-Lunches for Army Corps of Engineers lunch with Park Board and others	Event	\$ 924.30
			<b>Total</b>	<b>\$ 80,327.83</b>



October 11, 2023

**To:** Mayor and Members of City Council 202302121  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Cincinnati Fire Department: Mountain Bikes In-Kind Donation**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept an in-kind donation of four mountain bikes and upfitting equipment from the Cincinnati Fire Foundation valued at up to \$8,330 to be used by the Cincinnati Fire Department’s Emergency Medical Bike Unit.

Approval of this Ordinance will authorize the City Manager to accept an in-kind donation of four mountain bikes and upfitting equipment from the Cincinnati Fire Foundation valued at \$8,330 to be used by the Cincinnati Fire Department’s Emergency Medical Bike Unit.

The Cincinnati Fire Foundation has generously agreed to donate mountain bikes and to upfit equipment to the Cincinnati Fire Department (CFD) for use by the Emergency Medical Bike Unit. Bikes will also be upfit with sirens, rack bags, panniers, power grips, peddle retention, water bottle cages, and air pumps. The Foundation will also handle the installation of bikes and equipment.

CFD’s Emergency Medical Bike Unit provides emergency medical response at events around the City. Well equipped bikes will enable CFD to continue to provide safe, effective, and responsive medical services to the public.

There are no new FTEs/full time equivalents or matching funds associated with the acceptance of this in-kind donation.

Acceptance of this in-kind donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager to accept an in-kind donation of four mountain bikes and upfitting equipment from the Cincinnati Fire Foundation valued at up to \$8,330 to be used by the Cincinnati Fire Department’s Emergency Medical Bike Unit.

WHEREAS, the Cincinnati Fire Foundation (“Foundation”) has offered to purchase mountain bikes and the necessary equipment to upfit the bikes with sirens, rack bags, panniers, power grips, peddle retention, water bottle cages, and air pumps, and the Foundation will handle the purchase and installation of the bikes and equipment; and

WHEREAS, the Cincinnati Fire Department’s (“CFD”) Emergency Medical Bike Unit provides emergency medical responses at events around Cincinnati; and

WHEREAS, well-equipped bikes will allow for safe and effective operations and enable CFD to provide responsive medical services to the public; and

WHEREAS, acceptance of this in-kind donation requires no matching funds, and no FTEs/full time equivalents are associated with acceptance of this in-kind donation; and

WHEREAS, acceptance of this in-kind donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to accept an in-kind donation of four mountain bikes and upfitting equipment valued at \$8,330 from the Cincinnati Fire Foundation to be used by the Cincinnati Fire Department’s Emergency Medical Bike Unit.

Section 2. That the appropriate City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 11, 2023

**To:** Mayor and Members of City Council

202302126

**From:** Sheryl M. M. Long, City Manager

**Subject: Ordinance – Cincinnati Fire Department: FY 2022 Assistance to Firefighters Grant (AFG)**

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$581,851 from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Assistance to Firefighters Grant Program (ALN 97.044) to provide resources for the replacement of outdated equipment; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Fire Grant Fund 472, revenue account no. 472x8542.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), FY 2022 Assistance to Firefighters Grant Program, (ALN 97.044) of up to \$581,851 to provide resources for the replacement of outdated equipment. This Ordinance further authorizes the Finance Director to deposit grant resources into Fire Grant Fund 472, revenue account no. 472x8542.

The Cincinnati Fire Department will utilize grant resources to purchase eight automatic chest compression devices, including power supplies and battery chargers, and annual onsite maintenance. New equipment will replace and conform noncompliant equipment to national standards.

Acceptance of this grant requires a ten percent local match of \$58,185, which will be paid from existing capital improvement program project account no. 980x272x232704, "Fire Equipment."

There are no new FTEs/full time equivalents associated with the acceptance of this grant.

The City applied for the grant prior to the deadline of March 20, 2023, but no grant resources will be accepted without approval by the City Council.

Acceptance of this grant is in accordance with the "Live" goal to "[c]reate a more livable community" as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$581,851 from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Assistance to Firefighters Grant Program (ALN 97.044) to provide resources for the replacement of outdated equipment; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Fire Grant Fund 472, revenue account no. 472x8542.

WHEREAS, a grant of up to \$581,851 is available from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Assistance to Firefighters Grant Program (ALN 97.044) to provide resources for the replacement of outdated equipment for the Cincinnati Fire Department (“CFD”); and

WHEREAS, the City intends to utilize the grant resources to purchase eight automatic chest compression devices, including external power supplies and battery chargers, to replace and conform noncompliant equipment to national standards, and for annual onsite maintenance; and

WHEREAS, acceptance of this grant requires a ten percent local cost share match of \$58,185 which will be provided from existing capital improvement program project account no. 980x272x232704, “Fire Equipment”; and

WHEREAS, no new FTEs/full time equivalents are associated with acceptance of this grant; and

WHEREAS, the City applied for this grant prior to the deadline of March 20, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$581,851 from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Assistance to Firefighters Grant Program (ALN 97.044) to provide resources for the replacement of outdated equipment.

Section 2. That the Director of Finance is authorized to deposit the grant resources into Fire Grant Fund 472, revenue account no. 472x8542.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



October 11, 2023

**To:** Mayor and Members of City Council

202302131

**From:** Sheryl M. M. Long, City Manager

**Subject: Ordinance – Cincinnati Fire Department: FY 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant**

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$18,884,111 from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (ALN 97.083) to fully fund the salary and benefits of up to fifty fire recruits in the Cincinnati Fire Department for three years; and **AUTHORIZING** the Finance Director to deposit the grant funds into Fire Grants Fund 472, revenue account no. 472x8542.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant of up to \$18,884,111 from the U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), FY 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program, (ALN 97.083) to fully fund the salary and benefits of up to fifty fire recruits in the Cincinnati Fire Department for three years. This Ordinance further authorizes the Finance Director to deposit grant funds into Fire Grant Fund 472, revenue account no. 472x8542.

The Cincinnati Fire Department will utilize grant resources to fully fund the salary and benefits of up to fifty fire recruits for three years. A recruit class will result in fifty additional FTEs; however, CFD's authorized budgeted sworn strength will not be exceeded.

The grant would not provide resources for non-personnel expenses related to the recruit class, including uniforms, personal protective equipment (PPE), psychological testing, books, and other items needed to train and outfit the class, totaling an estimated \$804,617. Resources for these items are provided in the Approved Fiscal Year 2024-2025 Biennial Budget.

The City applied for the grant prior to the deadline of March 17, 2023, but no grant resources will be accepted without approval by the City Council.

Accepting these grant resources is in accordance with the "Live" goal to "[c]reate a more livable community" as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew Dudas, Budget Director  
Karen Alder, Finance Director



Attachment





**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$18,884,111 from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (ALN 97.083) to fully fund the salary and benefits of up to fifty fire recruits in the Cincinnati Fire Department for three years; and **AUTHORIZING** the Finance Director to deposit the grant funds into Fire Grants Fund 472, revenue account no. 472x8542.

