



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, January 11, 2023

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

Civil Service Commission

1. [202202281](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Jim Robinson to the Civil Service Commission for a term of six years. This reappointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/White)

Recommendation CONFIRM

Sponsors: Mayor

Cincinnati Elections Commission

2. [202202300](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Sally Jo Krisel to the Democratic-party affiliated seat of the Cincinnati Elections Commission for a term of four years, beginning December 1, 2022. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/White)

Recommendation CONFIRM

Sponsors: Mayor

Cincinnati Retirement System

3. [202300319](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Seth Walsh to the Board of Trustees of the Cincinnati Retirement System to fill the unexpired term of Councilmember Jeff Cramerding, expiring on January 26, 2026. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/White)

Recommendation HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL

Sponsors: Mayor

MR. CRAMERDING

4. [202300277](#) **MOTION**, submitted by Councilmember Cramerding, **WE MOVE** that Councilmember Jeff Cramerding be removed from the Public Safety and

Governance Committee.

Recommendation ADOPT

Sponsors: Cramerding

MR. HARRIS

MR. CRAMERDING

5. [202300274](#) **MOTION**, submitted by Councilmembers Harris and Cramerding, **I MOVE** that Councilmember Jeff Cramerding be appointed as the Vice Chair of the Budget and Finance Committee.

Recommendation ADOPT

Sponsors: Harris and Cramerding

6. [202300278](#) **MOTION**, submitted by Councilmembers Cramerding and Harris, **I MOVE** that Councilmember Reggie Harris be appointed as Vice Chair of the Equitable Growth and Housing Committee.

Recommendation ADOPT

Sponsors: Cramerding and Harris

MR. JOHNSON

MS. KEARNEY

7. [202300321](#) **MOTION**, submitted by Councilmember Johnson and Vice Mayor Kearney, **WE MOVE** that the City Administration support Mayor Aftab Pureval's recommendation to give the honorary, secondary street name of "Dr. O'dell Owens Way" to Central Parkway at the corner of Ezzard Charles Drive. (STATEMENT ATTACHED)

Recommendation HEALTHY NEIGHBORHOODS COMMITTEE

Sponsors: Johnson and Kearney

CITY MANAGER

8. [202300260](#) **REPORT**, dated 1/11/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Reds Opening Day Block Party.

Recommendation FILE

Sponsors: City Manager

9. [202300262](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 1/11/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$168,053 in FY 2023 Office of Law Enforcement Recruitment funds from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services, for the purpose of developing the Cincinnati Police Department recruiting process, specifically the Cadet Apprenticeship Program, to include emphasis on recruitment of women and minorities; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Law Enforcement Grant Fund 368, project account no. 23LERF.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

10. [202300263](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/11/2023, **AUTHORIZING** a payment of \$86,904 to Rainbow Environmental Services as a moral obligation for outstanding charges related to asbestos abatement preparation services prior to the demolition of dangerous and unsafe buildings for the Department of Buildings and Inspections, to be paid from the Community Development Block Grant Fund 304 project account no. 304x161x0000x7656x30421136.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

11. [202300264](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/11/2023, **ESTABLISHING** the City of Cincinnati's human services funding priorities for Fiscal Year 2024 and subsequent Fiscal Years; **ESTABLISHING** an Impact Award for one large-scale social innovation project; **ESTABLISHING** a multi-year funding cycle for all human services funding; **ADVISING** the United Way and any other organization assisting the City with evaluating human services funding applications that City Council's policy regarding the City of Cincinnati's human services funding priorities is as follows: Impact Award, up to 33 percent; Comprehensive Workforce Development Support, 25 percent; Youth Gun Violence Prevention and Reduction, twenty percent; Supporting, Securing, and Stabilizing Housing for High-Risk Populations, ten percent; Emergency Wrap-Around Services (through Project LIFT), ten percent; overhead, two percent; and **ADVISING** the United Way and any other organization assisting the City with evaluating human services funding applications that the initial Impact Award should prioritize eviction prevention and housing stabilization.

Recommendation
BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

12. [202300265](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 1/11/2023, **AUTHORIZING** the City Manager to execute a Lease and Operating Agreement with Great Parks of Hamilton County pursuant to which Great Parks of Hamilton County will lease and operate the City-owned public park known as Fernbank Park in Saylor Park.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

13. [202300267](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 1/11/2023, **AUTHORIZING** the City Manager to execute a Grant of Easement in favor of Barrister Apartments, LLC, pursuant to which the City of Cincinnati will grant encroachment easements upon portions of Pancoast Alley and Crow Alley in the Central Business District.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

14. [202300275](#) **REPORT**, dated 1/11/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for 55th Annual Cincinnati St.

Patrick's Parade.

Recommendation FILE

Sponsors: City Manager

15. [202300276](#) **REPORT**, dated 1/11/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Bockfest 5K.

Recommendation FILE

Sponsors: City Manager

16. [202300279](#) **REPORT**, dated 1/11/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Bockfest 2023.

Recommendation FILE

Sponsors: City Manager

17. [202300281](#) **REPORT**, dated 1/11/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Heart Mini Marathon.

Recommendation FILE

Sponsors: City Manager

18. [202300334](#) **REPORT**, dated 1/11/2023 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 Bar On Race LLC, 595 Race Street. (#0435353, D5 D6, Transfer) [Objections: None]

Recommendation FILE

Sponsors: City Manager

19. [202300335](#) **REPORT**, dated 1/11/2023 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 Street. (#0040337, D2 D3 D6, Transfer) [Objections: Yes]

Recommendation FILE

Sponsors: City Manager

20. [202300336](#) **REPORT**, dated 1/11/2023 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 Green Living By Design LLC, DBA Green Living By Design, 117 E. Galbraith Road. (#3350566, C1 C2, New) [Objections: Yes]

Recommendation FILE

Sponsors: City Manager

21. [202300344](#) **REPORT**, dated 1/11/2023 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 Ichiban On Elm LLC, 1000 Elm Street. (#4120195, D5 D6, Transfer) [Objections: Yes]

Recommendation FILE

Sponsors: City Manager

CLERK OF COUNCIL

22. [202300110](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Amanda Gabrielle Gray/ MSD - Superintendent.
Recommendation FILE
Sponsors: Clerk of Council
23. [202300116](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Roy Jeffrey Hackworth/ Community and Economic Development/ Manager.
Recommendation FILE
Sponsors: Clerk of Council
24. [202300122](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Craig Robert Sherman/ Parks/Division Manager.
Recommendation FILE
Sponsors: Clerk of Council
25. [202300127](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jeanette Shoecraft/CRC/Division Manager/CFO.
Recommendation FILE
Sponsors: Clerk of Council
26. [202300130](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Emily Elizabeth Smart Woerner/City Solicitor.
Recommendation FILE
Sponsors: Clerk of Council
27. [202300135](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Todd J. Smith/GCWW - IT Manager.
Recommendation FILE
Sponsors: Clerk of Council
28. [202300140](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Kenneth Douglas Smith/Public Services/Division Manager (CFO).
Recommendation FILE
Sponsors: Clerk of Council
29. [202300145](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Tara Jo Songer/Finance/Finance Manager.
Recommendation FILE
Sponsors: Clerk of Council
30. [202300151](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Donald George Stiens/Division Manager.
Recommendation FILE
Sponsors: Clerk of Council

31. [202300156](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Lauren Beth Sundararajan/City Manager/Internal Audit Manager.
- Recommendation** FILE
- Sponsors:** Clerk of Council
32. [202300162](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Virginia E. Tallent/Interim Assistant City Manager.
- Recommendation** FILE
- Sponsors:** Clerk of Council
33. [202300168](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Michael A. Washington/Fire Chief.
- Recommendation** FILE
- Sponsors:** Clerk of Council
34. [202300174](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for William Patrick Weber/Assistant City Manager.
- Recommendation** FILE
- Sponsors:** Clerk of Council
35. [202300180](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for James Cameron Wilson/CMO - OPDA / Division Manager.
- Recommendation** FILE
- Sponsors:** Clerk of Council
36. [202300186](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Chandra D. Yungbluth/DPS/Operations Superintendent.
- Recommendation** FILE
- Sponsors:** Clerk of Council
37. [202300192](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Eric Marshall Jamison/OPDA/Director.
- Recommendation** FILE
- Sponsors:** Clerk of Council
38. [202300198](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Cuthbert Jude Johnson/Human Resources/Superintendent.
- Recommendation** FILE
- Sponsors:** Clerk of Council
39. [202300204](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Katherine Erinn Keough-Jurs/Dept. of City Planning and Engagement/Director.
- Recommendation** FILE
- Sponsors:** Clerk of Council

40. [202300210](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Joel Q. Koopman/Deputy Director of Public Services.
Recommendation FILE
Sponsors: Clerk of Council
41. [202300216](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Kelly Leigh LaFrankie/OPDA - Division Manager (Innovation).
Recommendation FILE
Sponsors: Clerk of Council
42. [202300221](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Collin Foster Mays/Director of Economic Inclusion.
Recommendation FILE
Sponsors: Clerk of Council
43. [202300227](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Herbert Ian McCoy/Information Technology Manager.
Recommendation FILE
Sponsors: Clerk of Council
44. [202300233](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jennifer L Mobley/Parks - Deputy Director.
Recommendation FILE
Sponsors: Clerk of Council
45. [202300238](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Edward Guy Ramsey/Human Resources/Director.
Recommendation FILE
Sponsors: Clerk of Council
46. [202300244](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Amy Michelle Reineke/GCWW/Division Manager.
Recommendation FILE
Sponsors: Clerk of Council
47. [202300249](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jennifer Lynn Richmond/Deputy Director.
Recommendation FILE
Sponsors: Clerk of Council
48. [202300255](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Eric Saylor/Water/City Stormwater Management Engineer.
Recommendation FILE

- Sponsors:** Clerk of Council
49. [202300256](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Anthony Vaughn Searls/GCWW/Commercial Services Superintendent.
- Recommendation** FILE
- Sponsors:** Clerk of Council
50. [202300286](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Marion Eugene Haynes III/Deputy Solicitor.
- Recommendation** FILE
- Sponsors:** Clerk of Council
51. [202300292](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Lori Jean Burchett/DOTE/Deputy Director/Streetcar Services.
- Recommendation** FILE
- Sponsors:** Clerk of Council
52. [202300297](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Crystal Ann Courtney/Division Manager/Parks.
- Recommendation** FILE
- Sponsors:** Clerk of Council
53. [202300302](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Cheryl Drexler Watson/Finance/Division Manager.
- Recommendation** FILE
- Sponsors:** Clerk of Council
54. [202300307](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Alex W. Peppers/Department of City Planning and Engagement/Deputy Director.
- Recommendation** FILE
- Sponsors:** Clerk of Council
55. [202300312](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Grant McCann Mussman/Interim Health Commissioner.
- Recommendation** FILE
- Sponsors:** Clerk of Council
56. [202300317](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Emily Sheckels Ahouse/City Planning and Engagement/Zoning Administrator.
- Recommendation** FILE
- Sponsors:** Clerk of Council
57. [202300328](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Reginald Jarvis Harris/Councilmember.
(CITY)

Recommendation FILE

Sponsors: Clerk of Council

58. [202300330](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for John Albert Rennekamp/Sewer/Division Manager.

Recommendation FILE

Sponsors: Clerk of Council

59. [202300331](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Rajesh Ranjit/DCED/Division Manager-Fiscal & Operation.

Recommendation FILE

Sponsors: Clerk of Council

60. [202300332](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Daniel Glenn Bower/Community & Economic Development/Deputy Director.

Recommendation FILE

Sponsors: Clerk of Council

61. [202300337](#) **SUCCESSOR**, submitted by the Clerk of Council that the Successor Designation Certificate for Councilmember Reggie Harris was received.

Recommendation FILE

Sponsors: Clerk of Council

62. [202300338](#) **SUCCESSOR**, submitted by the Clerk of Council that the Successor Designation Certificate for Councilmember Meeka Owens was received.

Recommendation FILE

Sponsors: Clerk of Council

63. [202300339](#) **SUCCESSOR**, submitted by the Clerk of Council that the Successor Designation Certificate for Councilmember Liz Keating was received.

Recommendation FILE

Sponsors: Clerk of Council

64. [202300340](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Meeka Dannielle Owens/Councilmember. (CITY)

Recommendation FILE

Sponsors: Clerk of Council

BUDGET AND FINANCE COMMITTEE

65. [202202302](#) **REPORT**, dated 1/5/2023, submitted Sheryl M. M. Long, City Manager, regarding the Finance and Budget Monitoring Report for the Period Ending October 31. 2022.

Recommendation APPROVE & FILE

Sponsors: City Manager

66. [202202306](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/5/2023, **AUTHORIZING** the City Manager to apply for, accept and appropriate a grant in an amount up to \$273,639 from the Ohio Office of Criminal Justice Services, FY 2022 Coronavirus Emergency Supplemental Funding (CESF) - Warrants Program (ALN 16.034) for the purpose of reimbursing the Cincinnati Police Department for the costs associated with serving warrants, which will reduce the number of outstanding open warrants that resulted from the COVID-19 pandemic; and **AUTHORIZING** the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 22WARR.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
67. [202202307](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 1/5/2023, **AUTHORIZING** the City Manager to accept a donation in the amount of \$302.20 from Green Umbrella for the purpose of reimbursing travel expenses for the Cincinnati Recreation Commission Director to attend the Civic Commons Studio #6 Conference in Minneapolis, Minnesota; **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund 050 revenue account no. 050x8571.
- Recommendation** PASS
- Sponsors:** City Manager
68. [202202309](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 1/5/2023, **MODIFYING** Chapter 311 of the Cincinnati Municipal Code, "City of Cincinnati Income Tax," by **AMENDING** Sections 311-3, "Purposes; Imposition of the Tax; Tax Rates," 311-7, "Allocation of Funds," and 311-23, "Collection at Source; Withholding from Qualifying Wages," to include changes to the City's earning tax rate to comply with Article VIII, Section 6c of the Charter of the City.
- Recommendation** PASS
- Sponsors:** City Manager
69. [202300320](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 1/9/2023, **AUTHORIZING** the transfer of and return to source of the sum of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, "Emery Theatre-TIF," to the unappropriated surplus of Downtown OTR East Equivalent Fund 483 for the purpose of closing out the capital improvement program project account; **AUTHORIZING** the transfer and appropriation of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway; and **DECLARING** that expenditures from the Emery Theatre-TIF project to be a public purpose and constitute a "Public Infrastructure Improvement" (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43

Recommendation PASS

Sponsors: City Manager

70. [202300322](#) **ORDINANCE (B VERSION) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/9/2023, **AUTHORIZING** the establishment of capital improvement program project account nos. 980x101x231038, "Martin Luther King, Jr. Monument," for the purpose of providing resources for a monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.; 980x164x231636, "Development ROW Improvements," for the purpose of providing resources to rehabilitate property and infrastructure located within, and adjacent to, the right-of-way on city streets; 980x212x232108, "BuildingBlocks Code Enforcement Interface," for the purpose of providing resources for a map-based application, equipped to provide advanced data analytics and automated reporting within a single interface, that connects and updates property data held in different systems and formats across departments and agencies; and 980x203x232028, "System Wide Masonry Repairs," for the purpose of providing resources for removal of safety hazards and restoration of infrastructure including, but not limited to, stone walls, unit pavers, as well as concrete and asphalt hard surfaces throughout the Park system; **AUTHORIZING** the redirection of the sum of \$120,000 in donated resources from the Cincinnati Board of Park Commissioners Private Endowment Funds from capital improvement program project account no. 980x203x182011, "System Wide Masonry Repairs," to the unappropriated surplus of Parks Private Endowment and Donations Fund 430; **AUTHORIZING** the transfer of and return to source Funds 050, 757, 758, 762, 858, and 871 the sum of \$3,746,443.87 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section A of the attached Schedule of Transfer; **AUTHORIZING** the transfer of and return to source Funds 102, 103, 302, 318, 430, 481, 482, 483, and 498 the sum of \$1,134,663.71 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$4,026,591.23 from the unappropriated surplus of General Capital Funds 050, 757, 758, 762, 858, and 871 to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$1,092,733.40 from the unappropriated surplus of Restricted Capital Funds 302, 430, and 761 to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section D of the attached Schedule of Transfer; **AUTHORIZING** the transfer of and return to source Funds 107 and 846 the sum of \$5,677,384.58 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section E of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$5,677,384.58 from the unappropriated surplus of Restricted Capital Funds 107 and 846 to existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section F of the attached Schedule of Transfer; **AUTHORIZING**

the transfer of and return to source of General Fund 050 the sum of \$24,000,000 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section G of the attached Schedule of Transfer; AUTHORIZING the transfer and appropriation of the sum of \$24,000,000 from the unappropriated surplus of General Fund 050 to new capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section H of the attached Schedule of Transfer; AUTHORIZING the transfer of the sum of \$2,032 from the unappropriated surplus of the Parking System Facilities Fund 102 to reserve account no. 102x3441, "U-Square Garage - Reserve for Capital Projects," for the purpose of dedicating resources for future repairs to the identified garage; AUTHORIZING the acceptance and appropriation of a donation totaling \$67,936.97 from the Cincinnati Recreation Foundation into various existing capital improvement program project accounts as follows: \$3,346 into 980x199x201902, "Aquatics Facilities Renovation"; \$3,025 into 980x199x201903, "Athletics Facilities Renovation"; \$38,540.89 into 980x199x201900, "Outdoor Facilities Renovation"; and \$23,025.08 into 980x199x201913, "Hirsch Walking Trail," for the purpose of providing resources to the Cincinnati Recreation Commission's Capital Improvement Plan; AUTHORIZING the Finance Director to deposit donated sums from the Cincinnati Recreation Foundation into various existing capital improvement program project accounts as follows: \$3,346 into 980x199x201902, "Aquatics Facilities Renovation"; \$3,025 into 980x199x201903, "Athletics Facilities Renovation"; \$38,540.89 into 980x199x201900, "Outdoor Facilities Renovation"; and \$23,025.08 into 980x199x201913, "Hirsch Walking Trail"; and further DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Recommendation

PASS EMERGENCY

Sponsors:

City Manager

SUPPLEMENTAL ITEMS**PUBLIC SAFETY & GOVERNANCE COMMITTEE**

71. [202202273](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 12/21/2022, **MODIFYING** Chapter 119 of the Cincinnati Municipal Code, "Prohibition on the Solicitation of or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business," by amending Section 119-1-C2, "City Business"; **MODIFYING** Chapter 331 of the Cincinnati Municipal Code, "Sale or Lease of City-Owned Real Property - Approval as to Form and Recording of Conveyance Documents" by amending Section 331-9, "Sale, Lease, or Use of City-Owned Real Property Without Council Approval"; and **MODIFYING** Chapter 1101 of the Cincinnati Municipal Code, "Administration," by amending Section 1101-15, "Permits, Prior Approvals Required," all to improve the efficiency and transparency of the City's process for conveying easements in city-owned real property.

Recommendation PASS

Sponsors: City Manager

72. [202300257](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/5/2023, **AUTHORIZING** an archery display and demonstrations by a professional archer during the hunting and fishing portion of the Travel, Sports, and Boat Show at the Duke Energy Convention Center from January 17 through 29, 2023, notwithstanding the prohibitions in Cincinnati Municipal Code Sections 708-41 and 708-27 against possession and use of a deadly or dangerous weapon within any City building and against discharge of any dangerous weapon in the City.

Recommendation
PASS EMERGENCY

Sponsors: City Manager

ANNOUNCEMENTS

Adjournment



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Dec 2022

REAPPOINTMENT

I hereby reappoint Jim Robinson to the Civil Service Commission for a term of six years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Dec 2022

APPOINTMENT

I hereby appoint Sally Jo Krisel to the Democratic-party affiliated seat of the Cincinnati Elections Commission for a term of four years, beginning December 1, 2022. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval

Sally Jo Krisel

Objective: To apply management and leadership skills to ensure that Hamilton County's citizens experience well managed elections that instill confidence in the integrity and fairness of the voting process and promote greater participation in the civic life of our community.

Qualifications: Proven ability to manage staff and to collaborate with political leaders and labor and community activists during my tenure with the Hamilton County Board of Elections and in leadership positions in political and issue campaigns and public advocacy organizations.

Career History:

Director/Deputy Director, Hamilton County Board of Elections 2008-Present
Responsible for all operations of the Hamilton County Board of Elections.

Elections Administrator, Hamilton County Board of Elections 1999-June 2008
Responsible for management of the Absentee Voting, Poll Worker and Poll Location Department, including supervision of seven full-time and up to 21 temporary staff members. Responsible for the hiring of 4,000 poll workers, procurement of over 500 polling locations and for the absentee balloting process for all county elections. Also, led the re-establishment of the Board's Outreach program in 1999, co-managed a national consulting firm to establish the "Train the Trainer" program and continue to refine and implement this program to support poll worker education classes for each election.

Field Coordinator, Qualls for Congress 1998
Prepared and implemented a comprehensive field campaign plan and supervised volunteer staff and activities for Roxanne Qualls' 1998 campaign for the U.S. House of Representatives.

Owner, SJ Krisel Consulting 1997-1999
Developed and implemented political and issue strategies for organizations, communities and individuals. Clients included: Cincinnati Chapter of the A. Philip Randolph Institute, a membership organization of African American trade unionists; Turner Farm, a local organic farm foundation; the Mallory Center for Community Development; and the statewide Coalition for Working Families, a successful effort to repeal anti-worker changes to Ohio's workers' compensation laws.

Director, National Association of Working Americans/AFL-CIO 1989-1997
Managed staff and programs for an AFL-CIO sponsored membership organization of unrepresented workers and their families. Developed initiatives and membership benefit programs supported through private and public fundraising.

Staff member, District 9to5 UC Organizing campaign 1989
Constable & Campaign Manager, Judge Jack Sherman,

Hamilton County Court of Common Pleas 1988-1989
Public Relations Assistant, Hebrew Union College 1986-1988

<u>Public Relations Assistant, YWCA of Greater Cincinnati</u>	1985-1986
<u>Director, Community Action Research Group</u> Managed staff, finances and fundraising for a non-profit organization in Ames, Iowa that provided education, research, litigation, legislative advocacy, and community organizing on energy conservation and utility reform issues. Concurrently, served as staff for Iowa State Senator Charles Bruner for three legislative sessions and as a field campaign coordinator for the 1984 Tom Harkin for Senate campaign.	1981-1985
<u>Legislative Assistant, U.S. Representative Tom Harkin (D-IA)</u>	1979-1981
<u>Information Specialist, U.S. Senator Dick Clark (D-IA)</u>	1981-1978
Education:	
Coursework for BA in Political Science, University of Nebraska	1972-1975
Coursework for Public Administration, METRO College	1975-1977
Coursework in Urban Planning, University of Cincinnati	1986-1987
Organizational Involvement:	
Member, Legislative Committee, Ohio Association of Election Officials	2008-Present
Member, NAACP	1985-Present
Member and/or Precinct Executive-Hamilton County Democratic Party	1985-Present
Member, Northside Neighborhood Community Council	1988-Present
Member, International Association of Clerks, Recorders, Elected Officials and Treasurers/IACREOT	1999-2009
Member, Cincinnati Election Reform Commission, Cincinnati City Council	2003-2004
Member, Clark Montessori High School Foundation Committee	2002-2008
Board member, Children's International Summer Villages Program	2000-2007
Coach, Sands Montessori SAY Soccer	2000-2001
Board of Directors, Crazy Ladies Center	1997-1999
Member, Friends of Schiel School Committee	1995-1997
Member, Hamilton County Tax Levy Committee	1995-1997
Member, Political Campaign Study Committee, Iowa Legislature	1984-1985
Board of Directors, Committee on Criminal Justice	1982-1985
Board of Directors, Legal Services Corporation of Iowa	1983-1985



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Jan 2023

APPOINTMENT

I hereby appoint Councilmember Seth Walsh to the Board of Trustees of the Cincinnati Retirement System to fill the unexpired term of Councilmember Jeff Cramerding, expiring on January 26, 2026. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



Jeff Cramerding
Councilmember

January 6, 2023

MOTION

WE MOVE that Councilmember Jeff Cramerding be removed from the Public Safety and Governance Committee.

JEFF CRAMERDING

_____	_____
_____	_____
_____	_____
_____	_____



Reggie Harris
Councilmember

January 6, 2023

Motion

I MOVE that Councilmember Jeff Cramerding be appointed as the Vice Chair of the Budget and Finance Committee.

Reggie Harris

Jeff Cramerding



Jeff Cramerding
Councilmember

January 6, 2023

MOTION

I MOVE that Councilmember Reggie Harris be appointed as Vice Chair of the Equitable Growth and Housing Committee.

JEFF CRAMERDING

Reggie Harris

City of Cincinnati
Council



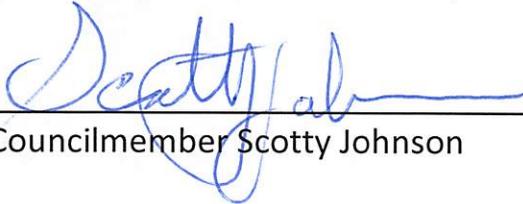
Melissa Autry, CMC
Clerk of Council

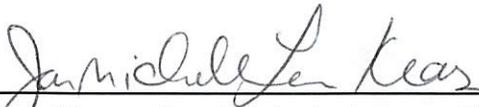
Office of the Clerk:

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

January 9, 2023

WE MOVE that the City Administration support Mayor Aftab Pureval's recommendation to give the honorary, secondary street name of "Dr. O'dell Owens Way" to Central Parkway at the corner of Ezzard Charles Drive.


Councilmember Scotty Johnson


Vice Mayor Jan-Michele Lemon Kearney

STATEMENT

The City of Cincinnati mourned the loss of an icon, city leader, fighter for justice, friend to all, and a great man, when Dr. O'dell Moreno Owens, passed on November 23, 2022.

Dr. Owens grew up in Cincinnati's West End, graduated from Woodward High School, and Antioch College in Yellow Springs, Ohio, and earned an MD at the Yale Medical School, followed by a Masters Degree in Public Health. He was an Instructor in Obstetrics and Gynecology at both Harvard and Yale Medical Schools, and was the first African American physician to receive a Harvard Fellowship in Reproductive Endocrinology. Dr. Owens returned to Cincinnati in 1982 to teach at the University of Cincinnati College of Medicine and achieved Cincinnati's first successful *in vitro* fertilization while serving as a Professor of Obstetrics and Gynecology, and Director of Reproductive Endocrinology at Christ Hospital while maintaining a successful private practice

Dr. Owens was elected Hamilton County Coroner in 2004, and re-elected in 2008, and used that position to visit schools and inspire young people to make healthy, life-affirming decisions. He served as President of Cincinnati State and Technical College from 2010-2015 and is renowned for increasing the number of high school students attending college classes at Cincinnati State.

Dr. Owens served as the Interim City of Cincinnati Health Commissioner of the Cincinnati Health Department which serves over 40,000 patients annually through its seven primary care health centers, a free-standing dental center, a free-standing vision and dental center, and 13 school-based health centers. He then served as the CEO of Interact for Health, promoting community health and fighting health disparities.

He remained a tireless volunteer in Cincinnati, the city he loved. Dr. Owens was known as a bridgebuilder as he connected communities and diverse populations in Cincinnati through his elected, appointed, and volunteer work. Because of his years of fundraising for CET public television, CET dedicated a mural to Dr. Owens at its headquarters on Central Parkway last year.

Therefore, giving Central Parkway the honorary name of "Dr. O'dell Owens Way," not far from the West End community where he grew up, serves as a reminder of the importance of connecting communities and people across our great city, and providing opportunities for Cincinnatians to live their best lives.

CAL → healthy neighborhoods
J-MCK



January 11, 2023

202300260

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Reds Opening Day Block Party)**

In accordance with Cincinnati Municipal Code, Chapter 765; (Cincinnati Reds Community Fund) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Reds Opening Day Block Party
EVENT SPONSOR/PRODUCER: Cincinnati Reds Community Fund
CONTACT PERSON: Celina Powell
LOCATION: On Freedom Way at the Banks
DATE(S) AND TIME(S): 3/30/2023 11AM to 4PM
EVENT DESCRIPTION: Charity block party to raise money for the Reds Community Fund
ANTICIPATED ATTENDANCE: 3,000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (Cincinnati Reds Community Fund)

cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

January 11, 2023

To: Mayor and Members of City Council 202300262
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Police: FY 2023 Law Enforcement Recruitment Fund Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$168,053 in FY 2023 Office of Law Enforcement Recruitment funds from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services, for the purpose of developing the Cincinnati Police Department recruiting process, specifically the Cadet Apprenticeship Program, to include emphasis on recruitment of women and minorities; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Law Enforcement Grant Fund 368, project account no. 23LERF.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$168,053 in FY 2023 Office of Law Enforcement Recruitment funds from the State of Ohio, Department of Public Safety (ODPS), Office of Criminal Justice Services (OCJS), for the purpose of developing the Cincinnati Police Department recruiting process, specifically the Cadet Apprenticeship Program, to include emphasis on recruitment of women and minorities. This Ordinance also authorizes the Finance Director to deposit the grant resources into Law Enforcement Grant Fund 368, project account no. 23LERF.