WHEREAS, a grant of approximately \$18,884,111 is available from the U.S. Department of Homeland Security, Federal Emergency Management Agency, FY 2022 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program (ALN 97.083) that, if awarded, would be used to fully fund the salary and benefits of up to fifty fire recruits in the Cincinnati Fire Department (“CFD”) for three years; and

WHEREAS, the grant would provide resources for a new recruit class resulting in up to fifty additional FTEs, but the addition of these recruits would not exceed CFD’s authorized budgeted sworn strength; and

WHEREAS, the grant would fully cover the cost of salary and fringe benefits for the new recruit class for three years, without requiring matching funds; and

WHEREAS, the grant would not provide resources for non-personnel expenses for the recruit class, including uniforms, personal protective equipment, psychological testing, books, and other ancillary items and services needed to train and outfit the class, totaling up to \$804,617, but resources for these items are provided for in the approved FY 2024-2025 Biennial Budget; and

WHEREAS, the City has applied for the grant to meet the March 17, 2023 deadline, but no grant funds will be accepted without approval by Council; and

WHEREAS, accepting these grant resources is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$18,884,111 from the U.S. Department of Homeland Security, Federal Emergency Management Agency FY 2022 Staffing for Adequate Fire and Emergency Response (SAFER)

Grant Program (ALN 97.083) to fully fund the salary and benefits of up to fifty fire recruits in the Cincinnati Fire Department for three years.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Fire Grants Fund 472, revenue account no. 472x8542.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 and 2.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

October 16, 2023

**TO:** Members of the Budget and Finance Committee

202302200

**FROM:** Sheryl M.M. Long, City Manager

**SUBJECT:** Revised Department of Finance Report for the Fiscal Year Ended June 30, 2023 (unaudited)

The following report provides an overview of the City of Cincinnati’s financial condition for the fiscal year (FY) ending June 30, 2023. Final revenue and expenditures are compared against the estimates for the fiscal year. Revenues and expenditure trends are reviewed, followed by an explanation of the General Fund’s year-end carryover balance.

**General Fund 2023 Fiscal Year-End Balance**

As shown in the summary table below, the City’s General Fund ended FY 2023 with an actual carryover amount of \$26.2 million including \$8.1 million net FY 2022 carryover. This represents an increase in the FY 2023 carryover balance of \$18.1 million. Revenue estimates included \$85.6 million in ARPA revenue; however, based on guidance from the U.S. Treasury the ARPA revenue was receipted to Fund 469 and \$85.6 million dollars of General Fund expenditures were paid directly from that fund thus decreasing expenditures in the General Fund. Therefore, General Fund revenues exceeded the estimate by \$10.7 million, \$3.7 million in prior year encumbrances were cancelled, and expenditure savings totaled \$11.5 million.

**General Fund Resources, Expenditures and Carryover (in thousands)**

	<b>FY 2023 Final Budget per CFS and After <u>FY2022 Close-out Adj.</u></b>	<b>FY 2023 Unaudited After FY2022 <u>Close-out Adj.</u></b>	<b><u>\$ Change</u></b>
<b>Resources:</b>			
Revenues	\$562,892	\$488,045	(\$74,847)
Transfers In	\$28,350	\$28,350	\$0
Transfers In from Reserves	1,660	1,660	\$0
<i>Total Resources</i>	592,902	518,055	(74,847)
<b>Expenditures:</b>			
Operating Expenditures	478,825	381,710	(\$97,115)
Operating Expenditures related to 2022 close-out	(28,167)	(28,167)	\$0
Operating Expenditures net of 2022 close-out adjustments	450,658	353,543	(97,115)
Transfers Out net of 2022 close-out adjustments	150,010	150,010	0
<i>Net Expenditures and Transfers Out</i>	600,668	503,553	(97,115)
<b>Operating Surplus/Deficit</b>	(7,766)	14,502	22,268
Cancelled Prior Year Encumbrances	3,624	3,662	38
<b>Net Surplus</b>	(4,142)	18,164	22,306
Prior Year Carryover after FY2022 close-out adjustments	8,076	8,076	0
<b>Cash Basis Carryover Balance FY2023</b>	3,934	26,240	22,306

What follows is a brief explanation of resources received and expenditures that occurred throughout the year to achieve the ending FY 2023 carryover balance.

### **Total Resources**

**General Fund Revenues** – Actual FY 2023 revenues of \$488 million were above revenue of \$477.3 million by \$10.7 million, or 1.61%. These amounts did not include the \$85.6 million in ARPA revenue which was received to Fund 469. Overall revenues ended above the estimates due to positive collections in several areas throughout the year. Below are factors that affected revenues:

Favorable Variances:

- Income Tax revenues exceeded estimates by \$5.5 million. Refunds and withholding changes due to the shift to remote work were significantly lower than estimated; however, the refund liability will remain for three years from the date the income tax was due.
- Admission tax collections were \$2.3 million better than expected. The FY 2023 estimates were set at pre-pandemic levels. However, the number of events held in the City was greater than expected and the attendance at events exceeded estimates.
- Investment Income revenue outperformed estimates by \$4.7 million. The positive variance is a result of the increased rate environment and the utilization of an additional investment manager.

Unfavorable Variances:

- Other revenue ended the year \$89.7 million below the estimate due to a change in how \$85.6 million of ARPA revenue was receipted. Based on guidance received from the U.S. Treasury, ARPA revenue was required to be receipted to their own fund, Fund 469, rather than the General Fund thus resulting in a large negative revenue variance in the General Fund.

### **Total Expenditures**

Actual FY 2023 operating expenditures of \$381.7 million, which are a combination of actual expenditures and encumbrances, were less than the Approved FY 2023 Budget by \$97.1 million. This total includes \$47.5 million of one-time expenditures that were approved during FY 2023 but are not recurring annual expenditures. The majority of these savings resulted from the receipt of \$85.6 million of ARPA revenue to Fund 469 vs. the General Fund as required by the U.S. Treasury.

### **Cancelled Encumbrances**

Cancelled encumbrances are prior year planned or anticipated expenditures that did not materialize into actual expenditures in the current fiscal year. Cancelled encumbrances effectively return resources back to the fund balance of the General Fund and thereby contribute to the carryover balance. The Finance Department reviewed prior year encumbrances with departments and cancelled some prior year encumbrances to achieve additional savings for FY 2023. In FY 2023, actual cancelled prior year encumbrances were \$3.7 million.

**FY 2023 Final Reserve Balances**

Reserve balances at June 30, 2023 are as follows:

Actual Balances FY 2023  
As of June 30, 2023

Annual Revenue	\$488,045,786	
Working Capital Reserve	\$41,463,006	8.50%
General Fund Contingency Account	\$9,287,268	1.90%
Economic Downturn Reserve	\$26,919,674	5.52%
General Fund Carryover Balance (includes \$8.1 million from FY 2022)	\$26,239,980	5.38%
Combined Reserves	\$103,909,928	21.29%

Details related to the application of the City’s stabilization funds policy and other potential one-time uses of carryover balance are contained in the FY 2023 Carryover to FY 2024 Report.

**Finance Reports**

In conjunction with this year-end report, submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue for the month ended June 30, 2023
2. City Treasurer’s Monthly Cash Reconciliation Reports for May and June 2023 and May and June monthly audit report of the accounts of the City Treasurer
3. Statement of Balances for all Funds as of June 30, 2023

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

Attachments

c: William “Billy” Weber, Assistant City Manager  
Karen Alder, Director of Finance

CITY OF CINCINNATI - DEPARTMENT OF FINANCE  
 DIVISION OF ACCOUNTS AND AUDITS  
 COMPARATIVE STATEMENT OF REVENUE  
 AS OF 2023/08/30

	BUDGETED	ACTUAL THIS MONTH	A ACTUAL YTD	B FORECAST YTD	(A-B) / B ACTUAL VS FORECAST %	A-B ACTUAL VS FORECAST \$FAV(UNFAV)	C ACTUAL PRIOR YTD	(A-C) / B ACT YTD VS PRI YTD %	A-C ACT YTD VS PRI YTD \$FAV(UNFAV)
<b>TAXES</b>									
General Property Tax	28,998,040.00	.00	28,973,000.20	28,998,040.00	-.09	-25,039.80	29,383,687.57	-1.42	-410,687.37
City Income Tax	343,040,000.00	30,117,941.51	348,529,397.89	343,040,000.00	1.60	5,489,397.89	340,427,193.29	2.36	8,102,204.60
Admissions Taxes	6,608,900.00	1,143,903.45	8,956,633.51	6,608,900.00	35.52	2,347,733.51	7,680,998.11	19.30	1,275,635.40
Short Term Rental Excise Tax	1,100,000.00	87,583.22	1,671,638.19	1,100,000.00	51.97	571,638.19	1,299,037.62	33.87	372,600.57
<b>LICENSES &amp; PERMITS</b>									
Licenses & Permits	24,201,800.00	1,488,693.07	24,975,668.50	24,201,800.00	3.20	773,868.50	22,667,991.42	9.54	2,307,677.08
<b>COURTS &amp; USE OF MONEY &amp; PROPERTY</b>									
Fines, Forfeitures, & Penalties	5,161,980.00	374,402.04	4,179,983.59	5,161,980.00	-19.02	-981,996.41	5,205,399.23	-19.86	-1,025,415.64
Investment Income	4,000,000.00	2,671,890.98	8,744,616.17	4,000,000.00	118.62	4,744,616.17	4,409,210.78	108.39	4,335,405.39
General Concessions, Rents, & Commission	146,000.00	95.00	43,963.84	146,000.00	-69.89	-102,036.16	46,274.26	-1.58	-2,310.42
<b>REVENUE FROM OTHER AGENCIES</b>									
Local Government	16,525,257.00	1,510,510.25	15,953,713.56	16,525,257.00	-3.46	-571,543.44	15,519,019.93	2.63	434,693.63
Other	597,874.45	12,289.12	294,505.29	597,874.45	-50.74	-303,369.16	162,196.49	22.13	132,308.80
Casino	9,500,003.00	.00	10,268,819.88	9,500,003.00	8.09	768,816.88	10,010,683.04	2.72	257,936.84
<b>CHARGES FOR CURRENT SERVICES</b>									
General Government	13,476,600.00	2,257,762.05	12,797,410.75	13,476,600.00	-5.04	-679,189.25	11,294,344.33	11.15	1,503,066.42
Police	2,842,300.00	-363,905.09	3,518,476.91	2,842,300.00	23.79	676,176.91	3,460,359.21	2.04	58,117.70
Buildings and Inspections	4,895,600.01	382,121.29	4,783,720.88	4,895,600.01	-2.29	-111,879.13	4,579,205.39	4.18	204,515.49
Miscellaneous Charges	739,000.00	20,607.27	505,299.10	739,000.00	-31.62	-233,700.90	896,506.49	-52.94	-391,207.39
Fire	9,252,500.00	972,272.31	10,375,456.64	9,252,500.00	12.14	1,122,956.64	10,062,808.97	3.38	312,647.67
Parking Meter	1,500,000.00	125,000.00	1,500,000.00	1,500,000.00	.00	.00	1,500,000.00	.00	.00
<b>MISCELLANEOUS REVENUE</b>									
Miscellaneous Revenue	90,306,430.00	105,166.62	1,973,480.99	90,306,430.00	-97.81	-88,332,949.01	2,268,363.53	-.35	-314,882.54
<b>Total for General Fund - 050</b>	<b>562,892,284.46</b>	<b>40,906,333.09</b>	<b>488,045,785.89</b>	<b>562,892,284.46</b>	<b>-13.30</b>	<b>-74,846,498.57</b>	<b>470,893,479.66</b>	<b>3.05</b>	<b>17,152,306.23</b>
<b>TOTAL</b>	<b>562,892,284.46</b>	<b>40,906,333.09</b>	<b>488,045,785.89</b>	<b>562,892,284.46</b>	<b>-13.30</b>	<b>-74,846,498.57</b>	<b>470,893,479.66</b>	<b>3.05</b>	<b>17,152,306.23</b>

RUN DATE: 08/03/2023  
 RUN TIME: 10.05.55

CITY OF CINCINNATI - DEPARTMENT OF FINANCE  
 DIVISION OF ACCOUNTS AND AUDITS  
 COMPARATIVE STATEMENT OF REVENUE  
 AS OF 2023/08/30