The FY 2023 Office of Law Enforcement Recruitment Fund Grant is available through the Ohio Department of Public Safety, Office of Criminal Justice Services, for the purpose of developing and improving the police recruiting process. The Cincinnati Police Department Cadet Apprenticeship Program recruitment process will aim to establish a foundation for the apprenticeship program model as well as increase female and minority officers within the Police Department.

The grant application deadline was December 16, 2022, and the Cincinnati Police Department applied for the grant prior to receiving City Council approval. Should this Ordinance not be approved, the grant award will not be accepted. The grant does not require matching funds and no new FTEs are associated with this grant.

Acceptance of this grant is 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 Emergency Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$168,053 in FY 2023 Office of Law Enforcement Recruitment funds from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services, for the purpose of developing the Cincinnati Police Department recruiting process, specifically the Cadet Apprenticeship Program, to include emphasis on recruitment of women and minorities; and **AUTHORIZING** the Director of Finance to deposit the grant resources into Law Enforcement Grant Fund 368, project account no. 23LERF.

WHEREAS, there is a grant available in the amount of up to \$168,053 from the State of Ohio, Office of Criminal Justice Services, for the purpose of developing the Cincinnati Police Department (“CPD”) recruiting process, specifically the Cadet Apprenticeship Program, to include emphasis on the recruitment of women and minorities; and

WHEREAS, the CPD Cadet Apprenticeship Program recruiting process will aim to establish a foundation for the apprenticeship program model, as well as increase the number of female and minority officers within CPD; and

WHEREAS, CPD has applied for the grant because the deadline was December 16, 2022, but the City will not accept any funds without approval of Council; and

WHEREAS, there are no new FTEs associated with this grant, and no matching funds are required; 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 hereby authorized to apply for, accept, and appropriate a grant in the amount of up to \$168,053 in FY 2023 Office of Law Enforcement Recruitment funds from the State of Ohio, Department of Public Safety, Office of Criminal Justice Services, for the purpose of developing the Cincinnati Police Department recruiting process, specifically the Cadet Apprenticeship Program, to include emphasis on recruitment of women and minorities.

Section 2. That the Director of Finance is hereby authorized to deposit the grant resources into Law Enforcement Grant Fund 368, project account no. 23LERF.

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 of Sections 1 and 2 herein.

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

January 11, 2023

To: Mayor and Members of City Council 202300263

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Buildings and Inspections: Moral
Obligation to Rainbow Environmental Services**

Attached is an Emergency Ordinance captioned:

AUTHORIZING a payment of \$86,904 to Rainbow Environmental Services as a moral obligation for outstanding charges related to asbestos abatement preparation services prior to the demolition of dangerous and unsafe buildings for the Department of Buildings and Inspections, to be paid from the Community Development Block Grant Fund 304 project account no. 304x161x0000x7656x30421136.

Approval of this Emergency Ordinance will authorize the payment of \$86,904 to Rainbow Environmental Services as a moral obligation for outstanding charges related to asbestos abatement preparation services prior to the demolition of dangerous and unsafe buildings for the Department of Buildings and Inspections, to be paid from the Community Development Block Grant Fund 304 project account no. 304x161x0000x7656x30421136.

Rainbow Environmental Services had a contract with the City that, unknown to Department of Buildings and Inspections staff, expired, so that when the Hazard Abatement team authorized the work, it was performed without an active contract.

The Department of Buildings and Inspections has since implemented a procurement and accounting review policy to ensure compliance in the future.

The reason for the emergency is the immediate need to make payment to Rainbow Environmental 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

AUTHORIZING a payment of \$86,904 to Rainbow Environmental Services as a moral obligation for outstanding charges related to asbestos abatement preparation services prior to the demolition of dangerous and unsafe buildings for the Department of Buildings and Inspections, to be paid from Community Development Block Grant Fund 304 project account no. 304x161x0000x7656x30421136.

WHEREAS, Rainbow Environmental Services had a contract with the City to provide asbestos abatement preparation services, which contract expired; and

WHEREAS, the Department of Buildings and Inspections staff did not know the contract had expired, so when the Hazard Abatement team authorized Rainbow Environmental Services to do work, the work was done without an active contract; and

WHEREAS, the Department of Buildings and Inspections has since implemented a procurement and accounting review policy to ensure the City has active contracts before authorizing a vendor to provide services; and

WHEREAS, sufficient funds are available in Community Development Block Grant Fund 304 project account no. 304x161x0000x7656x30421136 to make this payment; and

WHEREAS, Council desires to provide payment to Rainbow Environmental Services in the amount of \$86,904; now, therefore,

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

Section 1. That the Finance Director is hereby authorized to make a payment of \$86,904 to Rainbow Environmental Services as a moral obligation for outstanding charges related to asbestos abatement preparation services prior to the demolition of dangerous and unsafe buildings for the Department of Buildings and Inspections, to be paid from Community Development Block Grant Fund 304 project account no. 304x161x0000x7656x30421136.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1 hereof.

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 make payment to Rainbow Environmental Services in a timely manner.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

January 11, 2023

To: Mayor and Members of City Council 202300264
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – Human Services Fund

Attached is an Emergency Ordinance captioned:

ESTABLISHING the City of Cincinnati’s human services funding priorities for Fiscal Year 2024 and subsequent Fiscal Years; **ESTABLISHING** an Impact Award for one large-scale social innovation project; **ESTABLISHING** a multi-year funding cycle for all human services funding; **ADVISING** the United Way and any other organization assisting the City with evaluating human services funding applications that City Council’s policy regarding the City of Cincinnati’s human services funding priorities is as follows: Impact Award, up to 33 percent; Comprehensive Workforce Development Support, 25 percent; Youth Gun Violence Prevention and Reduction, twenty percent; Supporting, Securing, and Stabilizing Housing for High-Risk Populations, ten percent; Emergency Wrap-Around Services (through Project LIFT), ten percent; overhead, two percent; and **ADVISING** the United Way and any other organization assisting the City with evaluating human services funding applications that the initial Impact Award should prioritize eviction prevention and housing stabilization.

The Administration recommends passage of this Emergency Ordinance.

cc: William “Billy” Weber, Assistant City Manager
Virginia Tallent, Interim Assistant City Manager

EMERGENCY

AKS

- 2023

ESTABLISHING the City of Cincinnati’s human services funding priorities for Fiscal Year 2024 and subsequent Fiscal Years; **ESTABLISHING** an Impact Award for one large-scale social innovation project; **ESTABLISHING** a multi-year funding cycle for all human services funding; **ADVISING** the United Way and any other organization assisting the City with evaluating human services funding applications that City Council’s policy regarding the City of Cincinnati’s human services funding priorities is as follows: Impact Award, up to 33 percent; Comprehensive Workforce Development Support, 25 percent; Youth Gun Violence Prevention and Reduction, twenty percent; Supporting, Securing, and Stabilizing Housing for High-Risk Populations, ten percent; Emergency Wrap-Around Services (through Project LIFT), ten percent; overhead, two percent; and **ADVISING** the United Way and any other organization assisting the City with evaluating human services funding applications that the initial Impact Award should prioritize eviction prevention and housing stabilization.

WHEREAS, Ordinance No. 0212-2019, passed June 19, 2019, established the City of Cincinnati’s human services funding priorities for Fiscal Year 2021 and subsequent Fiscal Years and advised the United Way and any organization assisting the City with evaluating human services funding applications that City Council’s policy for human service funding priorities was established by category and percentage; and

WHEREAS, beginning in FY 2024, Council would like to modify the human services priorities and funding in order to create a new plan that will include a large-scale Impact Award to assist an innovative project to create real, lasting impact in the community; establish data-driven, evidence-based metrics for monitoring the success of organizations receiving funding; and structure the Request-for-Proposal process in order to increase the impact of the City’s funds; and

WHEREAS, the initial Impact Award for FY 2024 should prioritize eviction prevention and housing stabilization, with any remaining Impact Award funding allocated to the priority of Supporting, Securing, and Stabilizing Housing for High-Risk Populations; now, therefore,

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

Section 1. That the City of Cincinnati’s process for human services funding for Fiscal Year 2024 shall include an Impact Award for one large-scale social innovation project and shall use a multi-year funding cycle for all human services funding.

Section 2. That the City of Cincinnati’s human services funding priorities for Fiscal Year 2024 and future years are hereby established as follows: Impact Award, up to 33 percent; Comprehensive Workforce Development Support, 25 percent; Youth Gun Violence Prevention and Reduction, twenty percent; Supporting, Securing, and Stabilizing Housing for High-Risk Populations, ten percent; Emergency Wrap-Around Services (through Project LIFT), ten percent; overhead, two percent; and that the initial Impact Award should prioritize eviction prevention and housing stabilization.

Section 3. That Council hereby establishes that the United Way and any other organization assisting the City with evaluating human services funding applications should use the funding policy described in Sections 1 and 2 herein in evaluating such funding applications.

Section 4. That the proper City officials are authorized to do all things necessary and proper to comply with the provisions of Sections 1 through 3 herein.

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 immediate need to establish the City’s human services funding priorities so that such funding priorities can be taken into operational account by the City’s human services funding partners in forthcoming human services funding allocations.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

January 11, 2023

To: Mayor and Members of City Council 202300265
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Fernbank Park Lease and Operating Agreement

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to execute a *Lease and Operating Agreement* with Great Parks of Hamilton County pursuant to which Great Parks of Hamilton County will lease and operate the City-owned public park known as Fernbank Park in Sayler Park.

The City of Cincinnati owns Fernbank Park, consisting of approximately 58 acres located on Thornton Avenue along the Ohio River in Sayler Park which is under the control of the Board of Park Commissioners for the City of Cincinnati; and pursuant to a Lease and Operating Agreement authorized by Ordinance No. 327-2018, passed by Council on October 17, 2018, Great Parks of Hamilton County, operates and manages the Park, and the parties now desire to enter a new 5-year lease on the terms and conditions set forth in the Lease and Operating Agreement.

The Board of Park Commissioners at their **December 15, 2022**, meeting approved the new lease agreement.

cc: Jason Barron, Director of Parks
Jenny Mobley, Deputy Director of Parks

Attachment

AUTHORIZING the City Manager to execute a *Lease and Operating Agreement* with Great Parks of Hamilton County pursuant to which Great Parks of Hamilton County will lease and operate the City-owned public park known as Fernbank Park in Saylor Park.

WHEREAS, the City of Cincinnati owns Fernbank Park, consisting of approximately 58 acres located on Thornton Avenue along the Ohio River in Saylor Park (“Park”), which is under the control of the Board of Park Commissioners for the City of Cincinnati (“Park Board”); and

WHEREAS, pursuant to a *Lease and Operating Agreement* authorized by Ordinance No. 327-2018, passed by Council on October 17, 2018, Great Parks of Hamilton County, formerly known as the Hamilton County Park District, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 (“Great Parks”), operates and manages the Park, and the parties now desire to enter a new 5-year lease on the terms and conditions set forth in the *Lease and Operating Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (“New Agreement”); and

WHEREAS, the City Manager, in consultation with the Park Board, has determined that (i) the Park is not needed for a municipal purpose for the duration of the New Agreement; and (ii) leasing the Park to Great Parks is not adverse to the City’s retained interest in the Park; 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

WHEREAS, eliminating competitive bidding in connection with the City’s lease of the Park is in the best interest of the public because Great Parks is a governmental entity with extensive experience in operating public parks, and therefore the City and the Park Board desire for Great Parks to continue to operate the Park; and

WHEREAS, the City’s Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Park is approximately \$40,000 per year, however the City has agreed to lease the Park to Great Park for less than its fair market rental value, namely, \$0.00, because the City will receive benefits from the New Agreement that equal or exceed the fair market rental value of the Park in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Park through the term of the New Agreement; and

WHEREAS, the Park Board approved the New Agreement at its meeting on December 15, 2022; 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 Park at its meeting on December 2, 2022; 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 and Operating Agreement* (“New Agreement”) with Great Parks of Hamilton County, a political subdivision of the State of Ohio created and existing under Ohio Revised Code Chapter 1545 (“Great Parks”), 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 certain real property commonly known as Fernbank Park, consisting of approximately 58 acres located on Thornton Avenue along the Ohio River in Saylor Park, as more particularly depicted in the New Agreement (“Park”), for a five-year term.

Section 2. That the Park is not needed for a municipal purpose for the duration of the New Agreement.

Section 3. That leasing the Park to Great Parks is not adverse to the City’s retained interest in the Park.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Park is in the best interest of the City because Great Parks is a governmental entity with extensive experience in operating public parks, and therefore the City and the Park Board desire for Great Parks to continue to operate the Park.

Section 5. That the City’s Real Estate Services Division has determined by professional appraisal that the fair market rental value of the Park is approximately \$40,000 per year, however the City will lease the Park to Great Parks for less than its fair market rental value, namely, \$0.00, because the City will receive benefits from the New Agreement that equal or exceed the

fair market rental value of the Park in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Park through the term of the New Agreement.

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 New Agreement, including, without limitation, executing any and all ancillary documents associated with the Agreement, such as amendments or supplements to the New 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

LEASE AND OPERATING AGREEMENT

This Lease and Operating Agreement (“**Agreement**”) is made and entered into effective as of January 1, 2023 (the “**Effective Date**”) by and between the **City of Cincinnati**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”, as lessor), and **Great Parks of Hamilton County** (f/k/a Hamilton County Park District), a political subdivision of the State of Ohio created under Ohio Revised Code Section 1545 (*Park Districts*), the address of which is 10245 Winton Road, Cincinnati, OH 45231 (“**Operator**”, as lessee).

Recitals:

A. The City owns Fernbank Park on Thornton Avenue in Cincinnati, consisting of approximately 58 acres and various improvements thereon located along the Ohio River, as shown on Exhibit A (Site Map) hereto (the “**Property**”; also referred to herein as the “**Park**”), which is controlled by the Board of Park Commissioners for the City of Cincinnati (the “**Park Board**”).

B. The City has leased the Property to Operator, and Operator has operated the Property as a public park, pursuant to separate lease agreements dated April 18, 2003, and January 1, 2018, the term of the latter Lease expires on December 31, 2022 (the “**Prior Lease**”).

C. The parties desire to enter into a new agreement that is in general accordance with the Prior Lease, for an additional five (5) year period, ending December 31, 2027.

D. The City is leasing the Property to Operator at a base rent of \$0.00 because of the considerable expenses that will be incurred by Operator in operating the Property, at no cost to the City, for the benefit of the people of the City. There is no City funding being provided to Operator under this Agreement.

E. The City has determined that eliminating competitive bidding with respect to the City’s lease of the Property is in the best interest of the public because the City has determined that Operator, being a governmental entity with experience in managing public parks, is the most qualified and suitable operator of the Property.

F. The Park Board approved this Agreement at its meeting on _____, 2022.

G. City Planning Commission approved this Agreement at its meeting on December 2, 2022.

H. Cincinnati City Council approved this Agreement by Ordinance No. ____-2022, passed on _____, 2022.

NOW THEREFORE, the parties hereby agree as follows:

1. LEASE OF PROPERTY.

(A) Grant. On the terms and conditions set forth herein, the City does hereby lease the Property to Operator, and Operator does hereby lease the Property from the City, for the Term established under section 2 below. The City leases the Property to Operator subject to any and all easements, covenants, restrictions and other matters of record, matters that would be disclosed upon an ordinary inspection or survey of the Property, and any and all rights expressly reserved under this Agreement for the benefit of the City, utility companies, and other third parties. The City has not made any representations or warranties concerning the condition or characteristics of the Property or the suitability or fitness of the Property for the Permitted Use, and Operator is not relying upon any such representations or warranties from the City. On

{00373883-4}

the Commencement Date (as defined in section 2 below), Operator shall accept the Property in “as is” condition. During the Term, Operator shall not grant any easements or otherwise encumber the title to the Property without the City’s prior written consent.

(B) City’s Right to Inspect Property & Use Lodge. The City hereby reserves the right for its employees and agents to enter upon the Property from time to time for any proper purpose, provided, however, that in exercising such rights, (i) the City shall not unreasonably disrupt Operator’s use of the Property for the Permitted Use, and (ii) except in emergencies, the City shall give Operator reasonable written notice prior to entering the Property. The Park Board shall have the right to use the lodge at the Property from time to time (not exceeding once per month), at no charge, and upon no less than 30 days prior notice to Operator, provided Operator shall not have previously rented out the lodge to someone else on the designated date/time.

(C) Access by Utility Companies. Operator shall ensure continuous access to the Property (24 hours/day, 7 days/week, 52 weeks/year) by any and all utility companies that have existing utility facilities within the Property for the maintenance, repair and replacement thereof, and Operator shall not undertake any action or construct any improvements within the Property that may interfere with any such utility company’s rights without having first obtained such utility company’s consent. If Operator, its employees, agents, contractors, subcontractors, licensees or invitees cause damage to such utility companies’ facilities, Operator shall promptly reimburse the affected utility company for the cost of repairing such damage. The City and the Park Board shall ensure that Operator is notified of any work to be performed on the Property by City-owned or City-managed utility companies so that Great Parks can ensure the safety and security of the work site; *provided*, however, the City and the Park Board shall not be required to provide advance notice to Operator in case of an emergency that poses an immediate threat to the operations of the City-owned or City-managed public utility facilities. In case of an emergency, the City and the Park Board shall use best efforts to notify Operator of its entry upon the Property as soon as possible following the emergency event. In the event that the operation, maintenance, repair, construction, reconstruction or replacement of existing City-owned or City-managed public utility facilities requires the cutting, clearing, trimming, or removal of any trees, shrubs, overhanging branches, and/or other vegetation, the City and the Park Board shall notify the Operator in advance of such entry upon the Property to review the scope of such vegetative clearance to determine if any of Operator’s donor-funded, legacy plantings will be impacted; *provided*, however, the City and the Park Board shall not be required to provide advance notice to Operator in case of an emergency that poses an immediate threat to the operations of the City-owned or City-managed public utility facilities. In case of an emergency, the City and the Park Board shall use best efforts to notify Operator of its entry upon the Property for vegetative clearance as soon as possible following the emergency event. The City shall cause all vegetative clearance performed by City-owned or City-managed public utility operators to be conducted and completed to the satisfaction of Operator as set forth by standards and specifications established by Operator. The City shall, at its own cost, minimize damage to the Property related to vegetative clearance, and shall promptly repair and restore any and all damage to the Property and existing improvements thereon related to vegetative clearance to the satisfaction of Operator. The City agrees to compensate Operator for damage to, or removal of, Operator’s donor-funded, legacy trees/ vegetation caused by the City, its employees, agents, or contractors upon receipt of an appraisal performed by a certified arborist, identifying the impacted plantings and evidencing the amount due

2. TERM (5 years). The term (“**Term**”) of this Agreement shall commence on the Effective Date (also referred to herein as the “**Commencement Date**”), and, unless extended or sooner terminated in accordance with the provisions of this Agreement, shall continue for a term of five (5) years, expiring on **December 31, 2027**. The Term of this Agreement may be extended for successive renewal periods of five (5) years each upon the mutual written agreement of Operator, the City Manager and the Park Board (no additional approval of Cincinnati City Council being required).

3. PERMITTED USE; OPERATING STANDARDS; REPORTS.

(A) Permitted Use. Operator shall use the Property solely for the operation of a public park (the “**Permitted Use**”) and for no other purpose.

(B) Operating Standards. Operator shall operate the Park in accordance with ORC Section 1545 and in a manner comparable to other parks managed by Operator and the Park Board and shall render the usual and customary services incidental thereto in a professional businesslike and efficient manner. Operator shall not enforce its motor vehicle permit at the Park (i.e., Operator shall not require visitors to the Park to pay a permit fee). Operator shall have the right, however, to charge reasonable fees for special uses, permits, programs and reserved areas as may be appropriate and as consistent with Operator's normal operations. Operator shall be responsible for the operation, maintenance, safety, security and park law enforcement of the Property, at no cost to the City or Park Board, in accordance with Operator's Code of By-Laws and in compliance with all applicable federal, state and local laws, codes, ordinances and other governmental requirements. Operator shall refer to the Park as "Fernbank Park" or such other name as may be designated by the Park Board from time to time.

(C) Reports. Operator shall submit an annual operating report to the Director of the Park Board by **March 31** of each year during the Term of this Agreement (the "**Annual Report**"), documenting (i) the major events and activities occurring at the Park during the calendar year then just ended, (ii) the estimated park attendance, (iii) expenditures incurred for park maintenance, repairs, and capital costs, and (iv) income received from shelter and lodge rentals and any other income generated from the operation of the Park.

4. RENT. \$0.00/year

5. REAL ESTATE TAXES. The parties acknowledge that the Property is exempt from real property taxes.

6. MAINTENANCE AND REPAIRS. During the Term of this Agreement, Operator shall assume all responsibility for the maintenance and repair of the Property and shall maintain the same in a continuous state of good and safe condition and repair, whether such maintenance or repairs are routine or non-routine. Except as otherwise expressly provided in this Agreement, the City shall not have any maintenance or repair obligations or any obligation to provide services for the benefit of the Property under this Agreement. The foregoing notwithstanding, Operator shall not be responsible for maintaining or repairing the public sewer facilities located on the Property (which the parties acknowledge shall remain the responsibility of the Metropolitan Sewer District of Greater Cincinnati).

7. ALTERATIONS; SIGNS; NO LIENS.

(A) Alterations. Operator shall not make any material alterations, additions or other changes to the Property without the prior written consent of the Park Board, which approval shall not be unreasonably withheld or delayed provided the proposed alterations, additions or changes are consistent with the Permitted Use and will not diminish the fair market value or aesthetic appeal of the Property. Operator shall have the right to make all minor and cosmetic-type alterations to the Property without having to obtain the City's prior consent. All alterations made by Operator shall be made in a good and workmanlike manner, in compliance with all applicable legal requirements, shall not diminish the fair market value of the Property, and shall be consistent with the quality, design, functionality, and aesthetic appeal of the Property. Once installed, Operator shall not remove such alterations (unless such removal shall have been consented to in writing by the City), and Operator shall surrender the same to the City at the end of the Term.

(B) Signs. Operator shall maintain the existing directional, informational, advertising and other outdoor signs at the Property and shall ensure that the same comply with all applicable zoning and other legal requirements. Operator shall, at its expense, keep all signs in good condition and repair. The foregoing notwithstanding, in the event the Park Board determines that the content of any signs is inappropriate given the use of the Property by children or would otherwise reflect negatively upon the City, the City shall notify Operator of such objection in writing, whereupon Operator shall promptly either address such objection to the Park Board's satisfaction or remove the objectionable sign(s).

(C) No Liens. If any mechanics' lien or other similar lien is filed against the Property as a result of labor or material furnished at Operator's request, Operator shall cause the lien to be released or bonded off within forty-five (45) days following the filing of such lien.

8. INSURANCE; INDEMNITY.

(A) Insurance. Throughout the Term, Operator shall maintain, or shall cause to be maintained, the following insurance:

(i) special peril (formerly known as “all-risk”) full replacement cost insurance on the buildings on the Property, naming the City and Operator as their respective interests may appear;

(ii) property insurance on all personal property of Operator from time to time located at the Property in such amount as Operator shall from time to time determine to be commercially reasonable;

(iii) Commercial General Liability insurance covering claims for bodily injury, personal injury or death, and property damage occurring at the Property in an amount not less than \$2,000,000 per occurrence, combined single limit/\$4,000,000 aggregate, or such additional amount as the City or its insurance or risk advisors may determine from time to time to be customary for comparable facilities in the Cincinnati area, naming the City as an additional insured;

(iv) Automobile Liability Insurance in the amount of not less than \$1,000,000 per occurrence, naming the City as an additional insured; and

(v) Workers Compensation insurance as required by law.

Operator shall be permitted to satisfy the above-specified liability insurance coverages through a combination of primary and umbrella and/or excess liability policies.

(B) Policy Requirements. Operator shall be permitted to satisfy the insurance requirements set forth above through primary and umbrella and/or excess liability policies under a self-insurance program authorized pursuant to ORC Section 2744.08 or a joint self-insurance pool authorized pursuant to ORC Section 2744.081 operated by or on behalf of Operator or written in standard form by insurance companies authorized to do business in Ohio and having an A.M. Best rating of A VII or better, provided that the insurance/coverage (i) may not be canceled or modified without at least thirty (30) days prior written notice to the City, and (ii) is primary with respect to insurance maintained by the City. On the Commencement Date and thereafter on an annual basis, Operator shall provide the Park Board with a certificate of insurance evidencing the insurance required to be maintained by Operator hereunder.

(C) Handling of Claims. The City assumes no responsibility for any acts, errors or omissions of Operator or any employee, agent, representative or any other person acting or purporting to act for or on behalf of Operator; and similarly, Operator assumes no responsibility for any acts, errors or omissions of the City or any employee, agent, representative or any other person acting or purporting to act for or on behalf of the City. In the event of third-party claims filed against either party pertaining to the Property, each party shall handle its own claims in accordance with its internal policies and procedures. (The parties acknowledge that, as governmental entities, the parties are not legally permitted under Ohio law to contractually agree to indemnify each other.)

9. CASUALTY. If the Property is damaged or destroyed by fire or other casualty, then, unless otherwise agreed by the parties in writing, Operator shall repair and restore the Property, as expeditiously as possible, and to the extent practicable, to substantially the same condition in which the Property was in immediately prior to such occurrence. The City and Operator shall jointly participate in filing claims and taking such other actions pertaining to the payment of proceeds resulting from such occurrence. Operator shall handle all construction in accordance with plans and specifications approved by the City. Operator shall not be relieved of any obligations, financial or otherwise, under this Agreement during any period in which the Property is being repaired or restored.

10. DEFAULT; REMEDIES.

(A) Default. If either party fails to perform or observe any of the covenants, terms or conditions contained in this Agreement, and such failure to perform continues for longer than sixty (60) days after the defaulting party receives written notice thereof from the non-defaulting party; provided, however, that if such failure is not reasonably susceptible of being cured within such sixty (60) day period, an event of default shall not be deemed to have occurred if defaulting party commences to cure such failure within such sixty (60) day period and thereafter diligently pursues such cure to completion and, in fact, cures such failure within one hundred twenty (120) days after the defaulting party receives written notice of the default from the non-defaulting party. The foregoing notwithstanding, if the failure creates a dangerous condition or otherwise constitutes an emergency as determined by the non-defaulting party, an event of default shall be deemed to have occurred if defaulting party fails to take corrective action immediately upon discovering such dangerous condition or emergency.

(B) Remedies. Upon the occurrence of an event of default that continues beyond the applicable notice and cure period provided for under paragraph (A) above, the non-defaulting party shall be entitled to: (i) terminate this Agreement by giving the defaulting party written notice thereof, (ii) take such actions in the way of "self help" as the non-defaulting party determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, and (iii) exercise any and all other rights and remedies under this Agreement or available at law or in equity. The failure of either party to insist upon the strict performance of any covenant or duty or to pursue any remedy under this Agreement shall not constitute a waiver of the breach of such covenant or of such remedy.

11. ASSIGNMENT AND SUBLETTING. Operator shall not assign its interests under this Agreement, or sublet all or any portion of the Property, without the prior written consent of the City. Operator acknowledges that the City is entering into this Agreement because of the City's confidence that Operator has the financial resources, experience, and community support that are necessary to carry out the operation of the Property and that therefore the City shall not be expected to consent to a proposed assignment or sublease to any individual or entity in which the City does not have similar confidence. No assignment or sublease by Operator of its rights or obligations under this Agreement to a third party shall relieve Operator from any liability to the City under this Agreement.

12. ESTOPPEL CERTIFICATES. Within fifteen (15) days after written request from the other party (or, with respect to certificates from the City of Cincinnati, within such longer period of time as may be reasonably needed in order to obtain all required governmental authorizations and signatures), each party shall execute and deliver to the requesting party an estoppel certificate: (i) certifying that this Agreement is unmodified and in full force and effect (or if there have been modifications, that the same is in full force and effect as modified and stating the modifications), (ii) stating, to the best of such party's knowledge, whether or not the requesting party is in default under this Agreement, and, if so, specifying the nature of such default, and (iii) covering such other matters pertaining to this Agreement as the requesting party may reasonably request.

13. SURRENDER; HOLDOVER.

(A) Surrender. On the last day of the Term of this Agreement, Operator shall surrender the Property to the City in good condition and repair and free and clear of all liens and other encumbrances created by Operator (if any). On or before the last day of the Term, Operator shall remove all of Operator's personal property, and any property not so removed shall be deemed abandoned. Operator shall not remove any signs, trade fixtures, ordinary fixtures or affixed equipment used in connection with the Property unless the City approves of such removal in writing. Operator shall promptly repair any and all damage to the Property caused by its removal of any items under this paragraph.

(B) Holdover. If Operator fails to surrender possession of the Property to the City at the end of the Term, such holdover shall be deemed as creating a tenancy-at-will on all of the same terms and conditions as set forth herein (except for the duration of the Term), terminable by either party at any time by giving written notice thereof to the other party.

(C) Documents to be Delivered to City. At the end of the Term, Operator shall deliver to the City originals of all operating manuals, warranty information, books and records, contracts with third parties, and {00373883-4}

all other written materials and documents that are in Operator's possession or under Operator's control and that are reasonably needed in order for there to be a seamless transition with respect to the operation of the Property.

14. NOTICES. All notices required to be given to any party under this Agreement shall be in writing and (i) personally delivered, (ii) deposited in the United States mail, first class, postage prepaid, or (iii) delivered by a reputable courier service (e.g., Federal Express), to the parties at the following addresses or such other address as either party may specify from time to time by notice to the other. Notices shall be deemed given upon receipt.

To the City:

Director, Cincinnati Parks
950 Eden Park Drive
Cincinnati, OH 45202

To Operator:

CEO, Great Parks of Hamilton County
10245 Winton Road
Cincinnati, OH 45231
Attention: Chief Executive Officer

If Operator sends a notice to the City alleging that the City is in breach of this Agreement, Operator shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

15. GENERAL PROVISIONS.

(A) Entire Agreement. This Agreement (including the exhibits hereto and the other agreements referred to herein, if any) 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 Agreement may be amended only by a written amendment signed by both parties.

(C) Governing Law. This Agreement 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 Agreement shall be brought in the Hamilton County Court of Common Pleas, and Operator agrees that venue in such court is proper. The parties hereby waive trial by jury with respect to any and all disputes arising under this Agreement.

(D) Binding Effect. This Agreement 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 Agreement 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 Agreement.

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

(G) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder's office. At the request of either party, the parties shall execute a memorandum of Agreement for recording purposes.

(H) Time. Time is of the essence with respect to the performance by the parties of their respective obligations under this Agreement.

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

(J) No Brokers. The City and Operator represent to each other that they have 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 Agreement.

(K) Official Capacity. All representations, warranties, covenants, agreements and obligations of the City and the Operator under this Agreement 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 or the Operator in other than his or her official capacity. No official executing or approving the City's or the Operator's participation in this Agreement shall be personally liable under this Agreement.

(L) Representation as to Authority. The City and Operator each represents to the other that it has the power and authority to enter into and perform its obligations under this Agreement without the consent of anyone who is not a party to this Agreement, and that the execution and performance of this Agreement have been duly authorized by all necessary actions on the part of the performing party.

(M) Appropriation of Funds. Notwithstanding anything in this Agreement, the City, the Park Board, or Operator's performance of their respective obligations under the Agreement that require the expenditure of money is subject to the appropriation of funds for such purposes by their respective legislative authorities and governing boards. No party shall be in breach of this Agreement if for any reason their legislative authorities or governing boards do not pass any and all ordinances or resolutions as may be necessary for the respective parties to carry out the terms of this Agreement, but in the event such ordinances or resolutions are not passed, the remaining parties may terminate this Agreement with sixty (60) days' notice to the other parties.

(N) Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A - *Site Map*

This Agreement is executed by the parties on the dates indicated below their respective signatures, effective as of the Effective Date.

CITY OF CINCINNATI

GREAT PARKS OF HAMILTON COUNTY

By: _____
Sheryl M.M. Long, City Manager

By: _____
Todd Palmetter, Chief Executive Officer

Date: _____, 2022

Date: _____, 2022

Recommended By:

Jason Barron
Director, Cincinnati Park Board

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A
to Lease and Operating Agreement

SITE MAP



Date: January 11, 2023

202300267

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – GRANT OF EASEMENT – PANCOAST ALLEY AND CROW ALLEY –
CENTRAL BUSINESS DISTRICT

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a Grant of Easement in favor of Barrister Apartments, LLC, pursuant to which the City of Cincinnati will grant encroachment easements upon portions of Pancoast Alley and Crow Alley in the Central Business District.

Barrister Apartments, LLC (“Grantee”) owns the property located at 214-216 East Ninth Street in the Central Business District, and has requested an easement from the City for encroachments upon portions of Pancoast Alley and Crow Alley for two fire escapes, as depicted in Attachment A.

The City has determined that granting the easement to Grantee is not averse to the City’s retained interest in the public right-of-way, and that the easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located on Pancoast Alley and Crow Alley.

The City has determined the fair market value of the easement is approximately \$1,700, which Grantee has agreed to pay.

The City Planning Commission approved the easements at its meeting on November 18, 2022.

The Administration recommends passage of the attached ordinance.

Attachment I – Grant of Easements

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

City of Cincinnati

CHM

EESW

An Ordinance No. _____ - 2023

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Barrister Apartments, LLC, pursuant to which the City of Cincinnati will grant encroachment easements upon portions of Pancoast Alley and Crow Alley in the Central Business District.

WHEREAS, Barrister Apartments, LLC, an Ohio limited liability company (“Grantee”), owns certain real property located at 214-216 East Ninth Street in the Central Business District; and

WHEREAS, the City of Cincinnati owns the adjoining real property designated as the public rights-of-way known as Pancoast Alley and Crow Alley (“Property”), which Property is under the management of the City’s Department of Transportation and Engineering (“DOT”); and

WHEREAS, Grantee has requested easements from the City for encroachments upon portions of the Property, namely, two fire escapes, as more particularly depicted and described in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference (“Easement”); and

WHEREAS, the City Manager, in consultation with DOTE, has determined (i) that granting the Easement to Grantee is not adverse to the City’s retained interest in the Property and; (ii) that granting the Easement will not have an adverse effect on the usability or accessibility of any existing transportation facilities located on the Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Sec. 331-5, Council may authorize the encumbrance 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

WHEREAS, the City’s Real Estate Services Division has determined by a professional appraisal that the fair market value of the Easement is approximately \$1,700, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on November 18, 2022; 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 *Grant of Easement* in favor of Barrister Apartments, LLC, an Ohio limited liability company (“Grantee”), owner of the property located at 214-216 East Ninth Street in the Central Business District, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati will grant to Grantee easements to install and maintain two encroachments (“Easement”) upon portions of certain real property designated as the public rights-of-way known as Pancoast Alley and Crow Alley (“Property”), as more particularly described on Attachment A.

Section 2. That granting the Easement to Grantee (i) is not adverse to the City’s retained interest in the Property; and (ii) will not have an adverse effect on the usability or accessibility of any existing transportation facilities located on the Property.

Section 3. That it is in the best interest of the City to grant the Easement without competitive bidding because, as a practical matter, no one other than Grantee, an adjoining property owner, would have any use for the Easement.

Section 4. That the fair market value of the Easement, as determined by a professional appraisal by the City’s Real Estate Services Division, is approximately \$1,700, which Grantee has agreed to pay.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the *Grant of Easement*, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City’s Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, “Street Improvements,” in which “YY” represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easement*; including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

Section 8. 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

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachment upon portions of Pancoast Alley and Crow Alley)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **BARRISTER APARTMENTS, LLC**, an Ohio limited liability company, with a tax mailing address of 114 W 14th Street, Cincinnati, OH 45202 ("**Grantee**").

Recitals:

A. By virtue of a *General Warranty Deed* recorded on August 26, 2022, in OR 14739, Page 303, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 214-216 E. 9th Street, Cincinnati, OH 45202, as more particularly described on Exhibit A (*Legal Description – Benefitted Properties*) and depicted on Exhibit B (*Survey*) hereto (the "**Benefitted Properties**").

B. The City owns certain real property abutting the Benefitted Properties designated as the public rights-of-way known as Pancoast Alley and Crow Alley, as more particularly depicted on Exhibit B hereto (the "**Property**"). The Property is under the management of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested the City to grant encroachment easements for two fire escape encroachments above portions of the Property, as more particularly depicted on Exhibit B and described on Exhibit C (*Legal Description – Easement Areas*) hereto (the "**Encroachments**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easements will not have an adverse effect on the City's retained interest in the Property, and (ii) granting the easements will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is \$1,700, which Grantee has agreed to pay.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easements at its meeting on November 18, 2022.

G. Cincinnati City Council approved the easement by Ordinance No. [____]-2022, passed on [____], 2022.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Properties, two non-exclusive easements to construct, install, use, maintain, repair, reconstruct, replace, and remove the Encroachments, as more particularly identified and depicted on Exhibit B and described on Exhibit C hereto (the "Easements" or the "Easement Areas", as applicable). Once installed, Grantee shall not make any alterations, additions, enlargements, or modifications to the Encroachments within the Easement Areas without the prior written consent of the City. Grantee acknowledges and agrees that it has conducted its own due diligence to familiarize itself with the condition and characteristics of the Easement Areas. The City has not made any representations or warranties concerning the title, condition, or characteristics of the Easement Areas or the suitability or fitness of the Easement Areas for any purpose. Grantee 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 Easement Areas.

2. Permitted Use. Grantee, its agents, tenants, licensees, and invitees shall have the non-exclusive right to use the Easement Areas for the sole and limited purpose of emergency pedestrian ingress and egress from the Benefitted Properties to the adjoining public rights-of-way. Grantee shall not use or permit the use of the Easement Areas in any manner that is inconsistent with the rights granted herein or in a manner that impairs or unreasonably interferes with the rights of the City or others permitted by the City to the full use and enjoyment of the Property, as determined by the City.

3. Termination. Notwithstanding anything herein to the contrary, the Easements shall automatically terminate (i) upon the complete or respective partial demolition, without rebuilding within 1 year of such demolition, of the Encroachments within the Easement Areas, such that the Easements would be rendered unnecessary; (ii) upon written notice from the City if the City determines that it needs the Easement Area or any portion thereof for a municipal purpose, including, without limitation, to comply with Americans with Disabilities Act ("ADA") regulations or accessibility standards; or (iii) upon written notice from the City if the City determines that the Encroachments are creating a public safety issue, such as noncompliance with ADA accessibility regulations, or contributing to adverse impacts on the usability or accessibility of the Property, if Grantee does not abate or begin to take efforts to mitigate the public safety issue in a timely manner consistent with the degree of harm posed by the public safety issue.

4. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachments in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Easement Areas ("**Third-Party Utility Lines**"). In connection with Grantee's maintenance, repair, and use of the Encroachments, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee's expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the construction, maintenance, repair, reconstruction, or removal of the Encroachments under this instrument shall be handled entirely at Grantee's expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

5. Insurance: Indemnification. At all times, and in addition to whatever other insurance and bond requirements the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request and, in any event, prior to undertaking any construction activities within the Easement Areas. Grantee hereby waives all claims and rights of recovery against the City, and on behalf

of Grantee's insurers, rights of subrogation, in connection with any damage to the Encroachments, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including, without limitation, reasonable attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, construction, maintenance, repair, and all other matters associated with the Encroachments.

6. Access by City Departments. Grantee shall ensure continuous, unrestricted access to the Easement Areas (24 hours/day, 7 days/week, 52 weeks/year) for DOTE for inspection and any other purpose, and for the City's Police and Fire Departments.

7. No Liens. Grantee shall not permit any mechanics liens to attach to the Easement Areas in connection with the construction, installation, use, operation, maintenance, repair, reconstruction, removal, or replacement of the Encroachments.

8. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fail to address the same to DOTE's satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee's expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the respective Benefitted Properties until fully paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

9. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

10. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

11. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof, or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

12. Coordinated Report Conditions (CR #37-2022). The following additional conditions shall apply:

a. DOTE:

i. Construction drawings for the Encroachments must be prepared and sealed by a professional engineer or architect registered in the State of Ohio. The design loads must be in accordance with the appropriate Building Code standards and be stated on the drawings. Drawings must include mounting and framing details.

- ii. The Encroachments must be:
 - a. vertically at least 14 feet above the sidewalk;
 - b. within the curb area, not to extend into street pavement area;
 - c. fully supported from the building with no supports extending below;
 - d. compliant with clearance requirements for overhead utility lines;
 - e. horizontally no closer than five feet from a utility pole.
- iii. Prior to installation of the Encroachments, Grantee must obtain all applicable permits and permissions from the Department of Buildings and Inspection, without limitation to a Certificate of Appropriateness from the Urban Conservator or Historic Conservation Board, as applicable.
- b. GCWW: Grantee shall be solely responsible for the replacement or repair of all improvements within the Easement Areas if they are damaged by the failure, repair, operation, or replacement of the existing public water system within the public rights-of-way.
- c. Altafiber: Altafiber has existing underground telephone facilities located within the public rights-of-way. The existing facilities must remain in place, in service, and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as result of the Encroachments will be handled entirely at Grantee's cost.

13. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

14. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Properties*
Exhibit B – *Survey*
Exhibit C – *Legal Description—Easement Areas*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACCEPTED AND AGREED TO BY:

BARRISTER APARTMENTS, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of **BARRISTER APARTMENTS, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A
to Grant of Easement
LEGAL DESCRIPTION - BENEFITTED PROPERTIES

Property Address: 214-216 E. 9th Street
Auditor's Parcel No.: 079-0002-0005

Situated in the County of Hamilton, State of Ohio, and in the City of Cincinnati, and being a Part of Out Lot 17 of The City of Cincinnati as platted in Deed Book R1, Pages 23-24 and Plat at E2, Page 62, and bounded and described as follows: Beginning at a point in intersection of the north line of Ninth Street and the east line of the first alley east of Main Street (Pancost), thence eastwardly with Ninth Street 50 feet; thence northwardly at right angles to Ninth Street 80 feet and three inches to an alley; thence westwardly and parallel to Ninth street 50 feet to an alley; thence southwardly with said alley 80 feet and three inches to Ninth Street, the Place of beginning.

Property Address: 214-216 E. 9th Street
Auditor's Parcel No.: 079-0002-0006

Situated in the City of Cincinnati, Hamilton County, Ohio and being a part of Out Lot 17 of the City of Cincinnati as shown at Plat in Deed Book R1, Pages 23-24 and Plat at E2, Page 62, and being more particularly described as follows: Beginning at a point in the north side of Ninth Street 50 feet of the first alley (Pancost) east of Main Street in the City of Cincinnati, County of Hamilton and State of Ohio. Thence east with the north line of Ninth Street 50 feet to an alley; thence north with said alley 80 feet, more or less, to an alley; thence west with the last mentioned alley 50 feet; thence south at right alley to Ninth Street 80 feet, more or less, to Ninth Street and the place of beginning.

EXHIBIT B
to Grant of Easement
Survey

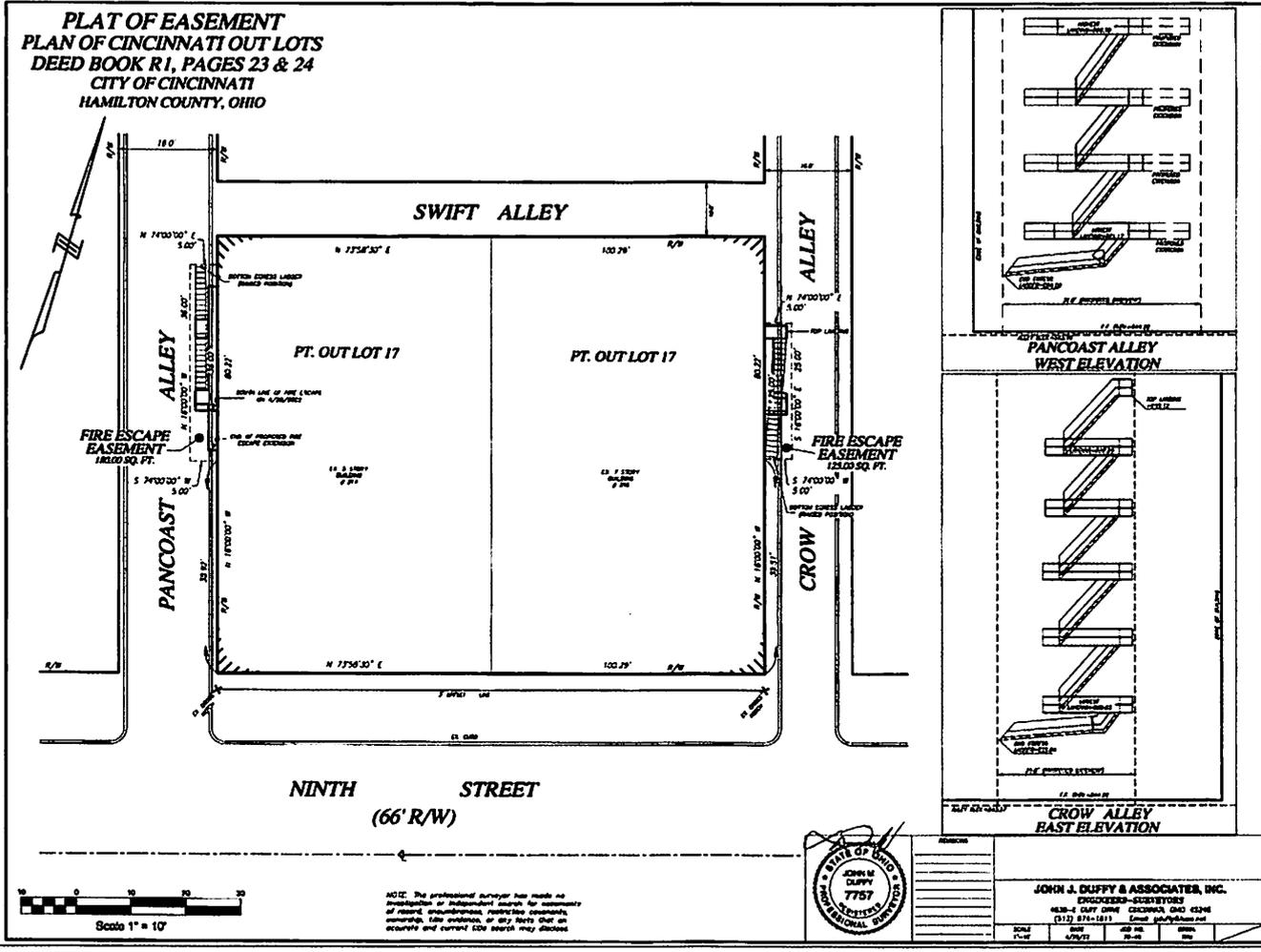


EXHIBIT C
to Grant of Easement
LEGAL DESCRIPTION—EASEMENT AREAS

Crow Alley Easement Area

Situate in the Plan of Cincinnati Out Lots as recorded in Deed Book R1, Pages 23 & 24 of the Hamilton County, Ohio Deed Records, being an easement for fire escape purposes over Crow Alley and being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Crow Alley and the northerly right of way line of Ninth Street; thence North 16° 00' 00" West along said westerly right of way line of Crow Alley, a distance of 39.51 feet to the **REAL PLACE OF BEGINNING for the following described easement; thence continuing North 16° 00' 00" West along said westerly right of way line, a distance of 25.00 feet; thence through said Crow Alley the following courses and distances:**

North 74° 00' 00" East, a distance of 5.00 feet;

South 16° 00' 00" East, a distance of 25.00 feet and

South 74° 00' 00" West, a distance of 5.00 feet to the place of beginning.

Containing 125.00 square feet of land.

The lowest elevation of the fire escape is 543.27 A.M.S.L. The elevation of the highest landing of said fire escape is 618.12 A.M.S.L.

EXHIBIT C
to Grant of Easement
LEGAL DESCRIPTION-EASEMENT AREAS (CONT.)

Pancoast Alley Easement Area

Situate in the Plan of Cincinnati Out Lots as recorded in Deed Book R1, Pages 23 & 24 of the Hamilton County, Ohio Deed Records, being an easement for fire escape purposes over Pancoast Alley and being more particularly described as follows:

Commencing at the intersection of the easterly right of way line of said Pancoast Alley and the northerly right of way line of Ninth Street; thence North 16° 00' 00" West along said easterly right of way line of Pancoast Alley, a distance of 38.92 feet to the **REAL PLACE OF BEGINNING** for the following described easement; thence through said Pancoast Alley the following courses and distances:

South 74° 00' 00" West, a distance of 5.00 feet;

North 16° 00' 00" West, a distance of 36.00 feet and

North 74° 00' 00" East, a distance of 5.00 feet to the aforementioned easterly right of way line of Pancoast Alley; thence South 16° 00' 00" East along said easterly right of way line, a distance of 36.00 feet to the place of beginning.

Containing 180.00 square feet of land.

The lowest elevation of the fire escape is 543.76 A.M.S.L. The elevation of the highest landing of said fire escape is 598.70 A.M.S.L.

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(encroachment upon portions of Pancoast Alley and Crow Alley)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **BARRISTER APARTMENTS, LLC**, an Ohio limited liability company, with a tax mailing address of 114 W 14th Street, Cincinnati, OH 45202 ("**Grantee**").

Recitals:

A. By virtue of a *General Warranty Deed* recorded on August 26, 2022, in OR 14739, Page 303, Hamilton County, Ohio Records, Grantee holds title to certain real property located at 214-216 E. 9th Street, Cincinnati, OH 45202, as more particularly described on Exhibit A (*Legal Description – Benefitted Properties*) and depicted on Exhibit B (*Survey*) hereto (the "**Benefitted Properties**").

B. The City owns certain real property abutting the Benefitted Properties designated as the public rights-of-way known as Pancoast Alley and Crow Alley, as more particularly depicted on Exhibit B hereto (the "**Property**"). The Property is under the management of the City's Department of Transportation and Engineering ("**DOT**").

C. Grantee has requested the City to grant encroachment easements for two fire escape encroachments above portions of the Property, as more particularly depicted on Exhibit B and described on Exhibit C (*Legal Description – Easement Areas*) hereto (the "**Encroachments**").

D. The City Manager, in consultation with DOTE, has determined that (i) the easements will not have an adverse effect on the City's retained interest in the Property, and (ii) granting the easements will not have an adverse effect on the usability or accessibility of any existing public right-of-way facilities.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is \$1,700, which Grantee has agreed to pay.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easements at its meeting on November 18, 2022.

G. Cincinnati City Council approved the easement by Ordinance No. [____]-2022, passed on [____], 2022.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Properties, two non-exclusive easements to construct, install, use, maintain, repair, reconstruct, replace, and remove the Encroachments, as more particularly identified and depicted on Exhibit B and described on Exhibit C hereto (the “**Easements**” or the “**Easement Areas**”, as applicable). Once installed, Grantee shall not make any alterations, additions, enlargements, or modifications to the Encroachments within the Easement Areas without the prior written consent of the City. Grantee acknowledges and agrees that it has conducted its own due diligence to familiarize itself with the condition and characteristics of the Easement Areas. The City has not made any representations or warranties concerning the title, condition, or characteristics of the Easement Areas or the suitability or fitness of the Easement Areas for any purpose. Grantee 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 Easement Areas.

2. Permitted Use. Grantee, its agents, tenants, licensees, and invitees shall have the non-exclusive right to use the Easement Areas for the sole and limited purpose of emergency pedestrian ingress and egress from the Benefitted Properties to the adjoining public rights-of-way. Grantee shall not use or permit the use of the Easement Areas in any manner that is inconsistent with the rights granted herein or in a manner that impairs or unreasonably interferes with the rights of the City or others permitted by the City to the full use and enjoyment of the Property, as determined by the City.

3. Termination. Notwithstanding anything herein to the contrary, the Easements shall automatically terminate (i) upon the complete or respective partial demolition, without rebuilding within 1 year of such demolition, of the Encroachments within the Easement Areas, such that the Easements would be rendered unnecessary; (ii) upon written notice from the City if the City determines that it needs the Easement Area or any portion thereof for a municipal purpose, including, without limitation, to comply with Americans with Disabilities Act (“**ADA**”) regulations or accessibility standards; or (iii) upon written notice from the City if the City determines that the Encroachments are creating a public safety issue, such as noncompliance with ADA accessibility regulations, or contributing to adverse impacts on the usability or accessibility of the Property, if Grantee does not abate or begin to take efforts to mitigate the public safety issue in a timely manner consistent with the degree of harm posed by the public safety issue.

4. Maintenance and Repairs. At no cost to the City, Grantee shall maintain the Encroachments in a continuous state of good and safe condition and repair. Grantee acknowledges that there may be existing easements, utility lines, and related facilities in the vicinity of the Easement Areas (“**Third-Party Utility Lines**”). In connection with Grantee’s maintenance, repair, and use of the Encroachments, Grantee shall not interfere with the access of utility companies to maintain and repair the Third-Party Utility Lines and shall, at Grantee’s expense, promptly repair any and all damage to Third-Party Utility Lines caused by Grantee, its agents, employees, contractors, subcontractors, tenants, licensees, or invitees. Any relocation of Third-Party Utility Lines necessitated by the construction, maintenance, repair, reconstruction, or removal of the Encroachments under this instrument shall be handled entirely at Grantee’s expense. All activities undertaken by Grantee under this instrument shall be in compliance with all applicable codes, laws, and other governmental standards, policies, guidelines and requirements.

5. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of Commercial General Liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City’s request and, in any event, prior to undertaking any construction activities within the Easement Areas. Grantee hereby waives all claims and rights of recovery against the City, and on behalf

of Grantee's insurers, rights of subrogation, in connection with any damage to the Encroachments, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including, without limitation, reasonable attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use, construction, maintenance, repair, and all other matters associated with the Encroachments.

6. Access by City Departments. Grantee shall ensure continuous, unrestricted access to the Easement Areas (24 hours/day, 7 days/week, 52 weeks/year) for DOTE for inspection and any other purpose, and for the City's Police and Fire Departments.

7. No Liens. Grantee shall not permit any mechanics liens to attach to the Easement Areas in connection with the construction, installation, use, operation, maintenance, repair, reconstruction, removal, or replacement of the Encroachments.

8. Default. If Grantee, its successors-in-interest, or assigns fail to perform any required work under this instrument and fail to address the same to DOTE's satisfaction within thirty (30) days after receiving written notice thereof from DOTE, the City shall have right to perform such work, at Grantee's expense, payable within ten (10) days after receiving an invoice from DOTE evidencing the amount due. Grantee, its successors-in-interest, or assigns shall be liable to DOTE for the payment of such work. Any outstanding amount due under this instrument shall create a lien on the respective Benefitted Properties until fully paid. At the City's option, the City may file an affidavit in the Hamilton County, Ohio Recorder's office to memorialize any outstanding amounts due under this instrument.

9. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

10. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

11. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof, or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager, and a copy of each such notice shall simultaneously be delivered to: Department of Transportation and Engineering, Attn: Director, Room 450. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

12. Coordinated Report Conditions (CR #37-2022). The following additional conditions shall apply:

a. DOTE:

i. Construction drawings for the Encroachments must be prepared and sealed by a professional engineer or architect registered in the State of Ohio. The design loads must be in accordance with the appropriate Building Code standards and be stated on the drawings. Drawings must include mounting and framing details.

- ii. The Encroachments must be:
 - a. vertically at least 14 feet above the sidewalk;
 - b. within the curb area, not to extend into street pavement area;
 - c. fully supported from the building with no supports extending below;
 - d. compliant with clearance requirements for overhead utility lines;
 - e. horizontally no closer than five feet from a utility pole.
 - iii. Prior to installation of the Encroachments, Grantee must obtain all applicable permits and permissions from the Department of Buildings and Inspection, without limitation to a Certificate of Appropriateness from the Urban Conservator or Historic Conservation Board, as applicable.
- b. GCWW: Grantee shall be solely responsible for the replacement or repair of all improvements within the Easement Areas if they are damaged by the failure, repair, operation, or replacement of the existing public water system within the public rights-of-way.
- c. Altafiber: Altafiber has existing underground telephone facilities located within the public rights-of-way. The existing facilities must remain in place, in service, and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as result of the Encroachments will be handled entirely at Grantee's cost.

13. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

14. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Properties*
Exhibit B – *Survey*
Exhibit C – *Legal Description—Easement Areas*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "Effective Date").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Approved by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

Assistant City Solicitor

[Grantee Signature Page Follows]

ACCEPTED AND AGREED TO BY:

BARRISTER APARTMENTS, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of **BARRISTER APARTMENTS, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A
to Grant of Easement
LEGAL DESCRIPTION - BENEFITTED PROPERTIES

Property Address: 214-216 E. 9th Street
Auditor's Parcel No.: 079-0002-0005

Situated in the County of Hamilton, State of Ohio, and in the City of Cincinnati, and being a Part of Out Lot 17 of The City of Cincinnati as platted in Deed Book R1, Pages 23-24 and Plat at E2, Page 62, and bounded and described as follows: Beginning at a point in intersection of the north line of Ninth Street and the east line of the first alley east of Main Street (Pancost), thence eastwardly with Ninth Street 50 feet; thence northwardly at right angles to Ninth Street 80 feet and three inches to an alley; thence westwardly and parallel to Ninth street 50 feet to an alley; thence southwardly with said alley 80 feet and three inches to Ninth Street, the Place of beginning.

Property Address: 214-216 E. 9th Street
Auditor's Parcel No.: 079-0002-0006

Situated in the City of Cincinnati, Hamilton County, Ohio and being a part of Out Lot 17 of the City of Cincinnati as shown at Plat in Deed Book R1, Pages 23-24 and Plat at E2, Page 62, and being more particularly described as follows: Beginning at a point in the north side of Ninth Street 50 feet of the first alley (Pancost) east of Main Street in the City of Cincinnati, County of Hamilton and State of Ohio. Thence east with the north line of Ninth Street 50 feet to an alley; thence north with said alley 80 feet, more or less, to an alley; thence west with the last mentioned alley 50 feet; thence south at right alley to Ninth Street 80 feet, more or less, to Ninth Street and the place of beginning.