Report 1  
 PGM ID: Council Revenue All Funds  
 PAGE: 1

Fund - Name	BUDGETED	ACTUAL THIS MONTH	A ACTUAL YTD	B FORECAST YTD	(A-B) / B ACTUAL VS FORECAST %	A-B ACTUAL VS FORECAST \$(UNFAV)	C ACTUAL PRIOR YTD	(A-C) / B ACT YTD VS PRI YTD %	A-C ACT YTD VS PRI YTD \$(UNFAV)
101-Water Works	193,028,000.00	17,816,710.83	196,340,229.41	193,028,000.00	1.72	3,312,229.41	181,823,041.67	7.52	14,517,187.74
102-Parking System Facil	5,241,500.00	349,446.69	5,862,132.87	5,241,500.00	11.84	620,632.87	7,172,691.04	-25.00	-1,310,558.17
103-Convention-Expositio	7,885,500.00	2,398,550.21	9,719,222.25	7,885,500.00	23.25	1,833,722.25	11,526,230.02	-22.92	-1,807,007.77
104-General Aviation	2,312,580.00	130,219.00	2,517,229.60	2,312,580.00	8.85	204,649.60	2,478,285.83	1.68	38,943.77
105-Municipal Golf	5,900,000.00	1,622,682.14	8,651,776.65	5,900,000.00	46.64	2,751,776.65	6,938,008.69	29.05	1,713,767.96
107-Stormwater Managemen	29,470,000.00	2,342,714.47	29,501,376.44	29,470,000.00	.11	31,376.44	28,819,379.68	2.31	681,996.76
301-Street Const Mainten	15,568,120.00	1,307,443.45	14,484,187.44	15,568,120.00	-6.96	-1,083,932.56	14,747,926.78	-1.69	-263,739.34
302-Income Tax Infrastru	22,131,610.00	1,957,396.30	22,716,228.50	22,131,610.00	2.64	584,618.50	22,316,123.55	1.81	400,104.95
303-Parking Meter	4,920,490.00	380,068.14	3,631,956.47	4,920,490.00	-26.19	-1,288,533.53	3,649,111.88	-3.35	-17,155.41
306-Municipal Motor Vehi	3,900,000.00	348,703.22	4,188,790.95	3,900,000.00	7.40	288,790.95	4,215,810.54	-6.69	-27,019.59
318-Sawyer Point	848,500.00	107,472.62	614,052.10	848,500.00	-27.63	-234,447.90	776,400.83	-19.13	-162,348.73
323-Recreation Special A	5,485,367.38	712,915.03	4,973,926.69	5,485,367.38	-9.32	-511,440.69	3,742,298.07	22.45	1,231,628.62
329-Cincinnati Riverfron	1,171,000.00	61,234.79	1,129,320.13	1,171,000.00	-3.56	-41,679.87	1,003,414.44	10.75	125,905.69
347-Hazard Abatement Fun	365,580.00	28,868.60	319,869.55	365,580.00	-12.50	-45,710.45	252,130.69	18.53	67,738.86
364-911 Cell Phone Fees	1,300,000.00	781,897.00	1,540,295.60	1,300,000.00	18.48	240,295.60	1,725,671.62	-14.26	-185,376.02
377-Safe & Clean	50,000.00	3,294.57	45,833.34	50,000.00	-8.33	-4,166.66	45,833.34	.00	.00
395-Community Health Cen	30,096,460.00	1,627,903.65	30,288,839.80	30,096,460.00	.64	192,379.80	19,063,062.44	37.30	11,225,777.36
416-Cincinnati Health Di	615,000.00	38,951.01	1,098,049.22	615,000.00	78.54	483,049.22	583,255.55	86.96	534,793.67
449-Cinti Area Geographi	4,563,210.00	607,206.07	3,903,132.69	4,563,210.00	-14.47	-660,077.31	4,493,413.41	-12.94	-590,280.72
455-Streetcar Operations	8,312,866.00	2,047,227.43	7,463,698.70	8,312,866.00	-10.22	-849,167.30	3,823,490.47	43.79	3,640,208.23
457-CLEAR	5,437,560.00	.00	3,684,479.91	5,437,560.00	-32.24	-1,753,080.09	3,056,831.89	11.54	627,648.02



*Interdepartmental  
Correspondence Sheet*

August 23, 2023

**TO:** Mayor and Members of City Council  
**FROM:** Tara J Songer, Finance Manager, Accounts & Audits  
**SUBJECT:** Audit of the City Treasurer's Report for the Month Ended May 31, 2023

In accordance with Article IX, Section 5, of the Administrative Code of the City of Cincinnati, the Finance Manager, Accounts and Audits has examined the Statement of the City Treasurer for the month ended May 31, 2023 and has found it to be correct.

We have on file certifications from banking institutions showing the amounts on deposit as of May 31, 2023.

Certified US Bank Balance	\$7,925,753.85	
Certified Fifth Third Bank Balance	<u>\$52,535,961.91</u>	
General Account Bank Balance Total		\$60,461,715.76
Adjusted for:		
Outstanding Checks	(\$25,640,983.59)	
Net Deposits in Transit	\$675,629.89	
Reconciling Items	<u>\$724,941.62</u>	<u>(\$24,240,412.08)</u>
City of Cincinnati Treasurer's Balance		<u><u>\$36,221,303.68</u></u>

**Parking System Facilities**

Certified Fifth Third Bank Balance		\$17,927.18
Adjusted for:		
Net Deposits in Transit	\$332.00	
Outstanding Checks	\$0.00	
Interest	(\$179.66)	
Reconciling Items	<u>\$0.00</u>	<u>\$152.34</u>
City of Cincinnati Treasurer's Balance		<u><u>\$18,079.52</u></u>



**Retirement System**

Certified US Bank Balance		\$18,059,645.35
Adjustment for:		
Outstanding Checks	(\$51,240.46)	
Net Deposit in Transit	\$0.00	
Reconciling Items	<u>(\$9,473.55)</u>	<u>(\$60,714.01)</u>
City of Cincinnati Treasurer's Balance		<u>\$17,998,931.34</u>

July 25, 2023

To: Mayor and Members of City Council

From: Nicole D. Lee, City Treasurer *ul*

Subject: There is transmitted herewith the report of the City Treasurer's Office, at May 31, 2023 submitted in accordance with Section 301-17 of the Cincinnati Municipal Code.

---

Cash on hand and in the bank to the credit of the following:

**CASH ON HAND IN THE BANK:**

General Account	\$36,221,303.68
Parking System Facilities Account	18,079.52
Retirement System Account	17,998,931.34
Total Treasury Balances	\$54,238,314.54

Investments, in the custody of the City Treasurer, to the credit of the following:

**SECURITIES OF CITY OF CINCINNATI**

Beginning Investments	\$1,388,685,530.22
Purchases	20,000,000.00
Maturities	(20,000,000.00)
Ending Investments	\$1,388,685,530.22

Attachment

**BANK RECONCILIATION  
FOR THE MONTH ENDED 5/31/2023**

**GENERAL ACCOUNT :**

US Bank Balance - City of Cincinnati (#930-0443)	\$ 7,925,753.85
Fifth Third Balance - General Fund (#9990200041)	52,535,961.91
US Bank Balance for Controlled Disbursement Account	0.00
<b>Certified General Account Bank Balance Total</b>	<b>\$ <u>60,461,715.76</u></b>

**Adjusted for :**

Outstanding Checks	\$ (25,640,983.59)		
Net Deposits in Transit	675,629.89		
Controlled Disbursement Account	0.00		
Reconciling Items	<u>724,941.62</u>	(A)	<u>(24,240,412.08)</u>

**TREASURER'S BALANCE** **\$ 36,221,303.68**

**PARKING SYSTEM FACILITIES :**

Certified Fifth Third Bank Balance (#7021328955)	\$ <u>17,927.18</u>
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**Adjusted for :**

Outstanding Checks	\$ 0.00		
Interest	(179.66)		
Net Deposits in Transit	332.00		
Reconciling Items	<u>0.00</u>	(B)	<u>152.34</u>