EXHIBIT B
to Grant of Easement
Survey

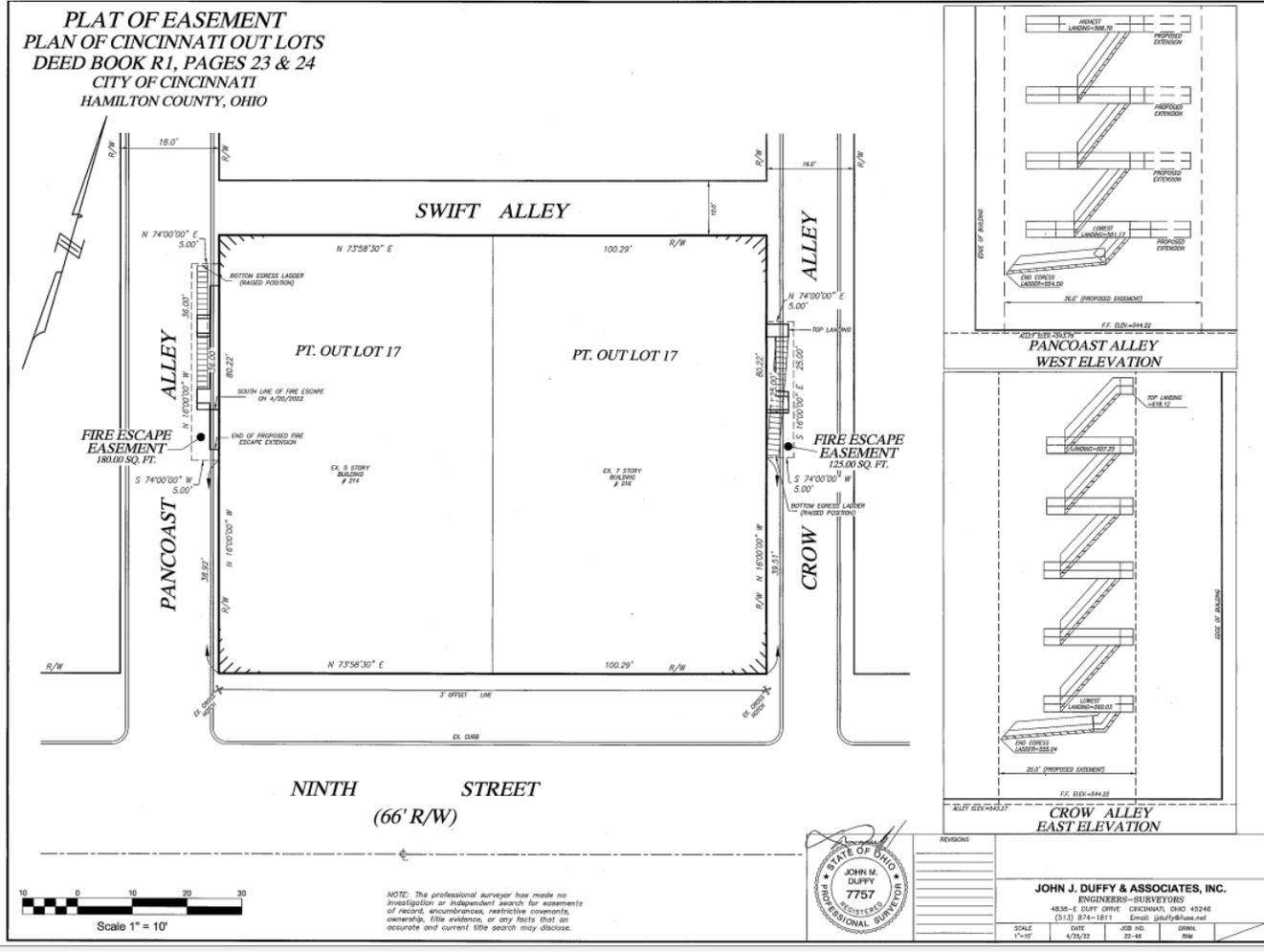


EXHIBIT C
to Grant of Easement
LEGAL DESCRIPTION—EASEMENT AREAS

Crow Alley Easement Area

Situate in the Plan of Cincinnati Out Lots as recorded in Deed Book R1, Pages 23 & 24 of the Hamilton County, Ohio Deed Records, being an easement for fire escape purposes over Crow Alley and being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Crow Alley and the northerly right of way line of Ninth Street; thence North 16° 00' 00" West along said westerly right of way line of Crow Alley, a distance of 39.51 feet to the **REAL PLACE OF BEGINNING** for the following described easement; thence continuing North 16° 00' 00" West along said westerly right of way line, a distance of 25.00 feet; thence through said Crow Alley the following courses and distances:

North 74° 00' 00" East, a distance of 5.00 feet;

South 16° 00' 00" East, a distance of 25.00 feet and

South 74° 00' 00" West, a distance of 5.00 feet to the place of beginning.

Containing 125.00 square feet of land.

The lowest elevation of the fire escape is 543.27 A.M.S.L. The elevation of the highest landing of said fire escape is 618.12 A.M.S.L.

EXHIBIT C
to Grant of Easement
LEGAL DESCRIPTION-EASEMENT AREAS (CONT.)

Pancoast Alley Easement Area

Situate in the Plan of Cincinnati Out Lots as recorded in Deed Book R1, Pages 23 & 24 of the Hamilton County, Ohio Deed Records, being an easement for fire escape purposes over Pancoast Alley and being more particularly described as follows:

Commencing at the intersection of the easterly right of way line of said Pancoast Alley and the northerly right of way line of Ninth Street; thence North 16° 00' 00" West along said easterly right of way line of Pancoast Alley, a distance of 38.92 feet to the **REAL PLACE OF BEGINNING** for the following described easement; thence through said Pancoast Alley the following courses and distances:

South 74° 00' 00" West, a distance of 5.00 feet;

North 16° 00' 00" West, a distance of 36.00 feet and

North 74° 00' 00" East, a distance of 5.00 feet to the aforementioned easterly right of way line of Pancoast Alley; thence South 16° 00' 00" East along said easterly right of way line, a distance of 36.00 feet to the place of beginning.

Containing 180.00 square feet of land.

The lowest elevation of the fire escape is 543.76 A.M.S.L. The elevation of the highest landing of said fire escape is 598.70 A.M.S.L.



January 11, 2023

To: Mayor and Members of City Council 202300275
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (55th Annual Cincinnati St. Patrick's Parade)**

In accordance with Cincinnati Municipal Code, Chapter 765; (Cincinnati St. Patrick's Parade Committee, Inc.) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: 55th Annual Cincinnati St. Patrick's Parade
EVENT SPONSOR/PRODUCER: Cincinnati St. Patrick's Parade Committee, Inc.
CONTACT PERSON: Chris Schulte
LOCATION: "The Banks" Mehring Way, Joe Nuxhall Way, & Freedom Way
DATE(S) AND TIME(S): 3/11/2023 12PM to 4PM
EVENT DESCRIPTION: Annual Parade to celebrate St. Patrick's Day
ANTICIPATED ATTENDANCE: 4,000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (N/A)

cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

January 11, 2023

202300276

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Bockfest 5K)**

In accordance with Cincinnati Municipal Code, Chapter 765; (Pig Works) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Bockfest 5K
EVENT SPONSOR/PRODUCER: Pig Works
CONTACT PERSON: Jeanette Kiely
LOCATION: Findlay Park 1811 Vine St. / O.T.R.
DATE(S) AND TIME(S): March 4th 10:00AM to 12:00PM
EVENT DESCRIPTION: 5K road race for charity that coincides with the Bockfest Event.
ANTICIPATED ATTENDANCE: 2,900 Runners
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (N/A)



cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

January 11, 2023

202300279

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Bockfest 2023)**

In accordance with Cincinnati Municipal Code, Chapter 765; (OTR Brewery District CURC) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Bockfest 2023
EVENT SPONSOR/PRODUCER: OTR Brewery District CURC
CONTACT PERSON: Debbie Branscum
LOCATION: Findlay Park 1811 Vine St. / O.T.R.
DATE(S) AND TIME(S): March 3rd 2023, 4:00PM to 12:00AM (Parade starts at 6:00PM)
March 4th 2023, 10:00AM to 12:00AM
March 5th 2023, 10:00AM to 7:00PM
EVENT DESCRIPTION: Weekend beer event in the park with a parade from Arnold's Bar to Findlay Playground Friday March 3rd.
ANTICIPATED ATTENDANCE: 20,000 over the weekend
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (OTR Brewery District CURC)



cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief



January 11, 2023

202300281

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Heart Mini Marathon**

In accordance with Cincinnati Municipal Code, Chapter 765; Don Connolly has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department. There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Heart Mini Marathon
EVENT SPONSOR/PRODUCER: Don Connolly
CONTACT PERSON: Don Connolly
LOCATION: 5th Street to Delta Avenue(using Columbia Parkway), 6th Street from Viaduct to Main.
DATE(S) AND TIME(S): 03/19/23 0700-1500
EVENT DESCRIPTION: Run/Walk to create awareness and raise funds for heart disease and stroke research
ANTICIPATED ATTENDANCE: 30,000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

Date: January 11, 2023

To: Mayor and Members of City Council

202300334

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – Transfer of Location**

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: 0435353
PERMIT TYPE: TFOL
CLASS: D5 D6
NAME: BAR ON RACE LLC
DBA: NONE LISTED
595 RACE ST
CINCINNATI, OH 45202

On November 21, 2022, Downtown Residents Council was notified of this application and do 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: January 13, 2023

Date: 12/1/2022
 To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief
 From: Lieutenant Donna Robinson, Central Business Section

Copies to

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-528

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: Central Business Section

PERMIT #: 6674059

TYPE OF PERMIT APPLIED FOR: Transfer of Location

PERMIT NAME & ADDRESS:

Name:	PANINO LLC
Address:	595 RACE ST CINCINNATI OH 45202

APPLICANTS NAME(S): TYLER L. WOGENSTAHL

INSPECTION / INVESTIGATION INFORMATION:

Officer:	PO M. MOORE
Date:	12/1/2022
Findings:	NO OBJECTION

COMMUNITY COUNCIL NOTIFIED:

Name 1: ALAN BUNKER	Date: 12/1/2022	Notified by: email
Phone:	E-mail:	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

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:

NO OBJECTION

DR



MPH/USG AOC

No Objection
-mg/LECH
1/5/23.

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

November 18, 2022

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.: 0435353
Permit Type: TFOL D5 D6
Name: BAR ON RACE LLC
595 RACE ST
CINCINNATI OH 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.: 0435353
Permit Type: TFOL D5 D6
Name: BAR ON RACE LLC
595 RACE 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

11/18/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

12/15/2022

Date: January 11, 2023

To: Mayor and Members of City Council 202300335
From: Sheryl M. M. Long, City Manager
Subject: **Liquor License – Transfer (Exempt)**

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: 0040337
PERMIT TYPE: TREX
CLASS: D2 D3 D6
NAME: AD STAFFING LLC
DBA: NONE LISTED
1026 E MCMILLAN ST
CINCINNATI, OH 45206

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On November 23, 2022, Walnut Hills Area Council was notified of this application and do 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: January 17, 2023

Date: December 21, 2022
To: Colonel Teresa A. Theetge, Police Chief
From: Sergeant Jeffrey Meister, District Four Neighborhood Liaison Unit
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: PBM #22-529

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Four

PERMIT #: 0040337

TYPE OF PERMIT APPLIED FOR: Transfer Exempt

PERMIT NAME & ADDRESS:

Name:	AD Staffing LLC
Address:	1026 E McMillan St, Cincinnati, Ohio, 45206

APPLICANTS NAME(S): Leando Ramone Davenport

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Officer Derrick Johnson
Date:	December 5, 2022
Findings:	Inspection Unable to be Completed

COMMUNITY COUNCIL NOTIFIED:

Name 1: Katherine Gardette	Date: 12/5/2022	Notified by: email
Phone: 513-641-1600	E-mail: kgardette@prestigeav.com	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

NO OBJECTIONS
 OBJECTION: Attached Letter with Community Council Letterhead

MJ

DISPOSITION OF THE DISTRICT:

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

REASON FOR OBJECTION:

DISTRICT FOUR OBJECTS TO THIS NEW APPLICATION, AS THE LOCATION IS CURRENTLY STILL UNDER CONSTRUCTION AND UNABLE TO COMPLETE ITS INSPECTION.

OFFICER JOHNSON REACHED OUT TO WALNUT HILLS COMMUNITY COUNCIL AND ADVISED OF THE APPLICATION. THERE WAS NO RESPONSE

JJM/S723
JJM/S723

*TPL/LLI
DECEMBER 21, 2022*

*12/21/22
NO OBJECTION
Capt M. J. Lewis
D-4*

*No Objection (Inspection Status Pending)
- mg/lscg
1/5/23*

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

November 22, 2022

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.: 0040337
Permit Type: TREX D2 D3 D6
Name: AD STAFFING LLC
1026 E MCMILLAN
CINCINNATI, OHIO 45206

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

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

0040337		TREX	AD STAFFING LLC
06	01	2022	1026 E MCMILLAN
ISSUE DATE			CINCINNATI OH 45206
11	16	2022	
FILING DATE			
D2	PERMIT CLASSES		
31	066	A	F28756
TAX DISTRICT		RECEIPT NO.	

FROM 11/18/2022

0370731			BC BOTTLE LODGE LLC
06	01	2022	8175 HETZ DR
ISSUE DATE			SYCAMORE TWP
11	16	2022	CINCINNATI OH 45242
FILING DATE			
D2	PERMIT CLASSES		
31	940		
TAX DISTRICT		RECEIPT NO.	



MAILED 11/18/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/19/2022

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 TREX 0040337**

(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

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

For City Bulletin

Liquor Permit Application

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

Application No.: 0040337
Permit Type: TREX D2 D3 D6
Name: AD STAFFING LLC
1026 E MCMILLAN
CINCINNATI OH 45206

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

11/22/22

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

12/19/22

Date: January 11, 2023

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

202300336

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: 3350566
PERMIT TYPE: NEW
CLASS: C1 C2
NAME: GREEN LIVING BY DESIGN LLC
DBA: GREEN LIVING BY DESIGN
117 E GALBRAITH RD
CINCINNATI, OH 45216

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On November 23, 2022, Hartwell Improvement Association was notified of this application and do 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: January 16, 2023

Date: December 21, 2022
To: Colonel Teresa A. Theetge, Police Chief
From: Sergeant Jeffrey Meister, District Four Neighborhood Liaison Unit
Copies to
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: PBM #22-529

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Four

PERMIT #: N/A

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	Green Living By Design LLC
Address:	117 E Galbraith Rd, Cincinnati, Ohio, 45216

APPLICANTS NAME(S): Julia Renee Pentecost

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Officer Anthony Hill
Date:	December 1, 2022
Findings:	Inspection Unable to be Completed

COMMUNITY COUNCIL NOTIFIED:

Name 1: Laura Feldmanl	Date: 12/1/2022	Notified by: email
Phone: 513-302-2802	E-mail: laurafeldman1@yahoo.com	

Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

NO OBJECTIONS
 OBJECTION: Attached Letter with Community Council Letterhead

MS

DISPOSITION OF THE DISTRICT:

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

REASON FOR OBJECTION:

DISTRICT FOUR OBJECTS TO THIS NEW APPLICATION, AS THE LOCATION IS CURRENTLY STILL UNDER CONSTRUCTION AND UNABLE TO COMPLETE ITS INSPECTION.

SGT MEISTER DID REACHED OUT TO HARTWELL COMMUNITY COUNCIL AND ADVISED OF THE NEW APPLICATION. THERE WAS NO OBJECTIONS

JJM S723

JJM/S723

*TPV/LL
DECEMBER 21, 2022*

12/21/22

NO OBJECTION ✓

*Capt. M. H. Kero
D-4*

*No Objection - muf/ktc4
1/5/23*

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

November 21, 2022

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.: 3350566
Permit Type: NEW C1 C2
Name: GREEN LIVING BY DESIGN LLC
DBA GREEN LIVING B DESIGN
117 GALBRAITH RD
CINCINNATI, OHIO 45216

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

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
8606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

3350566 <small>PERMIT NUMBER</small>		NEW <small>TYPE</small>	GREEN LIVING BY DESIGN LLC DBA GREEN LIVING B DESIGN 117 E GALBRAITH RD CINCINNATI OH 45216		
11 14 2022 <small>ISSUE DATE</small>					
11 14 2022 <small>FILING DATE</small>					
C1 C2 <small>PERMIT CLASSES</small>					
31 <small>TAX DISTRICT</small>	066 <small>RECEIPT NO.</small>	A	D61039 <small>RECEIPT NO.</small>		

FROM 11/17/2022

<small>PERMIT NUMBER</small>		<small>TYPE</small>			
<small>ISSUE DATE</small>					
<small>FILING DATE</small>					
<small>PERMIT CLASSES</small>					
<small>TAX DISTRICT</small>	<small>RECEIPT NO.</small>				

MAILED 11/17/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN.

12/18/2022

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 3350566

(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)

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST RM 308
CINCINNATI OH 45202

(Title) - Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

21NOV22 09:56

TO: 3350566

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.: 3350566
Permit Type: NEW C1 C2
Name: GREEN LIVING BY DESIGN LLC
DBA GREEN LIVING B DESIGN
117 E GALBRAITH RD
CINCINNATI OH 45216

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

11/21/22

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

12/18/22

Date: January 11, 2023

To: Mayor and Members of City Council

202300344

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – Transfer of Ownership**

FINAL RECOMMENDATION REPORT

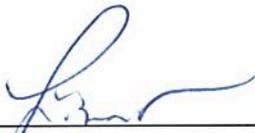
OBJECTIONS: Cincinnati Police Department

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: 4120195
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: ICHIBAN ON ELM LLC
DBA: NONE LISTED
1000 ELM ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On November 23, 2022, Downtown Residents Council was notified of this application and do 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: January 17, 2023

Date: 12/1/2022
To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief
From: Lieutenant Donna Robinson, Central Business Section
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-528
DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: Central Business Section
PERMIT #: 9421463
TYPE OF PERMIT APPLIED FOR: Transfer of Ownership
PERMIT NAME & ADDRESS:

Name:	WASHINGTON PLATFORM INC
Address:	1000 ELM ST CINCINNATI OH 45202

APPLICANTS NAME(S): ORISELMA DELEON RODAS, DBA ICHIBAN ON ELM

INSPECTION / INVESTIGATION INFORMATION:

Officer:	PO M. MOORE
Date:	12/1/2022
Findings:	Objection

COMMUNITY COUNCIL NOTIFIED:

Name 1: ALAN BUNKER	Date: 12/1/2022	Notified by: email
Phone:	E-mail:	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

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:

After further review both applicants social security numbers are not verifiable thru RCIC verification.



DR

For Objection - cannot verify applicants social security numbers
-mg/LTC 1/9/23

Date: November 23, 2022
To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief
From: Police Officer Lilgenia Wharton, Vice Squad
Copies to:
Subject: **Objection to Liquor Permit Application**

Special Investigations Section is in receipt of a liquor permit application from Ichiban On Elm LLC, located at 1000 Elm Street, Cincinnati, OH 45202 (Permit #4120195). The permit applicant, Eleno Mendez DeLeon, and permit co-applicant, Oriselma DeLeon Rodas, identities are unable to be confirmed. Both applicants have listed fictitious Social Security Numbers on the "Personal History Background Form" with liquor permit application. Special Investigations Section respectfully requests the city object to the issuance of a permit to this applicant and co-applicant.

LW *fw* *11/23/22*
P232
11/23/22
R187
#5581
Recommend approval
CM/CT

IB/CO

**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

4120195		TRFO	ICHIBAN ON ELM LLC 1000 ELM ST 1ST FL CINCINNATI OHIO 45202
PERMIT NUMBER		TYPE	
06	01	2020	
ISSUE DATE			
11	14	2022	
FILING DATE			
D5 D6			
PERMIT CLASSES			
31	066	A	
TAX DISTRICT			F28741
		RECEIPT NO.	

FROM **11/16/2022** **SAFEKEEPING**

9421463			WASHINGTON PLATFORM INC 1000 ELM ST 1ST FL CINCINNATI OHIO 45202
PERMIT NUMBER		TYPE	
06	01	2020	
ISSUE DATE			
11	14	2022	
FILING DATE			
D5 D6			
PERMIT CLASSES			
31	066		
TAX DISTRICT			RECEIPT NO.



MAILED **11/16/2022**

RESPONSES MUST BE POSTMARKED NO LATER THAN. **12/19/2022**

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 4120195**

(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

**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

November 18, 2022

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.: 4120195
Permit Type: TRFO D5 D6
Name: ICHIBAN ON ELM LLC
1000 ELM ST 1ST FL
CINCINNATI OH 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.: 4120195
Permit Type: TRFO D5 D6
Name: ICHIBAN ON ELM LLC
1000 ELM ST 1ST FL
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

11/18/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

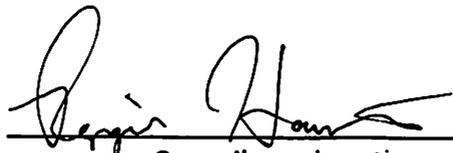
12/19/2022

SUCCESSOR DESIGNATION CERTIFICATE

Pursuant to the provisions of Article II, Section 4b of the City Charter,

I, REGGIE HARRIS a duly elected member of the City Council of Cincinnati, Ohio, term beginning JANUARY 4, 2022 do hereby certify the following Councilmember(s) as the person(s) empowered to select my successor should my office become vacant due to any cause:

MELBA OWENS



Councilmember

SUCCESSOR DESIGNATION CERTIFICATE

Pursuant to the provisions of Article II, Section 4b of the City Charter,

I, Maeka Owens a duly elected member of the City Council of Cincinnati, Ohio, term beginning Jan 4th 2021 do hereby certify the following Councilmember(s) as the person(s) empowered to select my successor should my office become vacant due to any cause:

Reggie Harris

Maeka D. Owens
Councilmember

SUCCESSOR DESIGNATION CERTIFICATE

Pursuant to the provisions of Article II, Section 4b of the City Charter,
I, LIZ KEATING a duly elected member of the City Council of
Cincinnati, Ohio, term beginning JANUARY 4, 2022 do hereby certify
the following Councilmember(s) as the person(s) empowered to select my
successor should my office become vacant due to any cause:

JAN-MICHELE KEARNEY

REGGIE HARRIS



Councilmember-

January 5, 2023

To: Mayor and Members of City Council

202202302

From: Sheryl M. M. Long, City Manager

Subject: Finance and Budget Monitoring Report for the Period Ending October 31, 2022

The purpose of this report is to provide the City Council with the status of the City's Fiscal Year (FY) 2023 financial and operating budget conditions as of October 31, 2022, to note any significant variances, identify potential budget issues, and provide recommendations. The report is divided into two sections: revenues and expenditures. Various supplemental reports are attached to reflect forecasted revenue, actual revenue, expenditures, and commitments through October 31, 2022.

The following Citywide issues may impact the General Fund 050, Special Revenue Funds, and Enterprise Funds.

1. General Fund revenues are greater than projected by \$5.1 million through the end of October. However, this report highlights increased potential expenditure needs in the amount of \$5.7 million.
2. Overtime in the Cincinnati Fire Department (CFD) and the Cincinnati Police Department (CPD) is currently outpacing the budget. In CFD, the increased overtime is primarily driven by the increased attrition experienced over the past several years. The department is required to use overtime to backfill the vacant positions. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. In CPD, the increased overtime is primarily due to Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter.
3. The Approved FY 2022 Budget included a 2.0% wage increase for Cincinnati Organized and Dedicated Employees (CODE). The wage increase was not paid in FY 2022 as contract negotiations were still underway. Following the report of a fact finder in September 2022, which was approved by the City Council on

October 5, 2022, through Ordinance No. 0312-2022, the new labor agreement includes a 5.0% wage increase retroactive to March 2022. Supplemental appropriations may be required to cover the additional cost of the wage increase over the budgeted amount as well as the retroactive pay.

4. The Approved FY 2023 Budget Update included a 3.0% wage increase for CODE. The fact finder's report, which was approved by the City Council on October 5, 2022, through Ordinance No. 0312-2022, includes a 4.0% wage increase for March 2023. Supplemental appropriations may be required to cover the cost of the wage increase over the budgeted amount.
5. Community Health Center Activities Fund 395 revenues continue to be negatively impacted by the lasting effects of the COVID-19 pandemic. Healthcare workers remain in high demand, which has resulted in a staffing shortage in nurses and medical assistants working in health centers. These staffing issues have impacted appointment availability and related revenue. The Cincinnati Health Department is continuing the hiring of temporary staff to alleviate staffing needs until the department can fill the permanent position vacancies. Revenue trends will continue to be closely monitored.
6. Parking meter revenue is below the estimate. However, many contractual service expenditures are based on revenue, so less revenue results in lower expenses in some cases. This should offset the reduction in revenue. The fund will be monitored closely to ensure expenditures do not outpace revenues.
7. The lasting impacts of the COVID-19 pandemic continue to impact supply chains and the costs of various goods and services. Departments report several areas of concern, including energy costs, vehicle repair and maintenance costs, and the supply of new vehicles. Trends in the energy sector show an increase in costs for natural gas, petroleum, etc. Supply chain issues have also resulted in the shortage of vehicle parts and semiconductor chips. Fleet repairs are becoming more difficult and more expensive in certain cases. The acquisition of new vehicles has also been affected by these issues. Fleet Services anticipates that new vehicles will be significantly delayed which may result in an operating budget need for vehicle leases until new vehicles become available and increased repair costs as older vehicles will remain in service for a longer than anticipated period of time. These issues will be monitored closely for budgetary and operational impacts.

REVENUE

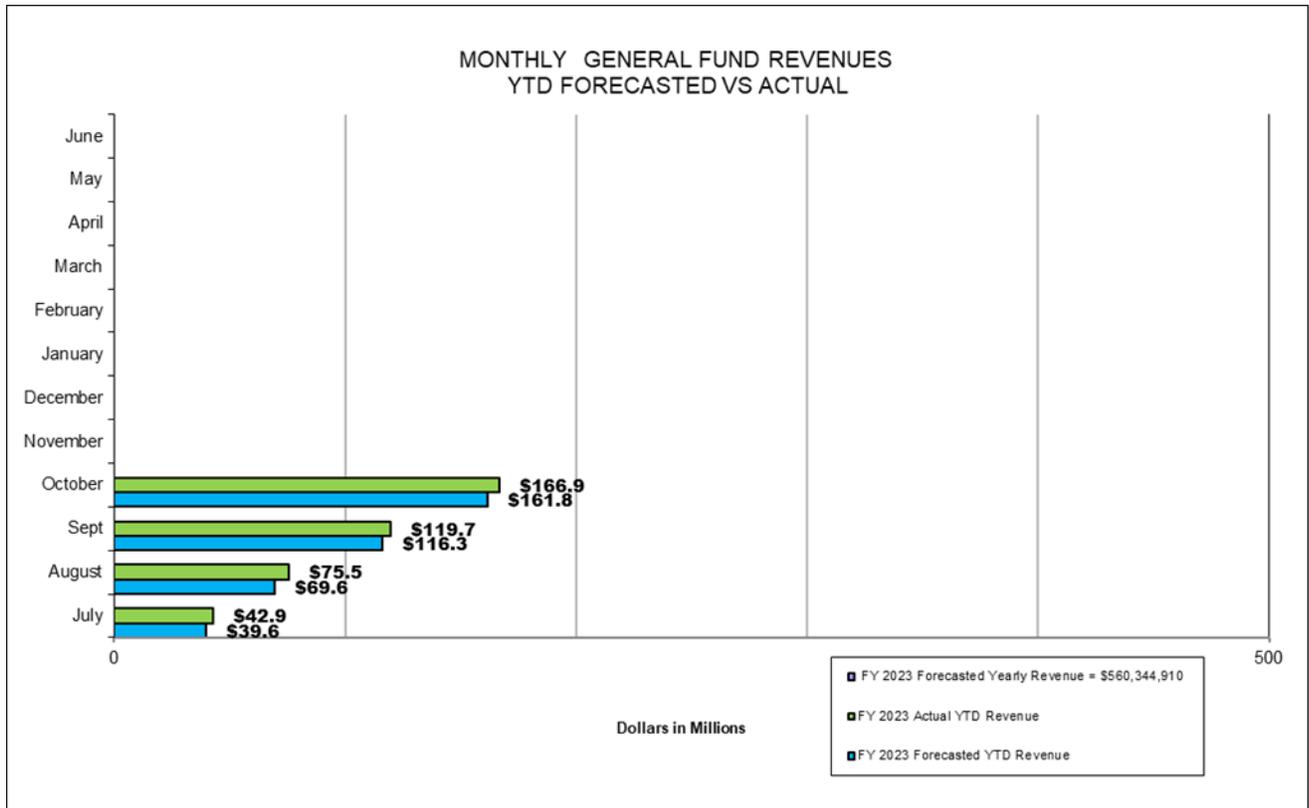
The following report provides an update on the City of Cincinnati's financial condition as of the month ending October 31, 2022. Variances are based on current year

estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue versus forecasted revenue and prior year actual revenue versus current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

I. GENERAL FUND 050

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through October 31, 2022 and shows that actual revenue of \$166.9 million was above forecasted revenue of \$161.8 million by \$5.1 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES

	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$1,534,628)
City Income Tax	5,791,971	
Admissions Tax	1,351,715	
Short Term Rental Excise Tax	556,591	
Licenses & Permits		(\$244,288)
Fines, Forfeitures, & Penalties	599,431	
Investment Income	416,397	
Local Government	316,271	
Casino	461,182	
Police	460,990	
Buildings and Inspections		(\$34,108)
Fire	346,644	
Parking Meter	200	
Other		(\$3,383,729)
	10,301,392	(\$5,196,753)
Difference	5,104,639	

General Fund (favorable variance) is \$5.1 million above the amount forecasted through October in the FY 2023 Budget. This is the fourth month's report for the new fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

1. **Property Tax (unfavorable variance) is \$1.5 million** below estimate due to the decrease in the millage for this half. The millage for the second half is set at a higher rate which will offset this unfavorable variance. The Administration anticipates Property Tax revenue will be on target at year end. This is a semi-annual payment. The second payment will be received in late spring.
2. **Income Tax (favorable variance) is \$5.8 million** above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. The Administration will continue to watch the trends very closely.
3. **Admission Tax (favorable variance) is \$1.4 million** above estimate. As it is early in the fiscal year, Finance will monitor this revenue group. Many estimates have been set to pre-pandemic levels as businesses rebound.
4. **Short Term Rental Excise Tax (favorable variance) is up \$557k.** This variance is attributed to a higher than anticipated response through Airbnb.