**TREASURER'S BALANCE** **\$ 18,079.52**

**RETIREMENT SYSTEM :**

Certified US Bank Balance	\$ <u>18,059,645.35</u>
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**Adjusted for :**

Outstanding Checks	\$ (51,240.46)		
Interest	0.00		
Net Deposits in Transit	0.00		
Reconciling Items	<u>(9,473.55)</u>	(C)	<u>(60,714.01)</u>

**TREASURER'S BALANCE** **\$ 17,998,931.34**

**MISCELLANEOUS RECONCILING ITEMS**

<b>(A) <u>GENERAL ACCOUNT :</u></b>	<b>\$</b>	<b>724,941.62</b>	<b>724,941.62</b>	
			0.00	<b>Misc-Fifth Third</b>
				<b>Misc-US Bank</b>
 <b>(B) <u>PARKING ACCOUNT :</u></b>	 <b>\$</b>	 <b>0.00</b>	 0.00	 <b>Unreceipted Deposits</b>
			0.00	<b>Returned Items</b>
			0.00	<b>Receipt Discrepancies</b>
			0.00	<b>Service Charge</b>
 <b>(C) <u>RETIREMENT SYSTEM:</u></b>	 <b>\$</b>	 <b>(9,473.55)</b>	 0.00	 <b>Withdrawal Discrepancy</b>
			0.00	<b>Receipt Discrepancy</b>
			(9,473.55)	<b>Check disbursement error</b>
			0.00	<b>Service Charge</b>

Contacts: (As of 6/19/01)

U.S. Bank - Donna Palmer (phone # 632-4752)

-Mary York is the person who sends information (Phone # 979-1752) (fax#979-1255)



September 7, 2023

**TO:** Mayor and Members of City Council  
**FROM:** Tara J Songer, Finance Manager, Accounts & Audits  
**SUBJECT:** Audit of the City Treasurer’s Report for the Month Ended June 30, 2023

In accordance with Article IX, Section 5, of the Administrative Code of the City of Cincinnati, the Finance Manager, Accounts and Audits has examined the Statement of the City Treasurer for the month ended June 30, 2023 and has found it to be correct.

We have on file certifications from banking institutions showing the amounts on deposit as of June 30, 2023.

Certified US Bank Balance	\$2,522,745.37	
Certified Fifth Third Bank Balance	<u>\$41,263,173.78</u>	
General Account Bank Balance Total		\$43,785,919.15
Adjusted for:		
Outstanding Checks	(\$7,289,787.10)	
Net Deposits in Transit	\$428,912.40	
Reconciling Items	<u>\$426,593.50</u>	<u>(\$6,434,281.20)</u>
City of Cincinnati Treasurer’s Balance		<u><u>\$37,351,637.95</u></u>

**Parking System Facilities**

Certified Fifth Third Bank Balance		\$26,301.39
Adjusted for:		
Net Deposits in Transit	(\$60.00)	
Outstanding Checks	\$0.00	
Interest	(\$238.37)	
Reconciling Items	<u>\$0.00</u>	<u>(\$298.37)</u>
City of Cincinnati Treasurer’s Balance		<u><u>\$26,003.02</u></u>

**Retirement System**

Certified US Bank Balance		\$7,223,676.46
Adjustment for:		
Outstanding Checks	(\$51,240.46)	
Net Deposit in Transit	\$12,907,448.61	
Reconciling Items	<u>\$19,542.66</u>	<u>\$12,875,750.81</u>
City of Cincinnati Treasurer's Balance		<u><u>\$20,099,427.27</u></u>

September 6, 2023

To: Mayor and Members of City Council

From: Nicole D. Lee, City Treasurer

Subject: There is transmitted herewith the report of the City Treasurer's Office, at June 30, 2023 submitted in accordance with Section 301-17 of the Cincinnati Municipal Code.

---

Cash on hand and in the bank to the credit of the following:

**CASH ON HAND IN THE BANK:**

General Account	\$37,351,637.95
Parking System Facilities Account	26,003.02
Retirement System Account	<u>20,099,427.27</u>
Total Treasury Balances	<u><u>\$57,477,068.24</u></u>

Investments, in the custody of the City Treasurer, to the credit of the following:

**SECURITIES OF CITY OF CINCINNATI**

Beginning Investments	\$1,388,685,530.22
Purchases	55,000,000.00
Maturities	<u>(10,000,000.00)</u>
Ending Investments	<u><u>\$1,433,685,530.22</u></u>

Attachment

**BANK RECONCILIATION  
FOR THE MONTH ENDED 6/30/2023**

**GENERAL ACCOUNT :**

US Bank Balance - City of Cincinnati (#930-0443)	\$	2,522,745.37
Fifth Third Balance - General Fund (#9990200041)		41,263,173.78
US Bank Balance for Controlled Disbursement Account		0.00
<b>Certified General Account Bank Balance Total</b>	<b>\$</b>	<b><u>43,785,919.15</u></b>

**Adjusted for :**

Outstanding Checks	\$	(7,289,787.10)	
Net Deposits in Transit		428,912.40	
Controlled Disbursement Account		0.00	
Reconciling Items		<u>426,593.50</u>	(A) <u>(6,434,281.20)</u>

**TREASURER'S BALANCE** **\$ 37,351,637.95**

**PARKING SYSTEM FACILITIES :**

Certified Fifth Third Bank Balance (#7021328955)	\$	<u>26,301.39</u>
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**Adjusted for :**

Outstanding Checks	\$	0.00	
Interest		(238.37)	
Net Deposits in Transit		(60.00)	
Reconciling Items		<u>0.00</u>	(B) <u>(298.37)</u>

**TREASURER'S BALANCE** **\$ 26,003.02**

**RETIREMENT SYSTEM :**

Certified US Bank Balance	\$	<u>7,223,676.46</u>
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**Adjusted for :**

Outstanding Checks	\$	(51,240.46)	
Net Deposits in Transit		12,907,448.61	
Reconciling Items		<u>19,542.66</u>	(C) <u>12,875,750.81</u>

**TREASURER'S BALANCE** **\$ 20,099,427.27**

**MISCELLANEOUS RECONCILING ITEMS**

<b>(A) <u>GENERAL ACCOUNT :</u></b>	<b>\$</b>	<b>426,593.50</b>	426,593.50	
			0.00	Misc-Fifth Third Misc-US Bank
<b>(B) <u>PARKING ACCOUNT :</u></b>	<b>\$</b>	<b>0.00</b>	0.00	Unreceipted Deposits
			0.00	Returned Items
			0.00	Receipt Discrepancies
			0.00	Service Charge
<b>(C) <u>RETIREMENT SYSTEM:</u></b>	<b>\$</b>	<b>19,542.66</b>	0.00	Withdrawal Discrepancy
			19,542.66	Receipt Discrepancy
			0.00	Check disbursement error
			0.00	Service Charge

**Contacts: (As of 6/19/01)**

U.S. Bank - Donna Palmer (phone # 632-4752)