5. **Fines, Forfeitures and Penalties (favorable variance) is up \$599k.** This is mostly contributed to an increase in Parking Fine collections.
6. **Other (unfavorable variance) is \$3.4 million** below forecast. This category is comprised of many small sources of revenue that fluctuate occasionally. General Fund Overhead billing was slightly delayed this fiscal year causing a variance in this category. It will be adjusted next month. Finance will continue to monitor these various revenue sources.

II. RESTRICTED FUNDS

- A. **Parking System Facilities (favorable variance) is \$522k** above estimate. The estimate was very conservative this year as the decline from the pandemic is still lingering in this category. Finance is monitoring how many companies are bringing their employees back to the office and utilizing the lots and garages. The actuals are still down from FY 2019.
- B. **Convention Center (favorable variance) is \$643k** above estimate. The venue is starting FY 2023 better than it has in several years with many bookings taking place. The addition of many people returning to our hotels has increased the transient occupancy tax revenue and that adds to the favorable variance.
- C. **Community Health Centers (favorable variance) is up \$4.0 million.** Federal Emergency Management Agency (FEMA) reimbursements were received that cover prior year COVID-19 expenses such as supplies and vaccine clinics. This was not estimated in FY 2023 as the timeliness of these reimbursements are difficult to know.
- D. **Cincinnati Health District (favorable variance) is up \$451k.** Federal Emergency Management Agency (FEMA) reimbursements were received that cover prior year COVID-19 expenses such as supplies and vaccine clinics. This was not estimated in FY 2023 as the timeliness of these reimbursements are difficult to know.
- E. **Streetcar Operations (favorable variance) is \$1.9 million** above estimate. The Ohio Transit Partnership (OTP) and Formula grant payments were delayed from FY 2022, as were the voluntary tax incentive contribution agreement (VTICA) payments. These receipts were not estimated in FY 2023. This category will remain above estimate this fiscal year.

EXPENDITURES

The following provides an update on the City of Cincinnati's operating budget position as of the month ending October 31, 2022. The attached Fund Summary Report provides the current budget, expenditures, and commitments of each appropriated fund. This report is presented on a year-to-date basis.

I. GENERAL FUND 050

As shown on the attached report, total expenditures are 29.7% of budget, and commitments are 35.2% of budget in General Fund 050 as compared to the estimated period ending October 31, 2022, or 33.3% of the fiscal year. "Non-personnel expenses" are trending higher at 53.5% committed year to date due to encumbering twelve months of expenditures for certain commodities such as gas and electric costs, contractual services, and materials and supplies. This is not unusual for this reporting period.

The majority of departments have indicated their FY 2023 General Fund 050 appropriation will meet their budgetary needs through the end of the fiscal year. However, budget transfers may be necessary to move funds from divisions and programs with savings to others within the respective departments that have budget needs. These transfers will be included in the Final Adjustment Ordinance (FAO), which will be presented to the City Council in May 2023.

A. Budget Savings Identified

At this time, no General Fund 050 departments are projecting savings at the end of FY 2023. Any savings identified will be available to support budget needs in other departments and programs as necessary. Interdepartmental transfers of funds from one department to another will be included in the FAO as appropriate.

B. Budget Needs Identified

Based on current expenditure projections, the following General Fund 050 departments are forecasting a budget need in FY 2023. The departments have been advised to manage their appropriated resources so that supplemental appropriations will not be required. However, the Administration will continue to closely monitor these budgets in the coming months and work with the respective departments to mitigate the need for supplemental appropriations. As appropriate, any remaining budget needs will be addressed with the FAO.

1. Department of Human Resources (\$10,000)

The Department of Human Resources projects a need in non-personnel. The door at the main entrance is no longer functional and needs to be replaced to ensure safety and security. The replacement is estimated at \$10,000.

2. Citizen Complaint Authority (\$40,000)

The Citizen Complaint Authority (CCA) projects a possible personnel need resulting from vacant positions that were filled at higher than anticipated salaries as well as anticipated equity salary adjustments. Additionally, the department is projecting a non-personnel need resulting from a FY 2022 computer expense that was not properly encumbered as well as telephone expenses for cell phones for investigators.

3. Cincinnati Police Department (\$1.3 million)

The Cincinnati Police Department (CPD) projects an overall need of approximately \$1.3 million primarily due to personnel expense overages. Personnel overages are estimated at \$925,000 and are attributed to increased Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter. Additionally, a non-personnel need of \$375,000 is projected due to unbudgeted annual software maintenance for the department's wireless mobile digital video (in-car camera) system. Personnel and non-personnel expenditures will be closely monitored over the next few months.

4. Cincinnati Fire Department (\$4.1 million)

The Cincinnati Department (CFD) projects a total need of up to \$4.1 million primarily due to overtime. Increased attrition over the past several years has necessitated the use of overtime to backfill vacant positions. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. However, this need may be partially offset by non-personnel savings. Both the department and the Office of Budget and Evaluation will continue to closely monitor staffing trends and overtime needs.

5. Non-Departmental Accounts (\$201,000)

The Internal Revenue Service (IRS) limits the maximum employee benefit received from a defined contribution retirement plan. Per the Cincinnati Municipal Code (CMC), the City is responsible for covering the excess benefit amount, which is paid from the Contribution to Total Benefit Arrangement (Cincinnati Retirement System (CRS)) non-departmental account. An amount of \$1,000 is needed in this account in order to comply with IRS regulations.

Additionally, the Law Department projects a potential need of up to \$200,000 in the Judgments Against the City non-departmental account for settlements. The timing of settlements may also impact the potential need. The Law Department will monitor this need closely. It is also expected that the City will owe a judgment of at least \$2,700,000 in a future budget monitoring period due to the Ohio First District Court of Appeals upholding the finding, in *White v. Cincinnati, 2021-Ohio-4003*, that the false alarm fee imposed by the City under Cincinnati Municipal Code (CMC) Chapter 807 to be a tax which was determined to be unconstitutional. The finding will likely dictate the timing required for the payment of this judgment.

C. Within Budget, Intradepartmental Budget Transfers May Be Needed

Numerous General Fund 050 departments have indicated the ability to manage their resources within their appropriation. However, budget adjustments within their departments may be required. These transfers are referred to as Intradepartmental Budget Transfers. Unless noted otherwise, these Intradepartmental Budget Transfers will be included in the FAO, which will be presented to the City Council for approval in May 2023.

1. Clerk of Council

The Clerk of Council's Office projects a potential non-personnel need due to evening neighborhood meetings, which are held twice a month. Each meeting costs an estimated \$1,000. This ongoing expense will be monitored and addressed in a budget adjustment ordinance if necessary.

2. Enterprise Technology Solutions

The Department of Enterprise Technology Solutions projects no budget savings or need at this time, pending reimbursement processing.

3. City Manager's Office

The City Manager's Office projects no budget savings or need at this time. However, a potential non-personnel need may arise related to Infrastructure Investment and Jobs Act (IIJA) grant application consulting services.

4. City Manager's Office: Office of Communications

The Office of Communications projects no budget savings or need at this time.

5. City Manager's Office: Office of Human Relations

The Office of Human Relations projects no budget savings or need at this time.

6. City Manager's Office: Office of Budget and Evaluation

The Office of Budget and Evaluation projects no budget savings or need at this time, pending reimbursement processing.

- 7. City Manager's Office: Emergency Communications Center (ECC)**
The Emergency Communications Center projects no budget savings or need at this time. However, a need may arise related to the 311 service line chat tool software.
- 8. City Manager's Office: Office of Environment and Sustainability**
The Office of Environment and Sustainability projects no budget savings or need at this time.
- 9. City Manager's Office: Office of Procurement**
The Office of Procurement projects no budget savings or need at this time.
- 10. City Manager's Office: Office of Performance and Data Analytics (OPDA)**
The Office of Performance and Data Analytics projects potential personnel savings, which will be monitored. No savings or needs are anticipated in the non-personnel budget.
- 11. City Manager's Office: Internal Audit**
Internal Audit projects a possible personnel need. The budget will be monitored for a possible shortfall, which can be resolved in the Final Adjustment Ordinance if necessary.
- 12. Department of Law**
The Department of Law projects no budget savings or need at this time.
- 13. Department of Finance**
The Department of Finance projects no budget savings or need at this time.
- 14. Department of Community and Economic Development**
The Department of Community and Economic Development (DCED) projects a non-personnel need due to Shillito's West annual operating expenses. Additionally, there is a potential personnel need in the Housing Division. These needs will be offset by personnel savings in the Economic Development Division. Transfers between agencies may be required as part of the Final Adjustment Ordinance.
- 15. Department of City Planning and Engagement**
The Department of City Planning and Engagement projects a potential non-personnel need for the new community engagement functions. This includes computer equipment for the new staff as well as other expenses for community engagement efforts. These needs may be offset with position vacancy savings.

16. Cincinnati Recreation Commission

The Cincinnati Recreation Commission projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, transfers between agencies may be requested as part of the Final Adjustment Ordinance.

17. Cincinnati Parks Department

The Parks Department projects no budget savings or need at this time, pending reimbursement processing. However, transfers between agencies may be required as part of the Final Adjustment Ordinance.

18. Department of Buildings and Inspections

The Department of Buildings and Inspections projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, due to staffing and hiring issues, the department is engaging an external contractor to assist with plan reviews. This contractual service need can be offset by position vacancy savings, but transfers will be required as part of the Final Adjustment Ordinance.

19. Department of Transportation and Engineering

The Department of Transportation and Engineering projects no personnel budget savings or needs, pending reimbursement processing.

20. Department of Public Services

The Department of Public Services (DPS) reports a potential need in non-personnel related to increased utility costs due to stormwater rate increases. DPS projects utility expenses could create a budget need of approximately \$82,000. This need will be monitored closely as the fiscal year continues.

21. Department of Economic Inclusion

The Department of Economic Inclusion projects a potential personnel need due to being fully staffed. However, this need may be offset through additional reimbursements from the Income Tax-Infrastructure Fund for eligible work.

II. ENTERPRISE FUNDS

Enterprise Funds account for any activity for which a fee is charged to external users for goods or services. If an activity's principal revenue source meets any one of the following criteria, it is required to be reported as an enterprise fund: (1) an activity financed with debt that is secured solely by pledge of the net revenues from fees and charges for the activity; (2) laws or regulations which require that the activity's costs of providing services, including capital costs, be recovered with fees and charges,

rather than with taxes or similar revenues; or (3) pricing policies which establish fees and charges designed to recover the activity's costs.

A. Water Works Fund 101

Water Works Fund 101 is 25.6% expended year to date. The Greater Cincinnati Water Works (GCWW) projects a potential need related to postage and credit card processing fees, which can be offset by savings in expert services and savings generated from the delay of water meter acquisition. These needs will be monitored closely.

B. Parking System Facilities Fund 102

Parking System Facilities Fund 102 includes the budget for off-street parking enterprises, including garages. Fund 102 is currently 14.4% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development continues to experience an increase in rent expenses due to the rise in employee parking at the Seventh Street Garage and the Hennegan Lot. The division is responsible for covering the difference between what City employees pay and the contracted monthly rate. This need is expected to be offset with savings in contractual services.

C. Duke Energy Convention Center Fund 103

Duke Energy Convention Center Fund 103 is 29.0% expended year to date. Contractual service expenses are trending slightly high due to increased Convention Center operating costs for the first quarter. However, the Finance Department projects no savings or need at this time.

D. General Aviation Fund 104

General Aviation Fund 104 is 23.1% expended year to date. The Department of Transportation and Engineering may have personnel and fringe benefits savings in Fund 104 due to position vacancies, which will be monitored. Possible non-personnel needs related to auto repairs and maintenance will also be monitored.

E. Municipal Golf Fund 105

Municipal Golf Fund 105 is 47.5% expended year to date, which reflects expenses for the calendar year (CY) 2022 golf season and meets expectations. The Cincinnati Recreation Commission projects no budget savings or need.

F. Stormwater Management Fund 107

Stormwater Management Fund 107 provides resources to various City departments. The major recipient of resources from this fund is the Stormwater Management Utility (SMU). The Department of Public Services, the Parks Department, and the Department of Buildings and Inspections also receive appropriations from this fund. The Stormwater Management Fund is 20.2% expended year to date. SMU, the Parks Department, and the Department of Buildings and Inspections project no budget savings or need at this time. The

Department of Public Services projects potential savings in personnel due to position vacancies.

III. DEBT SERVICE FUNDS

Debt Service Funds account for the accumulation of resources for, and the payment of, principal and interest on the City's bonds issued in support of governmental activities.

A. Bond Retirement Fund 151

Bond Retirement Fund 151 is 10.7% expended year to date. The Finance Department projects no budget savings or need for FY 2023.

IV. APPROPRIATED SPECIAL REVENUE FUNDS

Special Revenue Funds account for the proceeds of specific revenue sources (other than trusts for individuals, private organizations, or other governments, or for major capital projects) that are legally restricted to expenditures for specific purposes.

The Office of Budget and Evaluation, in cooperation with various City departments, reviewed appropriated special revenue funds to ensure the Approved FY 2023 Budget Update remains in balance. Based on expenditures and revenues through October 31, 2022, most special revenue funds are on target with regards to their budget and require no additional appropriations at this time. Any identified issues are highlighted in the narrative summaries provided below. If warranted, budget adjustments will be addressed in the FAO later in the fiscal year.

A. Street Construction, Maintenance & Repair Fund 301

Street Construction, Maintenance & Repair Fund 301 is 21.7% expended year to date. The Department of Transportation and Engineering projects no budget savings or need in FY 2023. The Department of Public Services anticipates personnel and fringe benefit savings in Fund 301; however, these savings are anticipated to be partially offset by automotive maintenance and repair expenses as well as increased winter emergency operations expenses due to the inclement weather conditions over the next few months.

B. Income Tax-Infrastructure Fund 302

Income Tax-Infrastructure Fund 302 provides resources to several City departments. The Department of Transportation and Engineering is the largest recipient of resources from this fund. The Department of Public Services also receives Income Tax-Infrastructure Fund resources. Fund 302 is 27.4% expended year to date. The Department of Transportation and Engineering projects

potential personnel savings due to position vacancies, which is offset by a potential non-personnel need related to natural gas expenses. The Department of Public Services projects a possible personnel need related to overtime.

C. Parking Meter Fund 303

Parking Meter Fund 303 includes the budget for on-street parking enterprises, including parking meters. Fund 303 is currently 30.3% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development projects neither a savings nor a need in the fund.

D. Municipal Motor Vehicle License Tax Fund 306

Municipal Motor Vehicle License Tax Fund 306 is 21.4% expended year to date. The Department of Transportation and Engineering projects potential personnel savings, which will be monitored. The Department of Public Services currently projects a possible fringe benefits savings at this time. However, depending on weather conditions over the next few months, a potential need could arise related to winter emergency operation expenses.

E. Sawyer Point Fund 318

Sawyer Point Fund 318 is 14.7% expended year to date. The Parks Department projects no budget savings or need in Fund 318.

F. Recreation Special Activities Fund 323

Fund 323 is currently 28.4% expended year to date. The Cincinnati Recreation Commission projects no budget savings or need in Fund 323.

G. Cincinnati Riverfront Park Fund 329

Cincinnati Riverfront Park Fund 329 is the appropriated fund for Smale Park. Fund 329 is currently 8.3% expended year to date. The Parks Department projects no budget savings or need in Fund 329.

H. Hazard Abatement Fund 347

Hazard Abatement Fund 347 is 3.1% expended year to date. The Department of Buildings and Inspections projects no budget savings or need at this time.

I. 9-1-1 Cell Phone Fees Fund 364

9-1-1 Cell Phone Fees Fund 364 is the appropriated fund that governs the City portion of state collected revenue from mobile device fees. Fund 364 is currently 7.2% expended year to date. The Emergency Communications Center projects no budget savings or need in Fund 364.

J. Safe and Clean Fund 377

Safe and Clean Fund 377 is the appropriated fund that collects revenue associated with billboard leases. These resources are allocated to Keep Cincinnati Beautiful

(KCB) expenditures. This fund is currently 1.3% expended year to date. The Department of Public Services projects no budget savings or need.

K. Community Health Center Activities Fund 395

Community Health Center Activities Fund 395 is 25.6% expended year to date. The Cincinnati Health Department (CHD) projects potential non-personnel needs related to temporary staffing, uniform expenses, and the unbudgeted repair and replacement of equipment. However, these needs may be offset by personnel savings resulting from position vacancies.

L. Cincinnati Health District Fund 416

General operational support to the Cincinnati Health Department is provided by Cincinnati Health District Fund 416. This fund is 26.4% expended year to date. The Cincinnati Health Department (CHD) projects a non-personnel need, primarily in contractual services related to the search for the next Health Commissioner, uniform expenses, building repair costs, and temporary personnel services. Additionally, the department projects a personnel need in the Technical Resources Division and the Community Health Services Division. These needs can be fully offset by personnel savings in the Office of the Commissioner and the Primary Health Care Centers Division. Transfers may be required as part of the Final Adjustment Ordinance.

M. Cincinnati Area Geographic Information System (CAGIS) Fund 449

Cincinnati Area Geographic Information System Fund 449 is 22.7% expended year to date. Enterprise Technology Solutions projects no budget savings or need at this time.

N. Streetcar Operations Fund 455

Streetcar Operations Fund 455 is 26.6% expended year to date. The Department of Transportation and Engineering projects a total non-personnel need of \$504,000, primarily due to police security details and SORTA expenses. These needs may be covered by anticipated Ohio Department of Transportation (ODOT) grant resources as well as possible position vacancy savings. These needs will be monitored closely.

O. County Law Enforcement Applied Regionally (CLEAR) Fund 457

The CLEAR Fund is 16.2% expended year to date. Enterprise Technology Solutions projects no budget savings or need for FY 2023.

Summary

Through October 31, 2022, major budget issues include overtime needs for both the Police Department and Fire Department, revenue decline in Community Health Center Activities Fund 395 and Parking Meter Fund 303, unbudgeted wage items

resulting from collective bargaining agreements, and lasting impacts from the COVID-19 pandemic related to supply chain issues and the costs of various goods and services. Departments have identified possible savings and shortfalls, which will continue to be monitored and updated monthly.

Submitted herewith are the following Office of Budget & Evaluation reports:

1. Fund Summary Report for the month ended October 31, 2022.

Submitted herewith are the following Department of Finance reports:

2. Comparative Statement of Revenue (Actuals, Forecast and Prior Year) as of October 31, 2022.
3. Audit of the City Treasurer's Report for the month ended September 30, 2022.
4. Statement of Balances in the various funds as of October 31, 2022.

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.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director
Andrew M. Dudas, Budget Director

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 10/31/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	PERCENT EXPENDED	EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
050	General	PERSONNEL SERVICES	277,879,940.00	29.4%	81,688,594.06	.00	81,688,594.06	29.4%	196,191,345.94
		EMPLOYEE BENEFITS	111,509,260.00	35.3%	39,389,944.51	304,132.90	39,694,077.41	35.6%	71,815,182.59
		NON-PERSONNEL EXPENSES	84,522,922.89	23.5%	19,887,116.44	25,328,996.43	45,216,112.87	53.5%	39,306,810.02
		PROPERTIES	25,860.00	0.0%	.00	.00	.00	0.0%	25,860.00
		*TOTAL FUND_CD 050	473,937,982.89	29.7%	140,965,655.01	25,633,129.33	166,598,784.34	35.2%	307,339,198.55
101	Water Works	PERSONNEL SERVICES	43,725,650.00	24.0%	10,487,375.22	.00	10,487,375.22	24.0%	33,238,274.78
		EMPLOYEE BENEFITS	17,620,410.00	32.8%	5,772,447.50	.00	5,772,447.50	32.8%	11,847,962.50
		NON-PERSONNEL EXPENSES	54,648,230.00	23.6%	12,900,607.28	19,039,652.16	31,940,259.44	58.4%	22,707,970.56
		DEBT SERVICE	45,233,480.00	26.7%	12,060,080.24	.00	12,060,080.24	26.7%	33,173,399.76
		*TOTAL FUND_CD 101	161,227,770.00	25.6%	41,220,510.24	19,039,652.16	60,260,162.40	37.4%	100,967,607.60
102	Parking System Facilities	PERSONNEL SERVICES	378,710.00	25.3%	95,894.03	.00	95,894.03	25.3%	282,815.97
		EMPLOYEE BENEFITS	142,290.00	41.6%	59,258.63	.00	59,258.63	41.6%	83,031.37
		NON-PERSONNEL EXPENSES	4,946,200.00	19.2%	950,791.82	2,272,416.50	3,223,208.32	65.2%	1,722,991.68
		DEBT SERVICE	2,187,280.00	0.0%	.00	158,141.00	158,141.00	7.2%	2,029,139.00
		*TOTAL FUND_CD 102	7,654,480.00	14.4%	1,105,944.48	2,430,557.50	3,536,501.98	46.2%	4,117,978.02
103	Convention-Exposition Center	PERSONNEL SERVICES	91,070.00	21.0%	19,093.18	.00	19,093.18	21.0%	71,976.82
		EMPLOYEE BENEFITS	38,440.00	16.1%	6,191.34	.00	6,191.34	16.1%	32,248.66
		NON-PERSONNEL EXPENSES	9,931,930.00	30.0%	2,983,705.24	1,871,385.46	4,855,090.70	48.9%	5,076,839.30
		DEBT SERVICE	299,580.00	0.0%	.00	.00	.00	0.0%	299,580.00
		*TOTAL FUND_CD 103	10,361,020.00	29.0%	3,008,989.76	1,871,385.46	4,880,375.22	47.1%	5,480,644.78
104	General Aviation	PERSONNEL SERVICES	891,610.00	23.1%	206,128.61	.00	206,128.61	23.1%	685,481.39
		EMPLOYEE BENEFITS	367,700.00	27.4%	100,627.40	.00	100,627.40	27.4%	267,072.60
		NON-PERSONNEL EXPENSES	962,490.00	22.5%	216,862.59	125,444.31	342,306.90	35.6%	620,183.10
		DEBT SERVICE	44,420.00	0.0%	.00	.00	.00	0.0%	44,420.00
		*TOTAL FUND_CD 104	2,266,220.00	23.1%	523,618.60	125,444.31	649,062.91	28.6%	1,617,157.09
105	Municipal Golf	PERSONNEL SERVICES	224,490.00	16.0%	35,865.31	.00	35,865.31	16.0%	188,624.69
		EMPLOYEE BENEFITS	80,740.00	15.7%	12,663.96	.00	12,663.96	15.7%	68,076.04
		NON-PERSONNEL EXPENSES	4,700,510.00	52.7%	2,475,495.06	841,630.24	3,317,125.30	70.6%	1,383,384.70
		DEBT SERVICE	614,550.00	23.9%	147,000.00	.00	147,000.00	23.9%	467,550.00
		*TOTAL FUND_CD 105	5,620,290.00	47.5%	2,671,024.33	841,630.24	3,512,654.57	62.5%	2,107,635.43

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 10/31/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	PERCENT EXPENDED	EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
107	Stormwater Management	PERSONNEL SERVICES	9,545,820.00	18.8%	1,794,722.71	.00	1,794,722.71	18.8%	7,751,097.29
		EMPLOYEE BENEFITS	4,063,860.00	21.7%	881,828.74	.00	881,828.74	21.7%	3,182,031.26
		NON-PERSONNEL EXPENSES	11,846,260.00	24.3%	2,876,712.49	2,373,909.81	5,250,622.30	44.3%	6,595,637.70
		PROPERTIES	50,000.00	0.0%	.00	.00	.00	0.0%	50,000.00
		DEBT SERVICE	1,957,310.00	0.0%	.00	.00	.00	0.0%	1,957,310.00
		*TOTAL FUND_CD 107	27,463,250.00	20.2%	5,553,263.94	2,373,909.81	7,927,173.75	28.9%	19,536,076.25
151	Bond Retirement - City	PERSONNEL SERVICES	298,180.00	17.9%	53,321.13	.00	53,321.13	17.9%	244,858.87
		EMPLOYEE BENEFITS	111,490.00	17.8%	19,803.70	.00	19,803.70	17.8%	91,686.30
		NON-PERSONNEL EXPENSES	3,528,470.00	7.9%	278,581.33	50,000.00	328,581.33	9.3%	3,199,888.67
		DEBT SERVICE	125,523,250.00	10.8%	13,518,701.84	.00	13,518,701.84	10.8%	112,004,548.16
		*TOTAL FUND_CD 151	129,461,390.00	10.7%	13,870,408.00	50,000.00	13,920,408.00	10.8%	115,540,982.00
301	Street Construction Maintenance & Repair	PERSONNEL SERVICES	6,750,870.00	22.8%	1,538,972.10	.00	1,538,972.10	22.8%	5,211,897.90
		EMPLOYEE BENEFITS	2,959,660.00	30.4%	900,257.85	.00	900,257.85	30.4%	2,059,402.15
		NON-PERSONNEL EXPENSES	6,963,000.00	16.9%	1,174,391.77	1,626,158.94	2,800,550.71	40.2%	4,162,449.29
		*TOTAL FUND_CD 301	16,673,530.00	21.7%	3,613,621.72	1,626,158.94	5,239,780.66	31.4%	11,433,749.34
302	Income Tax-Infrastructure	PERSONNEL SERVICES	13,383,110.00	22.1%	2,959,832.18	.00	2,959,832.18	22.1%	10,423,277.82
		EMPLOYEE BENEFITS	5,233,660.00	31.3%	1,636,885.83	.00	1,636,885.83	31.3%	3,596,774.17
		NON-PERSONNEL EXPENSES	5,878,120.00	35.9%	2,109,523.19	359,857.06	2,469,380.25	42.0%	3,408,739.75
		*TOTAL FUND_CD 302	24,494,890.00	27.4%	6,706,241.20	359,857.06	7,066,098.26	28.8%	17,428,791.74
303	Parking Meter	PERSONNEL SERVICES	1,827,660.00	22.7%	413,969.93	.00	413,969.93	22.7%	1,413,690.07
		EMPLOYEE BENEFITS	794,580.00	34.0%	270,068.57	.00	270,068.57	34.0%	524,511.43
		NON-PERSONNEL EXPENSES	2,298,250.00	35.1%	805,802.00	646,481.57	1,452,283.57	63.2%	845,966.43
		*TOTAL FUND_CD 303	4,920,490.00	30.3%	1,489,840.50	646,481.57	2,136,322.07	43.4%	2,784,167.93
306	Municipal Motor Vehicle License Tax	PERSONNEL SERVICES	1,577,010.00	23.3%	368,200.07	.00	368,200.07	23.3%	1,208,809.93
		EMPLOYEE BENEFITS	785,010.00	28.2%	221,403.03	.00	221,403.03	28.2%	563,606.97
		NON-PERSONNEL EXPENSES	1,611,270.00	16.1%	259,971.54	190,798.28	450,769.82	28.0%	1,160,500.18
		*TOTAL FUND_CD 306	3,973,290.00	21.4%	849,574.64	190,798.28	1,040,372.92	26.2%	2,932,917.08

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 10/31/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	PERCENT EXPENDED	EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
318	Sawyer Point	PERSONNEL SERVICES	410,810.00	10.9%	44,613.82	.00	44,613.82	10.9%	366,196.18
		EMPLOYEE BENEFITS	115,560.00	13.3%	15,324.63	.00	15,324.63	13.3%	100,235.37
		NON-PERSONNEL EXPENSES	693,570.00	17.2%	119,195.91	163,416.75	282,612.66	40.7%	410,957.34
		*TOTAL FUND_CD 318	1,219,940.00	14.7%	179,134.36	163,416.75	342,551.11	28.1%	877,388.89
323	Recreation Special Activities	PERSONNEL SERVICES	3,663,260.00	23.4%	855,758.64	.00	855,758.64	23.4%	2,807,501.36
		EMPLOYEE BENEFITS	284,470.00	31.5%	89,476.76	.00	89,476.76	31.5%	194,993.24
		NON-PERSONNEL EXPENSES	1,669,070.00	39.3%	656,289.46	141,346.33	797,635.79	47.8%	871,434.21
		PROPERTIES	13,720.00	0.0%	.00	.00	.00	0.0%	13,720.00
		*TOTAL FUND_CD 323	5,630,520.00	28.4%	1,601,524.86	141,346.33	1,742,871.19	31.0%	3,887,648.81
329	Cincinnati Riverfront Park	PERSONNEL SERVICES	670,710.00	0.0%	.00	.00	.00	0.0%	670,710.00
		EMPLOYEE BENEFITS	342,840.00	1.8%	6,242.50	.00	6,242.50	1.8%	336,597.50
		NON-PERSONNEL EXPENSES	505,010.00	23.6%	119,390.72	150,460.32	269,851.04	53.4%	235,158.96
		*TOTAL FUND_CD 329	1,518,560.00	8.3%	125,633.22	150,460.32	276,093.54	18.2%	1,242,466.46
347	Hazard Abatement Fund	PERSONNEL SERVICES	455,010.00	1.6%	7,482.86	.00	7,482.86	1.6%	447,527.14
		EMPLOYEE BENEFITS	231,830.00	4.6%	10,757.36	.00	10,757.36	4.6%	221,072.64
		NON-PERSONNEL EXPENSES	10,720.00	30.6%	3,283.85	.00	3,283.85	30.6%	7,436.15
		*TOTAL FUND_CD 347	697,560.00	3.1%	21,524.07	.00	21,524.07	3.1%	676,035.93
364	911 Cell Phone Fees	PERSONNEL SERVICES	573,480.00	0.0%	.00	.00	.00	0.0%	573,480.00
		EMPLOYEE BENEFITS	243,880.00	0.0%	.00	.00	.00	0.0%	243,880.00
		NON-PERSONNEL EXPENSES	646,160.00	16.4%	105,918.32	11,808.62	117,726.94	18.2%	528,433.06
		*TOTAL FUND_CD 364	1,463,520.00	7.2%	105,918.32	11,808.62	117,726.94	8.0%	1,345,793.06
377	Safe & Clean	NON-PERSONNEL EXPENSES	52,040.00	1.3%	691.97	50,828.03	51,520.00	99.0%	520.00
		*TOTAL FUND_CD 377	52,040.00	1.3%	691.97	50,828.03	51,520.00	99.0%	520.00
395	Community Health Center	PERSONNEL SERVICES	13,050,900.00	23.1%	3,014,138.35	.00	3,014,138.35	23.1%	10,036,761.65
		EMPLOYEE BENEFITS	5,547,470.00	28.0%	1,554,709.86	.00	1,554,709.86	28.0%	3,992,760.14
		NON-PERSONNEL EXPENSES	8,675,950.00	27.8%	2,409,883.23	4,392,708.51	6,802,591.74	78.4%	1,873,358.26
		*TOTAL FUND_CD 395	27,274,320.00	25.6%	6,978,731.44	4,392,708.51	11,371,439.95	41.7%	15,902,880.05

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 10/31/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
416	Cincinnati Health District	PERSONNEL SERVICES	13,018,010.00	3,265,902.07	25.1%	.00	3,265,902.07	25.1%	9,752,107.93
		EMPLOYEE BENEFITS	5,175,870.00	1,506,267.64	29.1%	.00	1,506,267.64	29.1%	3,669,602.36
		NON-PERSONNEL EXPENSES	1,367,550.00	395,397.60	28.9%	556,087.92	951,485.52	69.6%	416,064.48
		PROPERTIES	2,980.00	.00	0.0%	.00	.00	0.0%	2,980.00
		*TOTAL FUND_CD 416	19,564,410.00	5,167,567.31	26.4%	556,087.92	5,723,655.23	29.3%	13,840,754.77
449	Cincinnati Area Geographic Information Systems (CAGIS)	PERSONNEL SERVICES	1,934,950.00	458,805.41	23.7%	.00	458,805.41	23.7%	1,476,144.59
		EMPLOYEE BENEFITS	666,210.00	229,548.58	34.5%	.00	229,548.58	34.5%	436,661.42
		NON-PERSONNEL EXPENSES	2,180,710.00	396,586.32	18.2%	95,857.12	492,443.44	22.6%	1,688,266.56
		*TOTAL FUND_CD 449	4,781,870.00	1,084,940.31	22.7%	95,857.12	1,180,797.43	24.7%	3,601,072.57
455	Streetcar Operations	PERSONNEL SERVICES	619,270.00	146,562.25	23.7%	.00	146,562.25	23.7%	472,707.75
		EMPLOYEE BENEFITS	164,660.00	13,722.06	8.3%	.00	13,722.06	8.3%	150,937.94
		NON-PERSONNEL EXPENSES	4,356,489.00	1,206,925.37	27.7%	3,059,320.89	4,266,246.26	97.9%	90,242.74
		*TOTAL FUND_CD 455	5,140,419.00	1,367,209.68	26.6%	3,059,320.89	4,426,530.57	86.1%	713,888.43
457	County Law Enforcement Applied Regionally (CLEAR)	PERSONNEL SERVICES	1,572,400.00	271,101.80	17.2%	.00	271,101.80	17.2%	1,301,298.20
		EMPLOYEE BENEFITS	479,030.00	121,817.28	25.4%	.00	121,817.28	25.4%	357,212.72
		NON-PERSONNEL EXPENSES	3,494,640.00	504,665.25	14.4%	480,883.64	985,548.89	28.2%	2,509,091.11
		*TOTAL FUND_CD 457	5,546,070.00	897,584.33	16.2%	480,883.64	1,378,467.97	24.9%	4,167,602.03
TOTAL			940,943,831.89	239,109,152.29	25.4%	64,291,722.79	303,400,875.08	32.2%	637,542,956.81

January 5, 2023

To: Mayor and Members of City Council 202202306

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Police: FY 2022 Coronavirus Emergency Supplemental Funding (CESF) – Warrants Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept and appropriate a grant in an amount up to \$273,639 from the Ohio Office of Criminal Justice Services, FY 2022 Coronavirus Emergency Supplemental Funding (CESF) - Warrants Program (ALN 16.034) for the purpose of reimbursing the Cincinnati Police Department for the costs associated with serving warrants, which will reduce the number of outstanding open warrants that resulted from the COVID-19 pandemic; and **AUTHORIZING** the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 22WARR.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$273,639 from the Ohio Office of Criminal Justice Services, FY 2022 Coronavirus Emergency Supplemental Funding (CESF) – Warrants Program (ALN 16.034) for the purpose of reimbursing the Cincinnati Police Department for the costs associated with serving warrants, which will reduce the number of outstanding open warrants that resulted from the COVID-19 pandemic. This Emergency Ordinance further authorizes the Finance Manager to deposit the grant funds into the Law Enforcement Grant Fund 368, Project Account No. 22WARR.

Currently, there are approximately 9,325 open warrants to be served by the Cincinnati Police Department (CPD). This grant will provide funds to reimburse CPD overtime expenses, which will allow officers to serve and reduce the number of outstanding open warrants that resulted from the COVID-19 pandemic.

The grant application deadline was December 7, 2022, and the Cincinnati Police Department applied for the grant prior to receiving City Council approval. Should this Emergency Ordinance not be approved, the grant award will not be accepted. The grant does not require matching funds and no new FTEs are associated with this grant.

Acceptance of this grant is accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept grant funds to reimburse the costs associated with CPD serving outstanding open warrants.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew Dudas, Budget Director
Karen Alder, Finance Director



Attachment

EMERGENCY

LES

- 2023

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount up to \$273,639 from the Ohio Office of Criminal Justice Services, FY 2022 Coronavirus Emergency Supplemental Funding (CESF) - Warrants Program (ALN 16.034) for the purpose of reimbursing the Cincinnati Police Department for the costs associated with serving warrants, which will reduce the number of outstanding open warrants that resulted from the COVID-19 pandemic; and **AUTHORIZING** the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 22WARR.

WHEREAS, a FY 2022 Coronavirus Emergency Supplemental Funding (CESF) - Warrants Program (ALN 16.034) grant in an amount up to \$273,639 is available from the Ohio Office of Criminal Justice Services, which can be used by the Cincinnati Police Department as reimbursement for the costs associated with serving outstanding warrants which have remained open as a result of the COVID-19 pandemic; and

WHEREAS, currently, there are approximately 9,325 open warrants to be served by the Cincinnati Police Department (“CPD”); and

WHEREAS, the grant will provide funds to reimburse CPD overtime expenses, which will allow officers to serve and reduce the number of outstanding open warrants that resulted from the COVID-19 pandemic; and

WHEREAS, there is no local match required, and no new FTEs are associated with this grant; and

WHEREAS, as the grant application deadline was December 7, 2022, CPD applied for the grant prior to approval of this ordinance, but no grant funds will be accepted without Council approval; 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 hereby authorized to apply for, accept, and appropriate a grant in an amount up to \$273,639 from the Ohio Office of Criminal Justice Services, FY 2022 Coronavirus Emergency Supplemental Funding (CESF) - Warrants Program (ALN 16.034) for the

purpose of reimbursing the Cincinnati Police Department (“CPD”) for the costs associated with serving warrants, which will allow CPD to reduce the number of outstanding open warrants that resulted from the COVID-19 pandemic.

Section 2. That the Finance Director is hereby authorized to deposit grant funds into the Law Enforcement Grant Fund 368, Project Account No. 22WARR.

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 herein.

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 accept grant funds to reimburse the costs associated with CPD serving outstanding open warrants.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

January 5, 2023

To: Mayor and Members of City Council 202202307

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Cincinnati Recreation Commission (CRC): Green Umbrella Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept a donation in the amount of \$302.20 from Green Umbrella for the purpose of reimbursing travel expenses for the Cincinnati Recreation Commission Director to attend the Civic Commons Studio #6 Conference in Minneapolis, Minnesota; **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund 050 revenue account no. 050x8571.

Approval of this Ordinance would authorize the City Manager to accept a donation in the amount of up to \$302.20 from Green Umbrella for the purpose of reimbursing travel expenses for the Cincinnati Recreation Commission (CRC) Director to attend the Civic Commons Studio #6 Conference in Minneapolis, Minnesota. This Ordinance further authorizes the Finance Director to deposit the donated funds into General Fund 050 revenue account no. 050x8571.

Green Umbrella is a regional sustainability alliance dedicated to facilitating collaboration to meet environmental, social, and economic needs, and this is a mission that aligns with the mandates of the City and the CRC. Green Umbrella offered a donation to reimburse the cost of air travel for the CRC Director to attend the Civic Commons Studio #6 Conference in Minneapolis, Minnesota, which promoted civic engagement, socioeconomic mixing, value creation, and environmental sustainability.

There are no new FTEs or matching funds associated with the donation.

Acceptance of this 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 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 accept a donation in the amount of \$302.20 from Green Umbrella for the purpose of reimbursing travel expenses for the Cincinnati Recreation Commission Director to attend the Civic Commons Studio #6 Conference in Minneapolis, Minnesota; and **AUTHORIZING** the Director of Finance to deposit the donated funds into General Fund 050 revenue account no. 050x8571.

WHEREAS, in September 2022 the Cincinnati Recreation Commission (“CRC”) Director attended the Civic Commons Studio #6 Conference in Minneapolis, Minnesota (the “Conference”); and

WHEREAS, the Conference promoted civic engagement, socioeconomic mixing, value creation, and environmental sustainability, and was therefore related to the official duties of the CRC Director; and

WHEREAS, Green Umbrella is a regional sustainability alliance that facilitates collaboration to meet environmental, social, and economic needs, and this is a mission that aligns with the mandates of the City and of CRC; and

WHEREAS, the donation of \$302.20 from Green Umbrella will fully reimburse the cost of air travel incurred by the City for the CRC Director to attend the Conference; and

WHEREAS, this cost is commensurate and customary with the ordinary cost of air travel to Minneapolis; and

WHEREAS, acceptance of the donation requires no matching funds, and no FTEs are associated with the donation; and

WHEREAS, acceptance of this 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 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 in the amount of \$302.20 from Green Umbrella for the purpose of reimbursing travel expenses for the Cincinnati Recreation Commission Director to attend the Civic Commons Studio #6 Conference in Minneapolis, Minnesota.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into General Fund 050 revenue account no. 050x8571.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the donation and Sections 1 through 2 hereof.

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

January 5, 2023

202202309

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **Ordinance Modifying CMC for 1.8% Earnings Tax Rate**

Transmitted herewith is an Ordinance captioned as follows:

MODIFYING Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by AMENDING Sections 311-3, “Purposes; Imposition of Tax; Tax Rates,” 311-7, “Allocation of Funds,” and 311-23, “Collection at Source; Withholding from Qualifying Wages,” to include changes to the City’s earnings tax rate to comply with Article VIII, Section 6c of the Charter of the City.

On March 17, 2020, voters approved a sales and use tax to provide a dedicated source of funding for the Metro bus system (SORTA Sales Tax Levy). The levy triggered an amendment to Article VIII, Section 6c of the City Charter to reduce the City’s earnings tax rate from 2.1% to 1.8%, effective October 1, 2020. This ordinance modifies Chapter 311 of the Cincinnati Municipal Code to align with the City Charter.

The Administration recommends passage of this Ordinance.

cc: William “Billy” Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

MODIFYING Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by **AMENDING** Sections 311-3, “Purposes; Imposition of Tax; Tax Rates,” 311-7, “Allocation of Funds,” and 311-23, “Collection at Source; Withholding from Qualifying Wages,” to include changes to the City’s earnings tax rate to comply with Article VIII, Section 6c of the Charter of the City.

WHEREAS, on November 5, 2019, the voters of the City of Cincinnati approved an amendment to Section 6c of Article VIII, “Taxation and Finance,” of the Charter of the City providing that, in the event that the voters of Hamilton County approved a sales and use tax to provide a dedicated source of funding for the Metro bus system (“SORTA Sales Tax Levy”) at an election on or before November 3, 2020, the 0.3 percent public transit earnings tax would be eliminated so the overall City earnings tax rate would be reduced from 2.1 percent to 1.8 percent; and

WHEREAS, on March 17, 2020, the voters of Hamilton County approved the SORTA Sales Tax Levy; and

WHEREAS, the tax levied pursuant to the SORTA Sales Tax Levy became effective on October 1, 2020, and the 0.3 percent public transit earnings tax was eliminated effective October 2, 2020 pursuant to Article VIII, Section 6c of the Charter; and

WHEREAS, amendments to the Cincinnati Municipal Code are required in order to reflect the current City earnings tax established by Article VIII, Section 6c of the Charter; now, therefore,

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

Section 1. That Sections 311-3, “Purposes; Imposition of Tax; Tax Rates,” 311-7, “Allocation of Funds,” and 311-23, “Collection at Source; Withholding from Qualifying Wages,” of Chapter 311, “City of Cincinnati Income Tax,” of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 311-3. - Purposes; Imposition of Tax; Tax Rates.

- (a) To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements of the City of Cincinnati, including the pledging and payment of tax revenues for the principal and interest on bonds and notes issued to finance permanent

improvements, and to provide public transit purposes generally and without limitation and including both capital and current operating expenses, there shall be, and is hereby, levied an annual tax, at the rate of ~~two percent~~ 1.7 percent (1.7%) per annum upon municipal taxable income as defined in Section 311-9-M2 of this chapter, subject to the provisions of Section 311-107 of this chapter. For tax years beginning prior to January 1, 2016, the tax imposed by this section on the net profits of an electric company, combined company or telephone company shall be subject to, and shall accord with, Ohio Revised Code Chapter 5745.

- (b) To provide funds for current operating expenses and permanent improvement purposes, including both direct and indirect cost (including the pledging and payment of tax revenues for the principal and interest on bonds and notes to finance permanent improvements) related to the construction, operation, equipment, maintenance and repair of the infrastructure of the city, including, but not limited to, streets, roads, thoroughfares, avenues, expressways, parkways, sidewalks, plazas, parks, recreation areas, grounds, ways, bridges, viaducts, tunnels, walls, structures, buildings, fixtures, traffic signals, street lighting and marking, landscaping, signage, telecommunications and information systems, there shall be, and is hereby levied on and after July 1, 1988, an annual tax at the rate of ~~one-tenth of one~~ 0.1 percent (0.1%) per annum, in addition to any other tax imposed by Chapter 311 pursuant to authority granted in the charter of the city, and subject to provisions of Section 311-5 and 311-107 herein, upon those categories of income specified in Section 311-9-M2, as amended.

Sec. 311-7. - Allocation of Funds.

- (a) The revenues collected under the provisions of Section 311-3(a) shall be deposited in, and allocated to, the "Undistributed Income Tax Fund." ~~and thereafter the revenue from the first 1.7 percent (1.7%) municipal income tax rate imposed under Section 311-3(a) shall be allocated to the Undistributed Income Tax Fund, and the revenues from the remaining three-tenths of 1 percent (0.3%) municipal income tax rate imposed under Section 311-3(a) shall be allocated to the Income Tax—Transit Fund.~~ Each year council shall appropriate from ~~said funds~~ the Undistributed Income Tax Fund the amount of money it determines necessary for current operating expenses and permanent improvements allocable to said funds; except that ~~from the Undistributed Income Tax Fund,~~ not less than ~~fifteen-hundredths of 1~~ 0.15 percent (0.15%) shall be used as required by the charter for the financing of permanent improvements, including the pledging of such tax revenue for payment of principal and interest on bonds and notes issued by the Municipality to finance permanent improvements.
- (b) The revenues collected pursuant to the imposition of tax in Section 311-3(b) shall be deposited into the "Undistributed Income Tax Fund" and shall thereafter be allocated to the "Income Tax—Infrastructure Fund." Each year, council shall appropriate from said funds the amount of money it determines necessary for current operating expenses and permanent improvements allocable to said fund in accordance with the purposes set forth in Section 311-3(b).

Sec. 311-23. - Collection at Source; Withholding from Qualifying Wages.

- (a)(i) Each employer, agent of an employer, or other payer located within, or doing business within, the Municipality who employs one or more persons on a qualifying wages basis shall withhold from each employee an amount equal to ~~2.1~~1.8 percent (~~2.1~~1.8 %) of the qualifying wages earned by the employee in the Municipality, except for qualifying wages for which withholding is not required under Section 311-27 of this chapter or under subsections (a)(iii) or (d) of this section. An employer, agent of an employer, or other payer shall deduct and withhold the tax from qualifying wages on the date that the employer, agent, or other payer directly, indirectly, or constructively pays the qualifying wages to, or credits the qualifying wages to the benefit of, the employee.
- (1) An employer is required to deduct and withhold municipal income tax on tips and gratuities received by the employer's employees and constituting qualifying wages only to the extent that the tips and gratuities are paid by the customer to the employer for subsequent remittance to the employee, or if the customer pays the tip or gratuity by credit card, debit card, or other electronic means.
 - (2) For tax years beginning prior to January 1, 2016, no person is required to deduct and withhold municipal income tax on the qualifying wages or other taxable income paid domestic servants employed exclusively in or about such person's residence. However, such domestic servants shall be responsible for filing municipal income tax returns and paying municipal income tax due on their qualifying wages.
- (ii) In addition to withholding the amounts required under subsection (a)(i) of this section, an employer, agent of an employer, or other payer may also deduct and withhold municipal income taxes at the request of an employee who is a resident of the Municipality. The tax commissioner shall consider any tax withheld by an employer at the request of an employee when such tax is not otherwise required to be withheld by this chapter to be tax required to be withheld and remitted for the purposes of this section.
- (iii) An employer, agent of an employer, or other payer is not required to withhold municipal income tax with respect to an individual's disqualifying disposition of an incentive stock option if, at the time of the disqualifying disposition, the individual is not an employee of either the corporation with respect to whose stock the option has been issued or of such corporation's successor entity.
- (b) An employer, agent of an employer, or other payer shall make a return and remit to the tax commissioner the greater of the income taxes deducted and withheld or the income taxes required to be deducted and withheld by the employer, agent, or other payer, along with any report required by the tax commissioner to accompany such payment, according to the following schedule:

- (i) Any employer, agent of an employer, or other payer not required under subsections (b)(ii) or (b)(iii) of this section to make monthly or semimonthly payments of municipal income taxes required to be deducted and withheld shall make quarterly payments not later than the last day of the month following the end of each calendar quarter ending prior to January 1, 2016 and not later than the last day of the month following the end of each calendar quarter beginning on or after January 1, 2016.
- (ii)(1) Taxes required to be deducted and withheld during any calendar year ending prior to January 1, 2016 shall be remitted monthly to the tax commissioner if the total taxes deducted and withheld or required to be deducted and withheld in the preceding calendar year were more than \$3,600.00 or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded ~~three hundred dollars~~ (\$300) per month.
 - (2) Taxes required to be deducted and withheld during any calendar year beginning on or after January 1, 2016 shall be remitted monthly to the tax commissioner if the total taxes deducted and withheld or required to be deducted and withheld in the preceding calendar year were more than \$2,399.00 or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar quarter exceeded ~~two hundred dollars~~ (\$200) per month.
 - (3) Payment under subsection (b)(ii) of this section shall be made so that the payment is received by the tax commissioner not later than fifteen (15) days after the last day of each month.
- (iii) Beginning January 1, 2016, taxes required to be deducted and withheld shall be remitted semimonthly to the tax commissioner if the total taxes deducted and withheld or required to be deducted on behalf of the Municipality in the preceding calendar year were more than \$11,999.00, or if the total amount of taxes deducted and withheld or required to be deducted and withheld on behalf of the Municipality in any month of the preceding calendar year exceeded \$1,000. The payment under subsection (b)(iii) of this section shall be made so that the payment is received by the tax commissioner not later than one of the following:
 - (1) If the taxes were deducted and withheld or required to be deducted and withheld during the first fifteen (15) days of a month, the third (3rd) banking day after the fifteenth (15th) day of that month; or
 - (2) If the taxes were deducted and withheld or required to be deducted and withheld after the fifteenth (15th) day of a month and before the first (1st) day of the immediately following month, the third (3rd) banking day after the last day of that month.

- (iv) An employer, agent of an employer or other payer that is required by 26 USC 6302 and 26 CFR 31.6302-1, or any other federal statutes or regulations, to make payments electronically for the purpose of paying federal taxes withheld on payments to employees shall make payment by electronic funds transfer to the tax commissioner of all taxes deducted and withheld on behalf of the employee for remittance to the Municipality. The payment of tax by electronic funds transfer under this subsection does not affect an employer's, an agent's, or another payer's obligation to file any return as required under this Section 311-23. Once the threshold for remitting payment electronically for federal purposes has been met, any accrued municipal income tax withheld from employee qualifying wages earned within the Municipality shall be remitted to the Municipality at the same time that the federal tax withholding payment is due.
- (v) The tax commissioner shall adopt rules governing the remittance of withheld municipal income taxes by electronic funds transfer as required by this chapter. The tax commissioner may grant an exemption to an employer from the duty to make payment by electronic funds transfer upon application for such exemption by the employer and the employer's demonstration to the tax commissioner that the requirement to make payment by electronic funds transfer will impose a hardship upon the employer. The tax commissioner may implement means of acknowledging, upon request of a taxpayer, receipt of electronic tax remittances. The person requesting acknowledgement shall pay the cost of acknowledging receipt of electronic remittances.
- (vi) An employer, agent of an employer, or other payer shall make and file a return showing the amount of municipal income taxes withheld by the employer, agent, or other payer from the qualifying wages of each employee and remitted to the tax commissioner on a form or forms prescribed by or acceptable to the tax commissioner and subject to the rules and regulations prescribed therefore by the tax commissioner. An employer may report the amount of municipal income tax withheld from qualifying wages paid on or after January 1, 2007, and may remit such amounts, by using the Ohio business gateway. A return filed by an employer, agent, or other payer under this division shall be accepted by the Municipality as the return required of an employee whose sole income subject to the tax under this chapter is the qualifying wages reported by the employee's employer, agent of an employer, or other payer.
- (c)(i) An employee is not relieved from liability for municipal income tax by the failure of the employer, agent of an employer, or other payer to withhold the tax as required under this Section 311-23 or by the employer's, agent's, or other payer's exemption from the requirement to withhold the tax.
- (ii) The failure of an employer, agent of an employer, or other payer to remit to the Municipality the municipal income tax withheld relieves the employee from liability for that tax unless the employee colluded with the employer, agent, or other payer in connection with the failure to remit the tax withheld.
- (d) Compensation deferred before June 26, 2003, is not subject to any municipal corporation income tax or municipal income tax withholding requirement to the extent

the deferred compensation does not constitute qualifying wages at the time the deferred compensation is paid or distributed.

- (e) Each employer, agent of an employer, or other payer required to withhold taxes is liable for the payment of that amount required to be withheld, whether or not such taxes have been withheld, and such amount shall be deemed to be held in trust for the Municipality until such time as the withheld amount is remitted to the tax commissioner.
- (f) All officers, members, managers, employees, trustees of the employer, agents of an employer, or other payers with control or direct supervision of or charged with the responsibility for withholding the tax or filing the reports and making payments as required by this section, shall be jointly and severally personally liable for a failure to file a report or pay the tax due as required by this section. For tax years beginning prior to January 1, 2016, such person shall also be jointly and severally personally liable for any related interest and penalties and are also liable under the provisions of Section 311-999. The dissolution of an employer, agent of an employer, or other payer does not discharge an officer's or employee's liability for a failure of the employer, agent of an employer, or other payer to file returns or pay any tax due.
- (g) A failure to file any return under this section may result in interest and civil penalties pursuant to Section 311-73 and Section 311-75 of this chapter.

Section 2. That existing Sections 311-3, "Purposes; Imposition of Tax; Tax Rates," 311-7, "Allocation of Funds," and 311-23, "Collection at Source; Withholding from Qualifying Wages," of Chapter 311, "City of Cincinnati Income Tax," of the Cincinnati Municipal Code are 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.

January 9, 2023

To: Members of the Budget and Finance Committee

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DECD: Emery Theatre – TIF Budget Alignment

Attached is an Ordinance captioned:

AUTHORIZING the transfer of and return to source of the sum of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” to the unappropriated surplus of Downtown OTR East Equivalent Fund 483 for the purpose of closing out the capital improvement program project account; **AUTHORIZING** the transfer and appropriation of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theater located at 1112 Walnut Street and 100 East Central Parkway; and **DECLARING** that expenditures from the Emery Theatre-TIF project to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Approval of this Ordinance would authorize the transfer and return to source of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF” to the Downtown OTR East Equivalent Fund 483. Furthermore, this Ordinance will authorize the transfer and appropriation of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theater located at 1112 Walnut Street and 100 East Central Parkway. These authorizations were proposed because the scope of work for the Emery Theatre project is more appropriately classified as an operating budget expense as opposed to a capital budget expense.

This Ordinance also declares the expenditures to support the Emery Theatre to serve a public purpose because the project will create jobs, enhance the revitalization of Over-the-Rhine, and provide a permanent space for The Children’s Theatre of Cincinnati as well as constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

This ordinance is subject to the City's business list as the development incentive value of \$1,000,000 exceeds \$100,000 in a given year.

Investing in a permanent performance space for The Children’s Theatre of Cincinnati and the renovation the Emery Theatre in is in accordance with the “Compete” goal to “foster a climate conducive to growth, investment, stability, and opportunity,” as described on pages 103-113 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachments

AUTHORIZING the transfer of and return to source of the sum of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” to the unappropriated surplus of Downtown OTR East Equivalent Fund 483 for the purpose of closing out the capital improvement program project account; **AUTHORIZING** the transfer and appropriation of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway; and **DECLARING** that expenditures from the Emery Theatre-TIF project to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, the Emery Theatre is an important asset to the City and the community in the heart of Over-the-Rhine (“OTR”); and

WHEREAS, restoration of the Emery Theatre will provide a permanent performance space for The Children’s Theatre of Cincinnati, enhance the revitalization of OTR by connecting the Central Business District and OTR, and is estimated to create approximately 65 full-time temporary construction jobs over the fifteen-month construction period in addition to retaining 32 permanent FTEs; and

WHEREAS, the Department of Community and Economic Development presented the proposed Emery Theatre project to the OTR Community Council on July 25, 2022, and to the Pendleton Community Council on August 1, 2022, garnering support for the project; and

WHEREAS, the OTR Community Council and the Pendleton Community Council have each provided a letter of support for the project; and

WHEREAS, this ordinance is subject to the City's business list, as the development incentive value of \$1,000,000 exceeds \$100,000 in a given year; and

WHEREAS, investing in a permanent performance space for The Children’s Theatre of Cincinnati and the renovation of the Emery Theatre is in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity,” as described on pages 103-113 of Plan Cincinnati (2012); and

WHEREAS, it has been determined that the scope of work for the Emery Theatre project is more appropriately classified as an operating budget expense as opposed to a capital budget expense; now, therefore,

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

Section 1. That the transfer of and return to source of the sum of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” to the unappropriated surplus of Downtown OTR East Equivalent Fund 483 is hereby authorized for the purpose of closing out the capital improvement program project account.

Section 2. That the transfer and appropriation of the sum of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 is hereby authorized for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway.