-Mary York is the person who sends information (Phone # 979-1752) (fax#979-1255)

October 16, 2023

**To:** Members of the Budget and Finance Committee

202302210

**From:** Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – FY 2023 Year-End Report  
Recommended Transfers and Appropriations (B Version)**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of \$473,648 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2580, “Reserve for Weather Events, Other Emergency and One-Time Needs,” to provide resources for unanticipated emergencies, including those caused by unusual weather events, to increase the City’s reserve; **ESTABLISHING** new balance sheet reserve account no. 050x3425, “Affordable Housing,” within the General Fund; **AUTHORIZING** the transfer of \$5,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3425 “Affordable Housing,” to provide a one-time contribution to the City’s Affordable Housing Trust Fund; **AUTHORIZING** the transfer and appropriation of \$2,000,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office personnel operating budget account no. 050x101x7500 to provide a one-time contribution to address the City’s pension obligation to the Cincinnati Retirement System; **AUTHORIZING** the transfer of \$500,000 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to provide resources for subsequent appropriation for one-time unforeseen operating needs that arise during the remainder of the ongoing fiscal year; **AUTHORIZING** the transfer of \$150,000 from the General Fund balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$150,000 from the unappropriated surplus of General Fund 050 to the various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation to provide one-time funds for the following: the City Manager’s Office for a project to digitize records for multiple City departments (\$45,000); the City Manager’s Office for detail needs at special events (\$50,000); and the Department of Community and Economic Development for a tax abatement study (\$55,000); and **AUTHORIZING** the transfer of \$10,945,646 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to



provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle.

The B Version of this Emergency Ordinance reflects a correction to the amount of the FY 2023 Carryover and corresponding changes to various transfers and appropriations. Additionally, the Administration’s recommended one-time uses for the remaining \$10,945,646 are transferred to the General Fund balance sheet reserve account no. 050x3440, ‘Infrastructure and Capital Project Reserve,’ to provide resources for subsequent appropriation by the City Council.

This Emergency Ordinance would authorize the various transfers and appropriations as recommended in the FY 2023 Carryover to FY 2024 Report (B Version) (Item #202302199) which includes the following transfers and appropriations:

**Application of FY 2023 Carryover Balance**

<b>Cash Basis Carryover Balance FY 2023</b>		\$ 26,239,980
<b>Uses of Carryover Balance</b>		
<b>Application of Stabilization Funds Policy:</b>		
Less General Fund Carryover Balance (1.5% of operating revenue )		\$ 7,320,687
Less Transfers to Reserve Accounts:		
General Fund Contingency Account (2.00% of operating revenue)	\$ 473,648	
Economic Downturn Reserve (5.00% of operating revenue)	\$ -	
Working Capital Reserve (8.2% of operating revenue)	\$ -	
Total Reserve Transfer from Stabilization Funds Policy		\$ 473,648
<b>Carryover Balance Less Total Applied to Stabilization Funds Policy</b>		<b>\$ 18,445,646</b>
<b>Less Modified Waterfall Uses:</b>		
CRS Pension Contribution		\$ 2,000,000
Affordable Housing Trust Fund		\$ 5,000,000
Operating Budget Contingencies Account		\$ 500,000
<b>Total</b>		<b>\$ 7,500,000</b>
<b>Balance Available</b>		<b>\$ 10,945,646</b>

Additional information regarding the overview of the City of Cincinnati’s financial condition for the fiscal year (FY) ending June 30, 2023, can be found in the Department of Finance Reports for the Fiscal Year Ended June 30, 2023 (unaudited) (Item #202302200).

The reason for the emergency is the immediate need to accomplish the authorized transfers and appropriations so that the funding described herein is in place immediately and so that the necessary expenditures described herein may be made as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

cc: William “Billy” Weber, Assistant City Manager  
Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachments

## EMERGENCY

CNS/B

- 2023

**AUTHORIZING** the transfer of \$473,648 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2580, “Reserve for Weather Events, Other Emergency and One-Time Needs,” to provide resources for unanticipated emergencies, including those caused by unusual weather events, to increase the City’s reserve; **ESTABLISHING** new balance sheet reserve account no. 050x3425, “Affordable Housing,” within the General Fund; **AUTHORIZING** the transfer of \$5,000,000 from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3425 “Affordable Housing,” to provide a one-time contribution to the City’s Affordable Housing Trust Fund; **AUTHORIZING** the transfer and appropriation of \$2,000,000 from the unappropriated surplus of General Fund 050 to the City Manager’s Office personnel operating budget account no. 050x101x7500 to provide a one-time contribution to address the City’s pension obligation to the Cincinnati Retirement System; **AUTHORIZING** the transfer of \$500,000 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to provide resources for subsequent appropriation for one-time unforeseen operating needs that arise during the remainder of the ongoing fiscal year; **AUTHORIZING** the transfer of \$150,000 from the General Fund balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$150,000 from the unappropriated surplus of General Fund 050 to the various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation to provide one-time funds for the following: the City Manager’s Office for a project to digitize records for multiple City departments (\$45,000); the City Manager’s Office for detail needs at special events (\$50,000); and the Department of Community and Economic Development for a tax abatement study (\$55,000); and **AUTHORIZING** the transfer of \$10,945,646 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle.

WHEREAS, in 2015, in Ordinance No. 253-2015, Council adopted a Stabilization Funds Policy to define appropriate funding for the City’s various reserve funds, with such policy being later revised in 2019 through Ordinance No. 213-2019 and revised again in 2022 through Ordinance No. 56-2022; and

WHEREAS, in accordance with the terms of the Stabilization Funds Policy, the Administration recommends transferring funds into the “Reserve for Weather Events, Other Emergency and One-Time Needs”; now, therefore,

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

Section 1. That \$473,648 is transferred from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2580, “Reserve for Weather Events, Other Emergency and One-Time Needs,” to provide resources for unanticipated emergencies, including those caused by unusual weather events, to increase the City’s reserve.

Section 2. That new balance sheet reserve account no. 050x3425, “Affordable Housing,” within the General Fund is established.

Section 3. That \$5,000,000 is transferred from the unappropriated surplus of General Fund 050 to newly created balance sheet reserve account no. 050x3425, “Affordable Housing,” to provide a one-time contribution to the City’s Affordable Housing Trust Fund.

Section 4. That \$2,000,000 is transferred and appropriated from the unappropriated surplus of General Fund 050 to the City Manager’s Office personnel operating budget account no. 050x101x7500 to provide a one-time contribution to address the City’s pension obligation to the Cincinnati Retirement System.

Section 5. That \$500,000 is transferred from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to provide resources for subsequent appropriation for one-time unforeseen operating needs that arise during the remainder of the ongoing fiscal year.

Section 6. That \$150,000 is transferred from the General Fund balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of General Fund 050.

Section 7. That \$150,000 is transferred and appropriated from the unappropriated surplus of General Fund 050 to various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation to provide one-time

funds for the following: the City Manager’s Office for a project to digitize records for multiple City departments (\$45,000); the City Manager’s Office for detail needs at special events (\$50,000); and the Department of Community and Economic Development for a tax abatement study (\$55,000).

Section 8. That \$10,945,646 is transferred from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” to provide resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle.

Section 9. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 8.

Section 10. 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 accomplish the authorized transfers and appropriations so that the funding described herein is in place immediately and so that the necessary expenditures described herein may be made as soon as possible.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

**SCHEDULE OF TRANSFER**

**SCHEDULE A. FY 2023 Closeout Operating Budget Transfer Schedule**

General Fund 050													
<i>REDUCTIONS</i>							<i>INCREASES</i>						
Fund	Agency	Bureau	Appropriation Unit	Obj Code	\$ Amount		Fund	Agency	Bureau	Appropriation Unit	Obj Code	\$ Amount	
<b>SUPPLEMENTAL APPROPRIATIONS SOURCE ACCOUNTS</b>							<b>SUPPLEMENTAL APPROPRIATIONS USE ACCOUNTS</b>						
UNAPPROPRIATED SURPLUS	050				150,000		CITY MANAGER'S OFFICE						
							CITY MANAGER'S OFFICE	050	101	0000	7200	7289	45,000
							CITY MANAGER'S OFFICE	050	101	0000	7400	7449	50,000
							COMMUNITY AND ECONOMIC DEVELOPMENT						
							ECONOMIC DEVELOPMENT AND MAJOR/SPECIAL PROJECTS	050	164	0000	7200	7289	55,000
							<b>Subtotal Supplemental Appropriations</b>						<b>150,000</b>
<b>TOTAL FUND REDUCTIONS</b>					<b>150,000</b>	<b>TOTAL FUND INCREASES</b>					<b>150,000</b>		

October 16, 2023

**TO:** Members of the Budget and Finance Committee 202302199  
**FROM:** Sheryl M. M. Long, City Manager  
**SUBJECT:** FY 2023 Carryover to FY 2024 Report (B Version)

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The following report provides an overview of the City of Cincinnati’s General Fund FY 2023 year-end balance and application of the Stabilization Funds Policy adopted by the City Council. This report also includes FY 2024 Budget considerations for discussion.

**General Fund 2023 Fiscal Year-End Balance and One-Time Uses**

As shown in the table below, the City’s General Fund ended FY 2023 with a carryover amount of \$26.2 million including \$8.1 million net FY 2022 carryover.

Utilizing the City’s Stabilization Funds Policy as recently amended to include contributions to the Cincinnati Retirement System (CRS) for unfunded pension obligations, Affordable Housing Trust Fund, and an Operating Budget Contingencies Account, \$10.9 million is available for one-time uses. In line with the previous report, in this carryover report the Administration is recommending investments in Deferred Infrastructure and Capital Maintenance.

The following table includes a breakdown of how the recommended carryover will apply to reserves and the Administration’s recommended one-time uses.

**Application of FY 2023 Carryover Balance**

<b>Cash Basis Carryover Balance FY 2023</b>		\$ 26,239,980
<b>Uses of Carryover Balance</b>		
<b>Application of Stabilization Funds Policy:</b>		
Less General Fund Carryover Balance (1.5% of operating revenue )		\$ 7,320,687
Less Transfers to Reserve Accounts:		
General Fund Contingency Account (2.00% of operating revenue)	\$ 473,648	
Economic Downturn Reserve (5.00% of operating revenue)	\$ -	
Working Capital Reserve (8.2% of operating revenue)	\$ -	
Total Reserve Transfer from Stabilization Funds Policy		\$ 473,648
<b>Carryover Balance Less Total Applied to Stabilization Funds Policy</b>		<b>\$ 18,445,646</b>
<b>Less Modified Waterfall Uses:</b>		
CRS Pension Contribution		\$ 2,000,000
Affordable Housing Trust Fund		\$ 5,000,000
Operating Budget Contingencies Account		\$ 500,000
<b>Total</b>		<b>\$ 7,500,000</b>
<b>Balance Available</b>		<b>\$ 10,945,646</b>
<b>Less One-Time Uses:</b>		
Administration's Recommended One-Time Uses		
Deferred Capital Maintenance - 65%		\$ 7,095,646
Industrial Site Redevelopment		\$ 1,600,000
West End Community Development Initiatives		\$ 2,000,000
Keep Cincinnati Beautiful (KCB) Capital Facilities Improvements		\$ 250,000
<b>Total</b>		<b>\$ 10,945,646</b>
<b>Balance Available</b>		<b>\$ 0</b>

**Uses of Carryover Balances**

**Application of Stabilization Funds Policy**

The Government Finance Officers Association (GFOA) recommends that local governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the General Fund. The City’s Stabilization Funds Policy, approved by the City Council in Ordinance No. 0253-2015 and subsequently amended in Ordinance Nos. 0213-2019 and 0056-2022, incorporates the GFOA’s recommended two months of general fund operating revenues, or 16.7% of annual general fund operating revenues.

Per the Stabilization Funds Policy, the following transfers will be requested via ordinance: \$473,648 to the General Fund Contingency Account. Based on the policy, \$7.3 million will remain in the General Fund balance.



FY 2022 Balances  
After Close-out Adjustments

Actual FY 2022 Revenue	\$538,393,480	
Working Capital Reserve	\$44,148,265	8.20%
General Fund Contingency Account	\$10,767,870	2.00%
Economic Downturn Reserve	\$26,919,674	5.00%
General Fund Carryover Balance (After Uses)	<u>\$8,075,902</u>	<u>1.50%</u>
Total Stabilization Policy Reserves	\$89,911,711	16.70%
30% Income Tax Reserve for Refunds	<u>\$50,015,389</u>	
Total Combined Reserves	\$139,927,100	

Balances June 30, 2023  
After Proposed Transfers

Annual FY 2023 Revenue	\$488,045,786	
Working Capital Reserve	\$41,463,006	8.50%
General Fund Contingency Account	\$9,760,916	2.00%
Economic Downturn Reserve	\$26,919,674	5.52%
General Fund Carryover Balance (After Uses)	<u>\$7,320,687</u>	<u>1.50%</u>
Total Combined Reserves	\$85,464,283	17.51%
Income Tax Reserve for Refunds	<u>\$50,015,389</u>	
Total Combined Reserves	\$135,479,672	

To ensure fiscal stability, the Administration is committed to managing the City’s operations in a prudent, responsible way through the adherence to management disciplines, including the Stabilization Funds Policy. The City must plan for and be prepared to mitigate fluctuations in demand for services as well as changes in revenues influenced by the economy and budgetary decisions made by the State of Ohio and the federal government. Especially in the face of the uncertainty caused by remote work trends and a weakened national economy, the City must be prepared for unforeseen events that could result in additional expenditure requirements or loss of revenues by maintaining prudent levels of fund balance and reserves as set forth in the Stabilization Funds Policy. The rating agencies have emphasized the importance of maintaining appropriate reserves to ensure financial stability and to retain the current bond ratings.

It should be noted that with these recommended transfers, the City will have maintained the minimum 16.7% of annual General Fund operating revenue set aside in reserves in accordance with Stabilization Funds Policy. The City’s Stabilization Funds Policy is based on the GFOA’s guideline that two months of regular general fund operating revenue or regular general fund expenditures (or 16.7%) be maintained in reserves. Given the ongoing impact that COVID had on revenue stability, the City took a very conservative approach in 2022 and opted to include American Rescue Plan (ARP) revenue in the reserve calculation to reflect the General Fund

expenses paid with ARP revenue. However, now that the City's revenue has stabilized to a "new normal," the Administration is comfortable with removing the ARP revenue from the calculation.

### **Amended Stabilization Funds Policy Uses**

Based on the amended Stabilization Funds Policy waterfall mechanism, the following items will be funded:

- \$5.0 million will be allocated to the Affordable Housing Trust Fund, to be deployed through the established partnership with the Cincinnati Development Fund (CDF).
- \$2.0 million will be contributed to the Cincinnati Retirement System (CRS) to address unfunded pension obligations.
- \$500,000 will be allocated to the Operating Budget Contingencies Account.

The Administration recommends allocating 30% (or \$150,000) from the Operating Budget Contingencies Account to the following one-time needs in the City's FY 2024 General Fund Operating Budget:

- City Manager's Office: Records Digitization Project (\$45,000) – Funds will cover the cost of digitizing records for multiple departments including Law and Buildings and Inspections.
- City Manager's Office: Special Events Detail Costs (\$50,000) – Funds will cover additional costs for city staff details for various special events occurring in the City.
- Department of Community and Economic Development: Tax Abatement Study (\$55,000) – Funds will cover the cost of a tax abatement study with the City and Cincinnati Public Schools (CPS).

The Administration recommends that the remaining \$350,000 be held in reserve in the Operating Budget Contingencies Account, to cover unforeseen operating expense needs that arise during the remainder of the fiscal year.

### **Carryover Uses**

As part of the Stabilization Funds Policy, \$10,945,646 is available for one-time uses for FY 2024. Below are the Administration's recommendations on how to use these funds, based on Mayoral and City Council priorities.

#### *Administration's Recommended One-Time Uses*

- Deferred Capital Maintenance (\$7,095,646) – The recommended \$7,095,646 allocation will provide funding to address the backlog of deferred maintenance of the City's capital assets as well as information technology equipment and represents 65% of the \$10,945,646 available for one-time uses. The recommended projects include the following amounts by department:
  - Enterprise Technology Solutions – \$1,795,646
    - \$795,646 to replace radios used by multiple City Departments including Police and Fire
    - \$500,000 for Lifecycle Asset Replacement of Windows based devices
    - \$250,000 to install, repair, and replace uninterruptable power supply (UPS) systems at all network locations

- \$250,000 to replace the City’s phone systems and provide a unified communications system
  - City Manager’s Office – \$400,000
    - An additional allocation of funds for the Office of Environment and Sustainability (OES) to add two new locations (Millvale and Evanston) as Solar Panel Battery Backup Resiliency Hubs
  - Department of Community and Economic Development – \$1,000,000
    - Funds for the Division of Parking Services for improvements to off-street parking garages
  - Department of Public Services – City Facilities Management (CFM) – \$3,400,000
    - \$1,000,000 for asbestos abatement at various City facilities
    - \$1,000,000 for improvements at public safety facilities
    - \$500,000 for the Fire Training Center
    - \$400,000 for an electrical Arc Flash Hazard Study and mitigation efforts
    - \$250,000 for heating, ventilation, and air conditioning (HVAC) upgrades at various City facilities
    - \$250,000 for safety upgrades at various City facilities
  - Department of Public Services – Fleet Services – \$500,000
    - Funds to replace the Cincinnati Police Department’s Special Weapons and Tactics (SWAT) vehicle
- Industrial Site Redevelopment (\$1,600,000) – Funds will be used for industrial site redevelopment projects in conjunction with The Port.
- West End Community Development Initiatives (\$2,000,000) – Funds will be used for various community development initiatives in the West End neighborhood.
- Keep Cincinnati Beautiful (KCB) Capital Facilities Improvements (\$250,000) – Funds will be used to support KCB’s efforts for capital facilities improvements.

### **2024 Pending Matters**

There are several budget concerns for FY 2024 and beyond that are noteworthy. These include the following:

- FY 2024 Approved General Fund Budget – The Approved FY 2024 General Fund Budget was balanced but not structurally balanced due to the reliance on \$28.2 million in one-time American Rescue Plan (ARP) funds. The Administration will monitor the budget closely and report back to Council during FY 2024 on how actual revenues align with revenues projected in the Approved FY 2024 Budget.
- FY 2025 Projected General Fund Budget Deficit – The Approved FY 2025 General Fund Budget is balanced but not structurally balanced due to the reliance on \$25.2 million in one-time American Rescue Plan (ARP) funds. FY 2025 is the final year for the use of ARP funds, but even with this resource, a General Fund deficit of \$9.4 million is projected. Expenditures are projected to grow at a faster pace than revenues with the income tax projected to be flat as compared to FY 2024.

- FY 2026-2028 Projected General Fund Budget Deficits – The General Fund multi-year forecast for FY 2026-2028 shows expenditures growing at a faster pace than revenues and assumes that most revenue growth following the COVID-19 pandemic subsides. The projected General Fund budget deficits for FY 2026-2028 are \$34.9 million, \$44.9 million, and \$55.1 million respectively.
- Ratings Agencies – Moody’s Investors Services’ current assigned rating is Aa2 for the City’s outstanding general obligation unlimited tax (GOULT) debt, and the rating is Aa3 on the City’s outstanding non-tax revenue debt. The outlook is stable. S&P Global (formerly Standard & Poor’s) Ratings Services’ current assigned rating is AA for the City’s long-term unlimited-tax general obligation (GO) bonds and an AA long-term rating on the City’s non-tax revenue bonds. The outlook is stable.
- Income Tax – The FY 2024 Income Tax estimate was based on the forecasted FY 2023 collections as of April, revenue trends, and the University of Cincinnati (UC) Economics Center’s forecast. The UC forecast also projects relatively flat growth in income tax revenue from FY 2025 – FY 2028. Income tax revenue has stabilized as employees are now permanently working remote and hybrid work schedules. While there has not been a sharp increase in refund requests, there remains a refund liability to the City for a running three-year period while employees remain eligible for a refund. It should be stressed that the City remains overly reliant on income tax revenue, which makes it susceptible to long-term changes in work trends.

**Recommendation**

The Administration requests this report be approved and filed and recommends approval of the accompanying Ordinance.

cc: William “Billy” Weber, Assistant City Manager  
 Karen Alder, Finance Director  
 Andrew Dudas, Budget Director