Section 3. That Council hereby declares that the Emery-Theatre-TIF project (a) constitutes a Public Infrastructure Improvement (as defined in Section 5709.40(A)(8) of the Ohio Revised Code) that will benefit and/or serve the District 4- Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43; and (b) serves a public purpose because the project will create jobs, enhance the revitalization of Over-the-Rhine, and provide a permanent space for The Children’s Theatre of Cincinnati.

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 hereof.

Section 5. 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

January 9, 2023

To: Members of the Budget and Finance Committee

202300322

From: Sherryl M. M. Long, City Manager

**Subject: Emergency Ordinance – FY 2023 Capital Improvement Program (CIP)
Sunset (B Version)**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the establishment of capital improvement program project account nos. 980x101x231038, “Martin Luther King, Jr. Monument,” for the purpose of providing resources for a monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.; 980x164x231636, “Development ROW Improvements,” for the purpose of providing resources to rehabilitate property and infrastructure located within, and adjacent to, the right-of-way on city streets; 980x212x232108, “BuildingBlocks Code Enforcement Interface,” for the purpose of providing resources for a map-based application, equipped to provide advanced data analytics and automated reporting within a single interface, that connects and updates property data held in different systems and formats across departments and agencies; and 980x203x232028, “System Wide Masonry Repairs,” for the purpose of providing resources for removal of safety hazards and restoration of infrastructure including, but not limited to, stone walls, unit pavers, as well as concrete and asphalt hard surfaces throughout the Park System; **AUTHORIZING** the redirection of the sum of \$120,000 in donated resources from the Cincinnati Board of Park Commissioners Private Endowment Funds from capital improvement program project account no. 980x203x182011, “System Wide Masonry Repairs,” to the unappropriated surplus of Parks Private Endowment and Donations Fund 430; **AUTHORIZING** the transfer of and return to source Funds 050, 757, 758, 762, 858, and 871 the sum of \$3,746,443.87 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts, according to Section A of the attached Schedule of Transfer; **AUTHORIZING** the transfer of and return to source Funds 102, 103, 302, 318, 430, 481, 482, 483, and 498 the sum of \$1,134,663.71 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts, according to Section B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$4,026,591.23 from the unappropriated surplus of General Capital Funds 050, 757, 758, 762, 858, and 871 to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts, according to Section C

of the attached Schedule of Transfer; AUTHORIZING the transfer and appropriation of the sum of \$1,092,733.40 from the unappropriated surplus of Restricted Capital Funds 302, 430, and 761 to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts, according to Section D of the attached Schedule of Transfer; AUTHORIZING the transfer of and return to source Funds 107 and 846 the sum of \$5,677,384.58 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts, according to Section E of the attached Schedule of Transfer; AUTHORIZING the transfer and appropriation of the sum of \$5,677,384.58 from the unappropriated surplus of Restricted Capital Funds 107 and 846 to existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts, according to Section F of the attached Schedule of Transfer; AUTHORIZING the transfer of and return to source of General Fund 050 the sum of \$24,000,000 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts, according to Section G of the attached Schedule of Transfer; AUTHORIZING the transfer and appropriation of the sum of \$24,000,000 from the unappropriated surplus of General Fund 050 to new capital improvement program project accounts to provide resources for certain capital improvement program project accounts, according to Section H of the attached Schedule of Transfer; AUTHORIZING the transfer of the sum of \$2,032 from the unappropriated surplus of the Parking System Facilities Fund 102 to reserve account no. 102x3441, "U-Square Garage – Reserve for Capital Projects," for the purpose of dedicating resources for future repairs to the identified garage; AUTHORIZING the acceptance and appropriation of a donation totaling \$67,936.97 from the Cincinnati Recreation Foundation into various existing capital improvement program project accounts as follows: \$3,346 into 980x199x201902, "Aquatics Facilities Renovation"; \$3,025 into 980x199x201903, "Athletics Facilities Renovation"; \$38,540.89 into 980x199x201900, "Outdoor Facilities Renovation"; and \$23,025.08 into 980x199x201913, "Hirsch Walking Trail," for the purpose of providing resources to the Cincinnati Recreation Commission's Capital Improvement Plan; AUTHORIZING the Finance Director to deposit donated sums from the Cincinnati Recreation Foundation into various existing capital improvement program project accounts as follows: \$3,346 into 980x199x201902, "Aquatics Facilities Renovation"; \$3,025 into 980x199x201903, "Athletics Facilities Renovation"; \$38,540.89 into 980x199x201900, "Outdoor Facilities Renovation"; and \$23,025.08 into 980x199x201913, "Hirsch Walking Trail"; and further DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

The original version of this Emergency Ordinance included the transfer and return to source of \$1,000,000 from existing capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF” to the Downtown OTR East Equivalent Fund 483. Furthermore, the original version of this Emergency Ordinance would have authorized the transfer and appropriation of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to the Department of Community and Economic Development non-personnel operating budget account no. 483x164x7200 for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theater located at 1112 Walnut Street and 100 East Central Parkway. These authorizations were proposed because the scope of work for the Emery Theatre project is more appropriately classified as an operating budget expense as opposed to a capital budget expense. The B Version of this Ordinance removes items related to the Emery Theatre from this Ordinance. Items related to the Emery Theatre will be presented in a standalone Ordinance.

Approval of the annual Capital Sunset Emergency Ordinance would authorize the establishment of new capital improvement program project accounts as well as authorize various adjustments to the City’s Capital Improvement Program.

Section A of the attached Schedule of Transfer includes the return of \$3,746,443.87 to various General Capital Budget funding sources. Section B of the attached Schedule of Transfer includes the return of \$1,134,663.71 to various Restricted Funds Capital Budget sources. Resources returned to funding sources can be made available to repay debt service, to address other budgetary needs, and to provide reprogramming resources for the Capital Improvement Program.

Section C of the Schedule of Transfer authorizes the transfer of \$4,026,591.23 from various General Capital Budget funding sources to various new and existing capital improvement program project accounts. Section D authorizes the transfer of \$1,092,773.40 from Restricted Fund Capital Budget funding sources to various new and existing capital improvement program project accounts to provide resources for those accounts.

Section E of the Schedule of Transfer authorizes the return of \$5,677,384.58 to various Stormwater Capital Budget sources. Section F authorizes the transfer and appropriation of \$5,677,384.58 to various new or existing capital improvement program project accounts to better align resources with uses.

Section G of the Schedule of Transfer authorizes the return of \$24,000,000 to various General Capital Budget sources. Section H authorizes the transfer and appropriation of \$24,000,000 to various new or existing capital improvement program project accounts to better align resources with uses.

Schedule of Transfer – Section A

Section A of the attached Schedule of Transfer returns \$3,746,443.87 to various General Capital Budget sources. A significant portion of capital project resources returned to the various funding sources in Section A is no longer needed for their original intended purposes.

1. The sum of \$3,744,600.23 from Funds 050, 757, 758, 762, 858, and 871 will be reprogrammed to fulfill needs in other capital improvement program project accounts, as indicated in Schedule of Transfer - Section C.

2. The balance of \$1,843.64 will remain in the unappropriated surplus of the General Fund.

Schedule of Transfer – Section B

Section B of the Schedule of Transfer returns \$1,134,663.71 to various Restricted Funds Capital Budget sources.

1. From the amount returned to source in Section B, the sum of \$634,144.40 from Funds 302 and 430 will be reprogrammed to fulfill needs in other capital project accounts, as indicated in Schedule of Transfer - Section D.
2. The amount of \$2,032.00 returned to source from Fund 102, will be transferred to the “U-Square Garage – Reserve for Capital Projects” reserve account no. 102x3441, within Parking System Facilities Fund 102, for the purpose of dedicating resources for future repairs to the U-Square Garage, as indicated in Section 11 of the Emergency Ordinance.
3. The remaining amounts of \$237,145.76 from Fund 103, \$1,000.00 from Fund 318, \$40,000.00 from Fund 481, \$100,000.00 from Fund 482, \$120,341.35 from Fund 483, and \$0.20 from Fund 498 will be returned to source and remain available in the unappropriated surplus of each fund.

This Emergency Ordinance would also authorize the sum of \$120,000 in donated resources from the Cincinnati Board of Park Commissioners Private Endowment Funds be redirected from capital improvement program project account no. 980x203x182011, “System Wide Masonry Repairs,” to the unappropriated surplus of Parks Private Endowment and Donations Fund 430, as indicated in Section 2 of the Emergency Ordinance.

Schedule of Transfer – Section C

Section C of the Schedule of Transfer will transfer and appropriate \$4,026,591.23 from the unappropriated surplus of General Capital Funds 050, 757, 758, 762, 858, and 871 to new or existing capital improvement program project accounts.

1. A total of \$36,000.00 in General Capital resources will be appropriated to the “Telephone System Upgrades” capital improvement program project account. These resources will be used by Enterprise Technology Solutions (ETS) to provide resources for a Voice over Internet Protocol (VoIP) system to replace legacy telephone systems which are no longer supported by the manufacturer.
2. A total of \$168,382.69 will be appropriated to the “CHRIS Upgrades and Enhancements” capital improvement program project account. These resources will be used by ETS to provide resources to enhance the Cincinnati Human Resources Information System (CHRIS) in order to streamline processes and eliminate paper transactions.
3. \$75,000.00 will be appropriated to the “Lifecycle Asset Acquisition and Replacement” capital improvement program project account. ETS will use these resources to provide resources for the procurement of information systems, personal computers, software, and related equipment.
4. \$992,500.00 will be appropriated to the newly established “Martin Luther King Jr. Monument” capital improvement program project account to provide resources for the installation of a monument honoring Reverend Dr. Martin Luther King, Jr., at the

intersection of Reading Road and Martin Luther King, Jr. Drive. This effectively moves this project scope of work from the Department of Transportation and Engineering (DOTE) to the Office of the City Manager.

5. \$150,000.00 will be appropriated to the “Budget Development and Document and Publication System” capital improvement program project account. The Office of Budget and Evaluation will use these resources for an upgrade to the Cincinnati Budget System and budget document publication software.
6. \$135,000.00 will be appropriated to the “Treasury - Cashier and License System” capital improvement program project account. The Treasury Division of the Department of Finance will use these resources for the upgrade of the current Treasury Division receipting and licensing system.
7. \$6,653.44 will be appropriated to the “DCED Property Improvements” capital improvement program project account. The Department of Community and Economic Development (DCED) will use these resources for permanent improvements to vacant buildings and properties controlled or previously controlled by the Department of Community & Economic Development.
8. \$382,000.00 will be appropriated to the newly established “Development ROW Improvements” capital improvement program project account. The Department of Community and Economic Development (DCED) will use these resources to rehabilitate property adjacent to the right-of-way (ROW) and infrastructure located within the ROW on city streets throughout Cincinnati. \$281,991 of these resources were made available to this project from an incentive recoupment payment that DCED received.
9. \$300,000.00 will be appropriated to the “Oakley Recreation Center” capital improvement program project account. CRC will use these resources for the design and construction of a recreation center in the Oakley neighborhood designed to better meet the current demands and programming needs of the public. The Oakley Recreation Center is anticipated to be larger than the existing center and include a gymnasium and rooms for specific activities, comply with current building codes, and provide Americans with Disabilities Act (ADA) access and life safety requirements.
10. \$1,298,566.94 will be appropriated to the “Smale Riverfront Park” capital improvement program project account. Parks will use these resources for construction of the Smale Riverfront Park extension on Lot 23 of the Banks.
11. \$27,000.00 will be appropriated to the newly established “BuildingBlocks Code Enforcement Interface” capital improvement program project account. The Department of Buildings and Inspections will use these resources to provide a map-based application that connects and updates property data held in different systems and formats across departments and agencies. The program is equipped to provide advanced data analytics and automated reporting within a single interface.
12. \$105,488.16 will be appropriated to the “Wall Stab. & Landslide Correction” capital improvement program project account. DOTE will use these resources for the inspection, repair, rehabilitation, and replacement of retaining walls and appurtenances thereto and to stabilize landslides affecting the right-of-way at various citywide locations.
13. \$300,000.00 will be appropriated to the “City Facility Renovation and Repairs” capital improvement program project account. City Facility Management will use these resources

for the continuation of ongoing repairs, alterations, and upgrades to General Fund City facilities such as those used by Police, Fire, and Public Services.

14. \$50,000.00 will be appropriated to the “Fire Department Fleet and Equipment” capital improvement program project account. The Department of Public Services (DPS) will use these resources for the purchase of replacement automotive and motorized equipment for the Fire Department. This funding will be used to replace vehicles and equipment in any of the following major classes: fire pumpers and ladders, ambulances, as well as large and small specialized equipment.

Schedule of Transfer – Section D

Section D of the Schedule of Transfer will transfer and appropriate \$1,092,773.40 from the unappropriated surplus of the Restricted Capital Funds 302, 430, 761 to new or existing capital improvement program project accounts.

1. \$338,629.00 will be appropriated to the “Strategic Housing Initiative Program” capital improvement program project account. DCED will use these resources for the Strategic Housing Initiatives Program (SHIP), which will offer strategic investment to housing projects throughout the City's neighborhoods. These resources were made available to this project from an incentive recoupment payment that DCED received.
2. \$143,000.00 will be appropriated to the newly established “System Wide Masonry Repairs” capital improvement program project account to provide resources for the removal of safety hazards and restoration of infrastructure, including, but not limited to, stone walls, unit pavers, as well as concrete and asphalt hard surfaces throughout the Park System.
3. \$611,144.40 will be appropriated to the “Wall Stab. & Landslide Correction” capital improvement program project account. DOTE will use these resources for the inspection, repair, rehabilitation, and replacement of retaining walls and appurtenances thereto and provides funding to stabilize landslides affecting the right-of-way at various citywide locations.

Schedule of Transfer – Section E

Section E of the attached Schedule of Transfer returns \$5,677,384.58 to various Capital Budget sources to decrease certain Stormwater Management Utility (SMU) capital improvement program project accounts in order to better align sources with uses, as indicated in Schedule of Transfer - Section F. The transfers between Section E and Section F are budget neutral.

Schedule of Transfer – Section F

Section F of the Schedule of Transfer will transfer and appropriate \$5,677,384.58 from the unappropriated surplus of Restricted Capital Funds 107 and 846 to new or existing capital improvement program project accounts to better align sources with uses for certain Stormwater Management Utility capital improvement program project accounts.

1. \$431,175.73 will be appropriated to the “Stormwater Infrastructure Rehabilitation” capital improvement program project account for the purpose of providing resources for the

rehabilitation and replacement of deteriorated portions of stormwater infrastructure identified in SMU's condition assessment program.

2. \$175,000 will be appropriated to the "Stormwater Infrastructure Rehabilitation" capital improvement program project account for the purpose of providing resources for the rehabilitation and replacement of deteriorated portions of stormwater infrastructure identified in SMU's condition assessment program.
3. \$1,500,000 will be appropriated to the "Stormwater Infrastructure Rehabilitation" capital improvement program project account for the purpose of providing resources for the rehabilitation and replacement of deteriorated portions of stormwater infrastructure identified in SMU's condition assessment program.
4. \$289,854.60 will be appropriated to the "Cincinnati Local Flood Protection Project" capital improvement program project account to provide resources for the utility to assess the condition and rehabilitate flood protection infrastructure that is part of the Cincinnati Local Flood Protection Project (LFPP). Recent inspections by the United States Army Corps of Engineers (USACE) and the draft Phase I Facility Plan identified this work as a high priority.
5. \$307,500.00 will be appropriated to the "Flood Mitigation Program" capital improvement program project account to provide resources to address chronic flooding locations via the purchase of property, building of new infrastructure, and the rehabilitation/replacement of deteriorated portions of existing stormwater infrastructure.
6. \$250,000.00 will be appropriated to the "Barrier Dam Storage Building" capital improvement program project account for the purpose of providing resources to construct a storage building for the Barrier Dam.
7. \$2,000,000.00 will be appropriated to the "Stormwater Infrastructure Rehabilitation" capital improvement program project account for the purpose of providing resources for the construction of new infrastructure and the rehabilitation and replacement of deteriorated portions of stormwater infrastructure identified in SMU's condition assessment program.
8. \$105,000.00 will be appropriated to the "Cincinnati Local Flood Protection Project" capital improvement program project account to provide resources for the utility to assess the condition and rehabilitate flood protection infrastructure that is part of the Cincinnati Local Flood Protection Project (LFPP). Recent inspections by the United States Army Corps of Engineers and the Phase I Facility Plan identified this work as a high priority.
9. \$200,000.00 will be appropriated to the "Stormwater Fleet and Equipment" capital improvement program project account to provide resources to replace Stormwater Management Utility fleet and equipment that is nearing the end of its useful life.
10. \$105,000.00 will be appropriated to the "Linear Asset Condition Assessment" capital improvement program project account to provide resources for SMU to assess the condition of its infrastructure.
11. \$156,240.79 will be appropriated to the "Cincinnati Local Flood Protection Project" capital improvement program project account to provide resources for the utility to assess the condition and rehabilitate flood protection infrastructure that is part of the Cincinnati Local Flood Protection Project (LFPP). Recent inspections by the United States Army Corps of Engineers and the Phase I Facility Plan identified this work as a high priority.
12. \$157,613.46 will be appropriated to the "Stormwater Infrastructure Rehabilitation" capital improvement program project account for the purpose of providing resources for the rehabilitation and replacement of deteriorated portions of stormwater infrastructure identified in SMU's condition assessment program.

Schedule of Transfer – Section G

Section G of the attached Schedule of Transfer returns \$24,000,000 to various Capital Budget sources to close out or decrease certain capital improvement program project accounts in order to better align sources with specific uses, as indicated in Schedule of Transfer - Section G. The transfers between Section G and Section H are budget neutral.

Schedule of Transfer – Section H

Section H of the Schedule of Transfer will transfer and appropriate \$24,000,000 from the unappropriated surplus of the General Fund 050 to new capital improvement program project accounts to better align resources with more specific uses in new capital improvement program project accounts. Each scope of work for these new projects was previously included in a project account with a broader scope. The transfer and appropriation of resources will better confine resources to the intended scopes of work, as specified.

1. The sum of \$5,000,000 will be appropriated to a newly established “Highspeed/Broadband Access - GF” capital improvement program project account for the purpose of providing resources for improvement of broadband or high-speed Internet access to address the digital divide in under-served areas of the City.
2. The amount of \$700,000 will be appropriated to a newly established “Security Camera Upgrades – GF” capital improvement program project account for the purpose of providing resources for camera upgrades at various City facilities.
3. The sum of \$1,000,000 will be appropriated to a new “B&I Permit Software Upgrades - GF” capital improvement program project account for the purpose of providing resources for permit software upgrades in the Department of Buildings and Inspections.
4. The amount of \$2,000,000 will be appropriated to a new “Data Center Infrastructure Replacements-GF” capital improvement program project account for the purpose of replacing infrastructure in the City’s data center.
5. The sum of \$1,200,000 will be appropriated to the newly established “Dyer Sprayground Improvements CBR - GF” capital improvement program project account to provide resources to replace nonfunctional equipment and to repair/replace piping that is leaking and to renovate the existing pool house/restroom building. This request includes funding in response to a community budget request (CBR) to fix the restroom building after it was vandalized and left inoperable.
6. The amount of \$500,000 will be appropriated to the “California Woods - GF” capital improvement program project account for the purpose of providing resources for the renovation and restoration of various features at the California Woods Nature Preserve.
7. The amount of \$500,000 will be appropriated to the “Daniel Drake Park Restoration - GF” capital improvement program project for the renovation and restoration of various features at Daniel Drake Park.
8. The amount of \$500,000 will be appropriated to a new “Urban Tree Canopy - GF” capital improvement program project account for the purpose of providing resources to expand the Urban Tree Canopy Reforestation project.
9. The amount of \$4,000,000 will be appropriated to the “Street Rehabilitation - GF” capital improvement program project for the purpose of providing resources for the systematic repair and resurfacing of streets throughout the City under the Street Rehabilitation Program. This project supports repairs to curbs, pavements, and resurfacing the roadway.

Project funds are also used to match funding from other sources including the Ohio Public Works Commission (OPWC) and the Ohio Department of Transportation (ODOT). These leveraged funds are used to rehabilitate additional lane miles. This project supports the labor, materials, and technologies needed to plan, design, build, and inspect this construction.

10. The sum of \$1,500,000 will be appropriated to a new “Hillside Stairway Rehabilitation - GF” capital improvement program project account for the purpose of providing resources for hillside stairway rehabilitation with a focus on disadvantaged areas of the City.
11. The sum of \$2,000,000 will be appropriated to a new “Regional Target Gun Range - GF” capital improvement program project account for the purpose of providing resources for the City’s contribution to a regional gun range.
12. The sum of \$3,400,000 will be appropriated to a new “Fire Training Facility/Tower - GF” capital improvement program project account to supplement the previous \$10,000,000 appropriation to a Fire Training Facility capital improvement program project account in FY 2019.
13. The amount of \$700,000 will be appropriated to a new “Crest Smile Shoppe Relocation – GF” capital improvement program project account for the purpose of providing resources for the relocation of the Crest Smile Shoppe to the Clement Health Center.
14. The amount of \$1,000,000 will be appropriated to a new “Price Hill Health Center Improvements-GF” capital improvement program project account for the purpose of providing resources for addressing deferred maintenance and implementing various improvements at the Price Hill Health Center.

This Emergency Ordinance will also authorize the acceptance and appropriation of \$67,936.97 from the Cincinnati Recreation Foundation to various existing capital project accounts.

This Emergency Ordinance will declare certain projects to be for a public purpose.

Authorizing Capital Sunset activities is in accordance with the “Sustain” goal to “[m]anage our financial resources,” as well as the strategies to “[b]etter coordinate our capital improvement spending,” and “[s]pend public funds more strategically” as described on pages 199-205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide resources for the Capital Improvement Program.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachments

EMERGENCY

CFG/B

-2023

AUTHORIZING the establishment of capital improvement program project account nos. 980x101x231038, “Martin Luther King, Jr. Monument,” for the purpose of providing resources for a monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.; 980x164x231636, “Development ROW Improvements,” for the purpose of providing resources to rehabilitate property and infrastructure located within, and adjacent to, the right-of-way on city streets; 980x212x232108, “BuildingBlocks Code Enforcement Interface,” for the purpose of providing resources for a map-based application, equipped to provide advanced data analytics and automated reporting within a single interface, that connects and updates property data held in different systems and formats across departments and agencies; and 980x203x232028, “System Wide Masonry Repairs,” for the purpose of providing resources for removal of safety hazards and restoration of infrastructure including, but not limited to, stone walls, unit pavers, as well as concrete and asphalt hard surfaces throughout the Park system; **AUTHORIZING** the redirection of the sum of \$120,000 in donated resources from the Cincinnati Board of Park Commissioners Private Endowment Funds from capital improvement program project account no. 980x203x182011, “System Wide Masonry Repairs,” to the unappropriated surplus of Parks Private Endowment and Donations Fund 430; **AUTHORIZING** the transfer of and return to source Funds 050, 757, 758, 762, 858, and 871 the sum of \$3,746,443.87 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section A of the attached Schedule of Transfer; **AUTHORIZING** the transfer of and return to source Funds 102, 103, 302, 318, 430, 481, 482, 483, and 498 the sum of \$1,134,663.71 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$4,026,591.23 from the unappropriated surplus of General Capital Funds 050, 757, 758, 762, 858, and 871 to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$1,092,733.40 from the unappropriated surplus of Restricted Capital Funds 302, 430, and 761 to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section D of the attached Schedule of Transfer; **AUTHORIZING** the transfer of and return to source Funds 107 and 846 the sum of \$5,677,384.58 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section E of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of the sum of \$5,677,384.58 from the unappropriated surplus of Restricted Capital Funds 107 and 846 to existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section F of the attached Schedule of Transfer; **AUTHORIZING** the transfer of and return to source of General Fund 050 the sum of \$24,000,000 from various General

Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section G of the attached Schedule of Transfer; AUTHORIZING the transfer and appropriation of the sum of \$24,000,000 from the unappropriated surplus of General Fund 050 to new capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section H of the attached Schedule of Transfer; AUTHORIZING the transfer of the sum of \$2,032 from the unappropriated surplus of the Parking System Facilities Fund 102 to reserve account no. 102x3441, “U-Square Garage – Reserve for Capital Projects,” for the purpose of dedicating resources for future repairs to the identified garage; AUTHORIZING the acceptance and appropriation of a donation totaling \$67,936.97 from the Cincinnati Recreation Foundation into various existing capital improvement program project accounts as follows: \$3,346 into 980x199x201902, “Aquatics Facilities Renovation”; \$3,025 into 980x199x201903, “Athletics Facilities Renovation”; \$38,540.89 into 980x199x201900, “Outdoor Facilities Renovation”; and \$23,025.08 into 980x199x201913, “Hirsch Walking Trail,” for the purpose of providing resources to the Cincinnati Recreation Commission’s Capital Improvement Plan; AUTHORIZING the Finance Director to deposit donated sums from the Cincinnati Recreation Foundation into various existing capital improvement program project accounts as follows: \$3,346 into 980x199x201902, “Aquatics Facilities Renovation”; \$3,025 into 980x199x201903, “Athletics Facilities Renovation”; \$38,540.89 into 980x199x201900, “Outdoor Facilities Renovation”; and \$23,025.08 into 980x199x201913, “Hirsch Walking Trail”; and further DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, passage of this capital sunset ordinance will allow the Administration to provide resources for the Capital Improvement Program and certain capital improvement program projects, to close out or decrease certain existing capital improvement program project accounts, to transfer and return to source certain funds, and to transfer and appropriate certain funds; and

WHEREAS, authorizing Capital Sunset activities is in accordance with the “Sustain” goal to “[m]anage our financial resources,” as well as the strategies to “[b]etter coordinate our capital improvement spending,” and “[s]pend public funds more strategically” as described on pages 199-205 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish capital improvement program project account nos. 980x101x231038, “Martin Luther King, Jr. Monument,” for the purpose of providing resources for a monument to honor the legacy of the Reverend Dr. Martin Luther King, Jr.; 980x164x231636, “Development ROW Improvements,” for the purpose of providing resources to rehabilitate property and infrastructure located within, and adjacent to, the right-of-way on city streets; 980x212x232108, “BuildingBlocks Code

Enforcement Interface,” for the purpose of providing resources for a map-based application, equipped to provide advanced data analytics and automated reporting within a single interface, that connects and updates property data held in different systems and formats across departments and agencies; and 980x203x232028, “System Wide Masonry Repairs,” for the purpose of providing resources for removal of safety hazards and restoration of infrastructure including, but not limited to, stone walls, unit pavers, as well as concrete and asphalt hard surfaces throughout the Park system.

Section 2. That the sum of \$120,000 in donated resources from the Cincinnati Board of Park Commissioners Private Endowment Funds is hereby redirected from capital improvement program project account no. 980x203x182011, “System Wide Masonry Repairs,” to the unappropriated surplus of Parks Private Endowment and Donations Fund 430.

Section 3. That the sum of \$3,746,443.87 is hereby transferred and returned to source Funds 050, 757, 758, 858, and 871 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section A of the attached Schedule of Transfer.

Section 4. That the sum of \$1,134,663.71 is hereby transferred and returned to source Funds 102, 103, 302, 318, 430, 481, 482, 483, and 498 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section B of the attached Schedule of Transfer.

Section 5. That the sum of \$4,026,591.23 is hereby transferred and appropriated from the unappropriated surplus of General Capital Funds 050, 757, 758, 762, 858, and 871 to new or existing capital improvement program project accounts to provide resources for certain capital

improvement program project accounts according to Section C of the attached Schedule of Transfer.

Section 6. That the sum of \$1,092,733.40 is hereby transferred and appropriated from the unappropriated surplus of Restricted Capital Funds 302, 430, and 761 to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section D of the attached Schedule of Transfer.

Section 7. That the sum of \$5,677,384.58 is hereby transferred and returned to source Funds 107 and 846 from various Restricted Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section E of the attached Schedule of Transfer.

Section 8. That the sum of \$5,677,384.58 is hereby transferred and appropriated from the unappropriated surplus of Restricted Capital Funds 107 and 846 to existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts, according to Section F of the attached Schedule of Transfer.

Section 9. That the sum of \$24,000,000 is hereby transferred and returned to source General Fund 050 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section G of the attached Schedule of Transfer.

Section 10. That the sum of \$24,000,000 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to new capital improvement program project accounts to provide resources for certain capital improvement program project accounts, according to Section H of the attached Schedule of Transfer.

Section 11. That the transfer of the sum of \$2,032 from the unappropriated surplus of the Parking System Facilities Fund 102 to reserve account no. 102x3441, “U-Square Garage – Reserve for Capital Projects,” within Parking System Facilities Fund 102, is hereby authorized for the purpose of dedicating resources for future repairs to the identified garage.

Section 12. That the City Manager is hereby authorized to accept and appropriate a donation totaling \$67,936.97 from the Cincinnati Recreation Foundation into the following existing capital improvement program project accounts: \$3,346 into 980x199x201902, “Aquatics Facilities Renovation”; \$3,025 into 980x199x201903, “Athletics Facilities Renovation”; \$38,540.80 into 980x199x201900, “Outdoor Facilities Renovation”; and \$23,025.08 into 980x199x201913, “Hirsch Walking Trail,” for the purpose of providing resources to the Cincinnati Recreation Commission’s Capital Improvement Plan.

Section 13. That the Finance Director is hereby authorized to deposit the donated sum from the Cincinnati Recreation Foundation into the following existing capital improvement program project accounts: \$3,346 into 980x199x201902, “Aquatics Facilities Renovation”; \$3,025 into 980x199x201903, “Athletics Facilities Renovation”; \$38,540.80 into 980x199x201900, “Outdoor Facilities Renovation”; and \$23,025.08 into 980x199x201913, “Hirsch Walking Trail.”

Section 14. That the “Martin Luther King, Jr. Monument,” “Development ROW Improvements,” “Highspeed/Broadband Access – GF,” “Security Camera Upgrades - GF,” “Urban Tree Canopy – GF,” and the “Regional Target Gun Range – GF” capital improvement program projects are hereby declared to serve a public purpose because the projects will foster local improvements and investment and increase neighborhood vitality, and because each project has an estimated life or period of usefulness of five years or more.

Section 15. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 14 hereof.

Section 16. That this ordinance shall be an emergency measure necessary for the preservation of 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 the Capital Improvement Program.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Return to Source: \$3,746,443.87

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
ETS 091	160911 Information Tech. Efficiency Initiatives	758	Income Tax Permanent Improvement Fund	895,177.08	893,531.08	1,646.00
	170904 Cincinnati Financial System Upgrades	758	Income Tax Permanent Improvement Fund	37,740.30	32,940.30	4,800.00
	170911 Information Tech. Efficiency Initiatives	758	Income Tax Permanent Improvement Fund	1,191,135.00	909,989.32	281,145.68
	190914 CHRIS Enhancement 9.2	758	Income Tax Permanent Improvement Fund	136,000.00	115,900.00	20,100.00
Office of the City Manager Performance & Data Analytics 108	191016 Enterprise Data Warehouse	758	Income Tax Permanent Improvement Fund	60,000.00	53,296.72	6,703.28
	201016 Enterprise Data Warehouse	758	Income Tax Permanent Improvement Fund	20,500.00	0.00	20,500.00
Department of Finance Income Tax 136	191304 New Tax System Enhancements	758	Income Tax Permanent Improvement Fund	25,000.00	23,128.00	1,872.00
Community & Economic Dev. Administration 161	201614 Adobe Pro Software Replacement	758	Income Tax Permanent Improvement Fund	11,000.00	4,945.70	6,054.30
Community & Economic Dev. Economic Development 164	181646 Mercy Hospital West Site Acquisition	757	Miscellaneous Permanent Improvement Fund	300,000.00	293,346.56	6,653.44
	161619 Mercy Health Infrastructure Improvements	758	Income Tax Permanent Improvement Fund	1,000,000.00	398,695.10	601,304.90
Citizens' Complaint Authority 181	221801 Interview Recording Equipment	050	General Fund	21,800.00	21,737.00	63.00
Recreation Support Services 199	221902 Aquatics Facilities Renovation	871	Recreation Improvement Bond Fund	457,000.00	157,000.00	300,000.00
Parks Administration and Program 203	172001 Smale Riverfront Park	762	Urban Redevelopment Tax Increment Equivalent Fund	1,500,000.00	201,433.06	1,298,566.94
Building and Inspections Building Administration 211	212107 enCodePlus Customer Service Platform	758	Income Tax Permanent Improvement Fund	27,000.00	0.00	27,000.00
Transportation & Engineering Director's Office 231	192335 Information Systems Acquisition	758	Income Tax Permanent Improvement Fund	86,000.00	85,720.60	279.40
	212335 Information Systems Acquisition	758	Income Tax Permanent Improvement Fund	66,118.21	66,057.17	61.04
Transportation & Engineering Planning 232	202367 Ormond & Ludlow Crosswalk	758	Income Tax Permanent Improvement Fund	25,000.00	16,504.91	8,495.09
	202366 Martin Luther King Jr. Monument	050	General Fund	1,010,000.00	17,500.00	992,500.00
Transportation & Engineering Engineering 233	192316 Peete Street Retaining Wall	858	Street Improvement Bond Fund	400,000.00	294,511.84	105,488.16
Public Services Director 251	162516 KRONOS Time Keeping System Upgrade	758	Income Tax Permanent Improvement Fund	28,600.00	17,170.00	11,430.00
	202516 KRONOS Time Keeping System Upgrade	758	Income Tax Permanent Improvement Fund	50,000.00	0.00	50,000.00
Public Services CFM 255	222530 Quality of Life Relocation Furniture	050	General Fund	145,000.00	143,219.36	1,780.64

Return to Source: \$1,134,663.71

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Community & Economic Dev. Economic Development 164	171631	Madison & Whetsel Public Improvements	498	Madisonville Equivalent Fund	4,005,870.69	4,005,870.49	0.20
Parks Admin. & Program Services 203	202011	Sawyer Point Fishing Pier	318	Sawyer Point	773,000.00	772,000.00	1,000.00
	182008	Bellevue Park Improvements	430	Parks Private Endowment and Donations Fund	83,000.00	60,000.00	23,000.00
Transportation & Engineering Planning 232	202382	College Street Improvements - TIF	482	Downtown/OTR West Equivalent Fund	100,000.00	0.00	100,000.00
	192327	Main Street Streetscape TIF	483	Downtown/OTR East Equivalent Fund	250,000.00	138,658.65	111,341.35
	202381	Ogden Alley ADA Improvements - TIF	481	Downtown South/Riverfront Equivalent Fund	40,000.00	0.00	40,000.00
Transportation & Engineering Engineering 233	192326	Columbia Parkway Hillside Stabilization	302	Income Tax Infrastructure	20,954,930.84	20,343,786.44	611,144.40
	192353	Liberty Street Improvements	483	Downtown/OTR East Equivalent Fund	1,075,000.00	1,066,000.00	9,000.00
Duke Convention Center 243	192403	Building Equipment	103	Duke Energy Convention Center	863,591.01	691,445.25	172,145.76
	202403	Building Equipment	103	Duke Energy Convention Center	65,000.00	0.00	65,000.00
Parking Facilities 248	212404	USquare PARCS Replacement	102	Parking System Facilities Fund	230,000.00	227,968.00	2,032.00

Transfer and Appropriation: \$4,026,591.23

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
ETS 091	758	Income Tax Permanent Improvement Fund	230913	Telephone System Upgrades	1,000,000.00	1,036,000.00	36,000.00
	758	Income Tax Permanent Improvement Fund	220914	CHRIS Upgrades and Enhancements	25,000.00	193,382.69	168,382.69
	758	Income Tax Permanent Improvement Fund	230918	Lifecycle Asset Acquisition and Replacement	420,000.00	495,000.00	75,000.00
City Manager 101	050	General Fund	231038	Martin Luther King Jr. Monument	0.00	992,500.00	992,500.00
City Manager Budget and Evaluation 102	758	Income Tax Permanent Improvement Fund	231022	Budget Development and Document Publication System	500,000.00	650,000.00	150,000.00
Finance Treasury 134	758	Income Tax Permanent Improvement Fund	211305	Treasury - Cashier and License System	265,000.00	400,000.00	135,000.00
Community & Economic Dev. Housing Development 162	757	Miscellaneous Permanent Improvement Fund	221641	DCED Property Improvements	37,908.00	44,561.44	6,653.44
Community & Economic Dev. Economic Development 164	758	Income Tax Permanent Improvement Fund	231636	Development ROW Improvements	0.00	382,000.00	382,000.00
Recreation Support Services 199	871	Recreation Improvement Bond Fund	221915	Oakley Recreation Center	2,000,000.00	2,300,000.00	300,000.00
Parks Admin and Program Services 203	762	Urban Redevelopment Fund	222001	Smale Riverfront Park	1,500,000.00	2,798,566.94	1,298,566.94
Buildings & Inspections Prop. Maint. Code Enforcement 212	758	Income Tax Permanent Improvement Fund	232108	BuildingBlocks Code Enforcement Interface	0.00	27,000.00	27,000.00
Transportation & Engineering Engineering 233	858	Street Improvement Bond Fund	232312	Wall Stab. & Landslide Correction	712,000.00	817,488.16	105,488.16
Public Services - CFM 255	758	Income Tax Permanent Improvement Fund	232500	City Facility Renovation and Repairs	1,827,000.00	2,127,000.00	300,000.00
Motorized & Const. Equipment 981	758	Income Tax Permanent Improvement Fund	212527	Fire Department Fleet and Equipment	1,000,000.00	1,050,000.00	50,000.00

Section D.
Restricted Capital

Transfer and Appropriation: \$1,092,773.40

SCHEDULE OF TRANSFER

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Community & Economic Dev. Housing Development 162	761	Special Housing Permanent Improvement Fund	231602	Strategic Housing Initiatives Program	1,239,000.00	1,577,629.00	338,629.00
Parks Admin. & Program Services 203	430	Parks Private Endowment and Donations Fund	232028	System Wide Masonry Repairs	0.00	143,000.00	143,000.00
Transportation & Engineering Engineering 233	302	Income Tax - Infrastructure	232312	Wall Stab. & Landslide Correction	712,000.00	1,323,144.40	611,144.40

Return to Source: \$5,677,384.58

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
Stormwater Management 311	184170 Flood Mitigation Program	846 Stormwater Improvement Bond Fund	602,000.00	330,155.27	271,844.73
	184182 Barrier Dam Electrical Safety Improvements	846 Stormwater Improvement Bond Fund	420,000.00	260,669.00	159,331.00
	194137 Stormwater Infrastructure Rehabilitation	107 Stormwater Management Fund	789,613.46	707,000.00	82,613.46
	194145 Flood Mitigation Program	846 Stormwater Improvement Bond Fund	1,260,000.00	970,145.40	289,854.60
	204124 Cincinnati Local Flood Protection Project	107 Stormwater Management Fund	2,928,000.00	2,615,000.00	313,000.00
	204136 West Fork Channel Rehabilitation	846 Stormwater Improvement Bond Fund	1,000,000.00	0.00	1,000,000.00
	204140 Duck Creek Channel Rehabilitation	846 Stormwater Improvement Bond Fund	500,000.00	0.00	500,000.00
	204146 Barrier Dam Crane Rehabilitation	846 Stormwater Improvement Bond Fund	1,150,000.00	842,500.00	307,500.00
	214101 Barrier Dam Storage Building	846 Stormwater Improvement Bond Fund	175,000.00	0.00	175,000.00
	214124 Cincinnati Local Flood Protection Project	107 Stormwater Management Fund	597,240.79	374,000.00	223,240.79
	214136 West Fork Channel Rehabilitation	846 Stormwater Improvement Bond Fund	1,000,000.00	0.00	1,000,000.00
	214137 Stormwater Infrastructure Rehabilitation	846 Stormwater Improvement Bond Fund	2,680,000.00	2,430,000.00	250,000.00
	214140 Duck Creek Channel Rehabilitation	846 Stormwater Improvement Bond Fund	1,000,000.00	0.00	1,000,000.00
	224143 Linear Asset Condition Assessment	846 Stormwater Improvement Bond Fund	1,200,000.00	1,095,000.00	105,000.00

Transfer and Appropriation: \$5,677,384.58

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
Stormwater Management 311	846 Stormwater Improvement Bond Fund	184185 Stormwater Infrastructure Rehabilitation	3,050,000.00	3,481,175.73	431,175.73
	846 Stormwater Improvement Bond Fund	194137 Stormwater Infrastructure Rehabilitation	707,000.00	882,000.00	175,000.00
	846 Stormwater Improvement Bond Fund	204137 Stormwater Infrastructure Rehabilitation	1,650,000.00	3,150,000.00	1,500,000.00
	846 Stormwater Improvement Bond Fund	204124 Cincinnati Local Flood Protection Project	2,615,000.00	2,904,854.60	289,854.60
	846 Stormwater Improvement Bond Fund	204145 Flood Mitigation Program	950,000.00	1,257,500.00	307,500.00
	846 Stormwater Improvement Bond Fund	214101 Barrier Dam Storage Building	0.00	250,000.00	250,000.00
	846 Stormwater Improvement Bond Fund	214137 Stormwater Infrastructure Rehabilitation	2,680,000.00	4,680,000.00	2,000,000.00
	846 Stormwater Improvement Bond Fund	224124 Cincinnati Local Flood Protection Project	464,568.49	569,568.49	105,000.00
	107 Stormwater Management Fund	224101 Stormwater Fleet and Equipment	300,000.00	500,000.00	200,000.00
	107 Stormwater Management Fund	224143 Linear Asset Condition Assessment	1,095,000.00	1,200,000.00	105,000.00
	107 Stormwater Management Fund	234124 Cincinnati Local Flood Protection Project	2,100,000.00	2,256,240.79	156,240.79
	107 Stormwater Management Fund	234137 Stormwater Infrastructure Rehabilitation	250,000.00	407,613.46	157,613.46

Return to Source: \$24,000,000.00

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
ETS 091	230901 Information Technology Equipment-GF	050 General Fund	8,700,000.00	3,000,000.00	5,700,000.00
	230900 Information Technology Software and Hardware-GF	050 General Fund	3,300,000.00	300,000.00	3,000,000.00
Recreation 199	231906 Recreation Facilities Renovation-GF	050 General Fund	3,000,000.00	1,800,000.00	1,200,000.00
Parks 203	232004 Park Infrastructure Rehabilitation-GF	050 General Fund	3,000,000.00	1,500,000.00	1,500,000.00
Transportation & Engineering Engineering 233	232329 Transportation Infrastructure -GF	050 General Fund	8,000,000.00	2,500,000.00	5,500,000.00
Public Services CFM 255	232519 Public Safety Facility Improvements-GF	050 General Fund	8,000,000.00	2,600,000.00	5,400,000.00
Health 261	232607 Health Facilities Renovation and Repairs - GF	050 General Fund	3,000,000.00	1,300,000.00	1,700,000.00

Transfer and Appropriation: \$24,000,000.00

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
ETS 091	050 General Fund	230927 Highspeed/Broadband Access - GF	0.00	5,000,000.00	5,000,000.00
	050 General Fund	230928 Security Camera Upgrades - GF	0.00	700,000.00	700,000.00
	050 General Fund	230930 B&I Permit Software Upgrades - GF	0.00	1,000,000.00	1,000,000.00
	050 General Fund	230931 Data Center Infrastructure Replacements-GF	0.00	2,000,000.00	2,000,000.00
Recreation 199	050 General Fund	231918 Dyer Sprayground Improvements CBR - GF	0.00	1,200,000.00	1,200,000.00
Parks 203	050 General Fund	232029 California Woods - GF	0.00	500,000.00	500,000.00
	050 General Fund	232030 Daniel Drake Park Restoration - GF	0.00	500,000.00	500,000.00
	050 General Fund	232031 Urban Tree Canopy - GF	0.00	500,000.00	500,000.00
Transportation & Engineering Engineering 233	050 General Fund	232368 Street Rehabilitation - GF	0.00	4,000,000.00	4,000,000.00
	050 General Fund	232369 Hillside Stairway Rehabilitation - GF	0.00	1,500,000.00	1,500,000.00
Public Services CFM 255	050 General Fund	232545 Regional Target Gun Range - GF	0.00	2,000,000.00	2,000,000.00
	050 General Fund	232546 Fire Training Facility/Tower - GF	0.00	3,400,000.00	3,400,000.00
Health 261	050 General Fund	232609 Crest Smile Shoppe Relocation - GF	0.00	700,000.00	700,000.00
	050 General Fund	232610 Price Hill Health Center Improvements-GF	0.00	1,000,000.00	1,000,000.00

MODIFYING Chapter 119 of the Cincinnati Municipal Code, “Prohibition on the Solicitation of or Acceptance of Campaign Contributions from Persons with a Financial Interest in City Business,” by amending Section 119-1-C2, “City Business”; **MODIFYING** Chapter 331 of the Cincinnati Municipal Code, “Sale or Lease of City-Owned Real Property – Approval as to Form and Recording of Conveyance Documents,” by amending Section 331-9, “Sale, Lease, or Use of City-Owned Real Property Without Council Approval”; and **MODIFYING** Chapter 1101 of the Cincinnati Municipal Code, “Administration,” by amending Section 1101-15, “Permits, Prior Approvals Required,” all to improve the efficiency and transparency of the City’s process for conveying easements in city-owned real property.

WHEREAS, the City’s current process that requires Council approval for all easements on City property is time- and resource-intensive for the City Administration and inefficient for residents and small-business owners whose projects can face delays while easements proceed through the legislative process; and

WHEREAS, Council wishes to streamline the approval process for low-value easements pertaining to minor uses of City-owned property while also identifying the financially interested persons associated with high-value easements that will continue to require approval by Council; and

WHEREAS, CMC Chapter 331 authorizes the City Manager to administratively grant a lease of, or right of entry upon, any City-owned real property for a term of one year or less without the need for legislative review; and

WHEREAS, Council wishes to extend the City Manager’s authority under CMC Chapter 331 to include easements with an appraised fair market value of less than \$25,000, which easements typically pertain to sidewalk encroachments, water mains and appurtenances, and other minor uses of City-owned property, and which represent a large number of the easements of City-owned property, to reduce the time and resources necessary to process these low-value easements; and

WHEREAS, Cincinnati Municipal Code (“CMC”) Chapter 119 imposes enhanced reporting requirements upon applicants for certain incentives or property sales or zoning changes requiring approval by Council, and it further prohibits current City elected officials’ campaigns for City elected offices from receiving campaign contributions from those applicants while those requests or applications are under review by Council; and

WHEREAS, Council wishes to extend the requirements of CMC Chapter 119 to easements having a fair market value of \$25,000 or more, which easements often relate to significant development projects, to improve transparency around their approval; and

WHEREAS, in adopting these changes, Council seeks to balance the need to provide transparency in connection with higher-value easements with the need to ensure that the day-to-day business of City government remains efficient; and

WHEREAS, Council finds that the proposed amendments are consistent with Plan Cincinnati (2012), including the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” (page 103) by “[b]uild[ing] a streamlined and cohesive development process” (page 111); now, therefore,

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

Section 1. That Section 119-1-C2, “City Business,” of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 119-1-C2. – City Business.

“City business” means requests or applications for the following items requiring approval by council:

- (a) development incentives, including loans and tax incentives, with an estimated potential value of \$100,000 or more per year;
- (b) sales of city property with an estimated fair market value of \$200,000 or more; ~~or~~
- (c) easements with an estimated fair market value of \$25,000 or more; or
- (d) zoning changes.

Section 2. That Section 331-9, “Sale, Lease, or Use of City-Owned Real Property Without Council Approval,” of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 331-9. – Sale, Lease, or Use of City-Owned Real Property Without Council Approval.

(a) The city manager is authorized, without the approval of Council, to do the following:

- (1) Grant a lease of, or right of entry upon, any city-owned real property for a term of one year or less;
- (2) Grant an easement on, over, under, or across city-owned real property that has a fair market value as determined by appraisal of less than \$25,000; and
- (3) Sell nonproductive land acquired by the city under the Cincinnati Land Reutilization Program (“CLRP”), as established by ordinance No. 265-1996, provided that the sale meets all of the following:
 - (A) such sale complies with the city’s CLRP procedures;

(B) such sale complies with Ohio Revised Code chapter 5722 (Land Reutilization Program); and

(C) the fair market value of the nonproductive land does not exceed \$25,000.

(b) The city manager may take the action authorized by section 331-9(a) provided all of the following occur:

- (1) The city manager finds that the interest conveyed will not be adverse to the city's retained interest in the subject city-owned property and will not unreasonably interfere with the city's use of the property for municipal purposes; and
- (2) The city board or commission with jurisdiction and control of the subject city-owned real property, if any, approves the conveyance; and
- (3) The grantee pays the appraised fair market value of the interest conveyed; and
- (4) The proceeds from the transaction are first deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division and then the proceeds in excess thereof are deposited in Miscellaneous Permanent Improvement Fund 757 or, if the affected property is held in a restricted fund, the applicable restricted fund.

(c) Notwithstanding the provisions of Section 331-5, "Sale or Lease Without Competitive Bidding," the city manager is authorized to grant the interests described in subsection (a) without competitive bidding if the city manager determines that the conveyance is in the best interest of the city.

(d) The city manager or the city manager's designee is authorized to adopt written rules and regulations as are necessary and proper to carry out the provisions of this section.

~~The city manager may, without the approval of council, grant a lease of, or right of entry upon, any city-owned real property for a term of one year or less. Any such lease or right of entry upon real property under the jurisdiction and control of any board or commission of the city shall be approved by such board or commission.~~

~~The city manager may, without the approval of council, sell nonproductive land acquired by the city under the Cincinnati Land Reutilization Program ("CLRP"), as established by ordinance No. 265-1996, provided that: (i) such sale complies with the city's CLRP procedures; (ii) such sale complies with Ohio Revised Code chapter 5722 (*Land Reutilization Program*); and (iii) the fair market value of the nonproductive land does not exceed \$25,000. As used in the preceding sentence, "fair market value" shall have the meaning set forth in Ohio Revised Code section 5722.07; namely, the appraised value of the nonproductive land made with reference to such redevelopment and reutilization~~

~~restrictions as may be imposed by the city as a condition of sale or as may be otherwise applicable to such land. If the nonproductive land being sold to a single buyer in any one transaction consists of two or more contiguous parcels, the combined fair market value of all such parcels shall be determined for purposes of determining whether the fair market value exceeds \$25,000.~~

Section 3. That Section 1101-15, "Permits, Prior Approvals Required," of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 1101-15. – Permits, Prior Approvals Required.

1101-15.1 *Sewers*: No permit for the construction of any building or addition shall be issued by the director of buildings and inspections until the applicant has obtained review and approval from the metropolitan sewer district of greater Cincinnati.

1101-15.2 *Electrical supply*: No permit for the construction, change of use, or addition to any building shall be issued by the director of buildings and inspections until the applicant has obtained review and approval from the electrical inspection agency for the installation of the electrical system.

Exception: Buildings of use groups regulated under the Residential Code of Ohio.

1101-15.3 *Driveways*: When the applicant applies for a building permit upon a dedicated street where no sidewalks are constructed and where a driveway is to be constructed, he shall be required to present detailed drawings in triplicate to the engineering division of the department of public works of the City of Cincinnati to obtain a special approval before the building permit is issued to assure proper construction of the driveway. The grade of the proposed driveway at the property line and on the street right-of-way shall be constructed to meet the requirements of the engineering division of the department of transportation and engineering of the City of Cincinnati.

1101-15.4 *Water supply*: No permit for the construction of any building shall be issued by the director of buildings and inspections except where adequate water supply and facilities for fire fighting purposes are available, as determined by the fire chief. No permit for the construction of any building intended for human occupancy shall be issued by the director of buildings and inspections until the water works has certified the availability of city water, or the commissioner of health has approved some other source. If the director of buildings and inspections finds that upon inspection of any building under construction that adequate water supply or facilities for firefighting purposes, as determined by the fire chief, are not being furnished as required, then the director of buildings and inspections may stop such construction and revoke the permit previously issued therefor until such time as adequate water supply or facilities for firefighting purposes, as determined by the fire chief, are furnished.

1101-15.5 *Flood insurance program:* The director of buildings and inspections shall review all permit applications to assure that proposed new construction, alterations, additions or development will be in accordance with Chapter 1109 CBC and the applicant has received all necessary permits from those governmental agencies from which prior approval is required.

1101-15.6 *Historic conservation:* No permit for the alteration of any historic structure, as determined by the historic conservation board, shall be issued by the director of buildings and inspections except where a certificate of appropriateness has been issued by the urban conservator.

1101-15.7 *Stormwater management:* No permit for the construction of any building, building addition, or parking lot, or for the excavation or fill of land shall be issued by the director of buildings and inspections until the applicant has obtained review and approval of the proposed work from the stormwater management utility division of the ~~metropolitan sewer district~~ water works.

Exceptions:

- (1) Permits for buildings, building additions, and parking lots less than 800 square feet in area.
- (2) Cut or fill permits for the demolition of structures or for the installation of underground tanks.

1101-15.8 *Street Encroachments:* No permit involving the use of space in, under, or above any street or alley ~~other than as authorized by the Ohio Building Code, or Cincinnati Building Code and other parts of the Cincinnati Municipal Code,~~ shall be issued ~~except unless the encroachment is authorized by the city manager or the city manager's designee under the authority of the Cincinnati Municipal Code or other applicable authority, law, rule, or regulation by special ordinance defining the terms and conditions of such use, or by Administrative Regulation 73.~~ except unless the encroachment is authorized by the city manager or the city manager's designee under the authority of the Cincinnati Municipal Code or other applicable authority, law, rule, or regulation by special ordinance defining the terms and conditions of such use, or by Administrative Regulation 73. The right of private occupancy of any part of a city street or alley is permissive only and may be withdrawn or revoked at any time. When the right is withdrawn or revoked, the occupancy shall be terminated and all necessary construction for such street or sidewalk restorations shall be made at the expense of the property owner or person in control. Every property owner or person in control using space in, under, or above any street or alley for private purposes shall be liable to the public and to the city for any loss or damage from nuisance arising out of such use.

1101-15.9 *Excavation and Fill:* The director of buildings and inspections may not issue a permit to place at a fill site more than 500 cubic yards of fill material from an off-site borrow unless the fill material has been approved under Chapter 1031, Soil Contamination Standards, of Title X, Environmental Code, of the Cincinnati Municipal Code.

Exceptions:

- (1) Up to 1,000 cubic yards of fill material if the fill site is wholly within a zone district less restrictive than the R-0.7 District.

(2) Any amount of construction and demolition debris within the meaning of § 00091 of the Regulations of the Board of Health of the City of Cincinnati.

1101-15.10 *Restricted Fill Site*: The director of buildings and inspections may not issue a permit for work in violation of a restriction imposed by the city manager under Chapter 1031, Soil Contamination Standards, of Title X, Environmental Code, of the Cincinnati Municipal Code.

Section 4. That existing Section 119-1-C2, “City Business,” Section 331-9, “Sale, Lease, or Use of City-Owned Real Property Without Council Approval,” and Section 1101-15, “Permits, Prior Approvals Required,” of the Cincinnati Municipal Code are hereby repealed.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deletions are struck through.

EMERGENCY
City of Cincinnati

RDH

EESW

An Ordinance No. _____

- 2023

AUTHORIZING an archery display and demonstrations by a professional archer during the hunting and fishing portion of the Travel, Sports, and Boat Show at the Duke Energy Convention Center from January 17 through 29, 2023, notwithstanding the prohibitions in Cincinnati Municipal Code Sections 708-41 and 708-27 against possession and use of a deadly or dangerous weapon within any City building and against discharge of any dangerous weapon in the City.

WHEREAS, the Duke Energy Convention Center annually hosts the Travel, Sports, and Boat Show, a major winter event at the Duke Energy Convention Center, managed by Hart Productions and scheduled to occur in 2023 between the dates of January 17th and January 29th; and

WHEREAS, Hart Productions has received a request from vendor Byron Ferguson Productions to operate an archery display in which an archery professional will provide archery demonstrations, which display and demonstrations would constitute the possession, use, and discharge of weapons in the City and would normally be prohibited under Cincinnati Municipal Code Chapter 708, "Dangerous Weapons and Fireworks"; and

WHEREAS, the proposed archery display and demonstration by Byron Ferguson Productions will constitute a professional stage act performed by a professional archer, will include use of bows and arrows which will remain under control of the professional archer at all times, and which events will not include any public participation other than observation by members of the public from a designated safe distance; and

WHEREAS, the described archery display and demonstrations will not include any sale of bows or arrows to the public; and

WHEREAS, Council has permitted the same types of archery displays and demonstrations at previous Travel, Sports, and Boat Shows, and the shows were safe and successful, and Council wishes to allow the same activities and displays to be held at the 2023 show; now, therefore,

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

Section 1. That the Duke Energy Convention Center management may allow an archery display and demonstrations by a professional archer during the hunting and fishing portion of the

Travel, Sports, and Boat Show at the Duke Energy Convention Center from January 17 through 29, 2023, notwithstanding the prohibitions in Cincinnati Municipal Code Sections 708-41 and 708-27 against possession and use of a deadly or dangerous weapon within any City building and against discharge of any dangerous weapon in the City, and any other municipal law or regulation that might otherwise inhibit the activities specifically permitted herein.

Section 2. That the operation of an archery display and demonstrations shall be limited to the following dates and times during the 2023 Travel, Sports, and Boat Show: from January 17 through January 29, 2023, during the normal operating hours of the Travel, Sports, and Boat show, at all times during which the public is permitted into the Duke Energy Convention Center for the described event.

Section 3. That, as authorized herein, the display and demonstration conducted by Byron Ferguson Productions at the 2023 Travel, Sports, and Boat Show event managed by Hart Productions will constitute a professional stage act performed by a professional archer, will include use of bows and arrows which will remain under control of the professional archer at all times, will not include any sale of bows or arrows to the public, and which events will not include any public participation other than observation by members of the public from a designated safe distance.

Section 4. That the producers, exhibitors, and attendees of the 2023 Travel, Sports, and Boat Show shall comply with all other normally applicable laws and regulations.

Section 5. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 through 4 hereof.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to notwithstanding the operable sections of the Cincinnati Municipal Code to allow the archery display and demonstrations to be held at the scheduled event.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk