



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda - Final-revised

### Budget and Finance Committee

*Chairperson Reggie Harris  
Vice Chair Jeff Cramerding  
Councilmember Mark Jeffreys  
Councilmember Scotty Johnson  
Vice Mayor Jan-Michele Kearney  
Councilmember Liz Keating  
Councilmember Meeka Owens  
Councilmember Seth Walsh  
President Pro Tem Victoria Parks*

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Monday, July 31, 2023

1:00 PM

Council Chambers, Room 300

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#### AGENDA

#### GRANTS AND DONATIONS

1. [202301853](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **ESTABLISHING** new capital improvement program project account no. 980x233x242344, "Edwards Road Rehab (PID 115742) Grant," to provide grant resources for the Edwards Road Rehabilitation (HAM-561-1.83 PID 115742) project (the "Edwards Road Project"), which will rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (SR 561) and Observatory Avenue from Edwards Road to Linwood Avenue; **AUTHORIZING** the City Manager to accept and appropriate grant resources of up to \$605,000 from the Federal Highway Administration (ALN 20.205), administered by the Ohio Department of Transportation ("ODOT"), to newly established capital improvement program project account no. 980x233x242344, "Edwards Road Rehab (PID 115742) Grant," to provide resources for the Edwards Road Project; **AUTHORIZING** the Director of Finance to deposit grant resources into capital improvement program project account no. 980x233x242344, "Edwards Road Rehab (PID 115742) Grant"; **AUTHORIZING** the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Edwards Road Project; and **AUTHORIZING** the City Manager to do all things necessary to cooperate with the Director of ODOT to complete the Edwards Road Project.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

2. [202301851](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **ESTABLISHING** new capital improvement program project account no. 980x232x242348, "Harrison Avenue Improvements HSIP Grant," to provide resources to right-size Harrison Avenue from Queen City Avenue to Kling Avenue by reducing vehicle lanes to three and implementing other various safety improvements along the corridor; and **AUTHORIZING** the City Manager to accept and appropriate a Highway Safety Improvement Program grant of up to \$6,143,865 from the Ohio Department of Transportation to newly established capital improvement program project account no. 980x232x242348, "Harrison Avenue Improvements HSIP Grant."

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

3. [202301854](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration (ALN 93.526) (the "HRSA Grant") to provide resources for expanding the call center at the Cincinnati Health Department administrative building located at 3101 Burnet Avenue, renovating the lobby of the Price Hill Health Center located at 2136 W 8th Street, and relocating the Crest Smile Shoppe currently located at 612 Rockdale Avenue; and **AUTHORIZING** the Finance Director to deposit the HRSA Grant funds into Health Network Fund revenue account no. 446x8556.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

4. [202301857](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to apply for and accept technical assistance from the Ohio Department of Development Energy Efficiency Program to conduct energy audits of City facilities.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

5. [202301847](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$297,062 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Edward Byrne Memorial Justice Assistance Grant Program - Local Solicitation (ALN 16.738) to provide funding for

additional Police Visibility Overtime and for the Sexual Assault Advocate program contract with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Justice Assistance Grant Fund 478, project account no. 23JAG.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

6. [202301850](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$8,257 in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department with funding to assist in solving cold cases using DNA; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23DNA.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

7. [202301848](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, FY 2023 Patrick Leahy Bulletproof Vest Partnership Program (ALN 16.607), that would provide the Cincinnati Police Department with reimbursement of up to \$271,897 for bulletproof vest body armor expenditures for Fiscal Years 2024 and 2025, which are estimated at \$534,794; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VEST.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

8. [202301849](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a FY 2023 Virtual Reality De-Escalation Site-Based Initiative Grant of up to \$800,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (ALN 16.054), to develop and operate technology solutions to improve officer training; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23VRDI.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

9. [202301861](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to apply for a grant from the United States Department of Homeland Security, Federal Emergency Management Agency, FY 2023 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “UASI Grant”); and **AUTHORIZING** the City Manager to accept the transfer of equipment, supplies, and training valued at up to \$250,000 from the Hamilton County Emergency Management Agency, which acts as the regional fiscal agent for the UASI Grant.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

10. [202301860](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$30,000 from the Cincinnati Recreation Foundation to provide funding support for the Cincinnati Recreation Commission’s E-Sports and I CAN SWIM! programs; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

### **PAYMENTS AND APPROPRIATIONS**

11. [202301858](#) **ORDINANCE (EMERGENCY)**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** a payment of \$9,500 to A Fantastic Return, LLC from Cincinnati Recreation Commission Recreation Special Activities Fund non-personnel operating budget account no. 323x197x6750x7299 as a moral obligation for professional tennis and pickleball services.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

12. [202301852](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to Department of Finance non-personnel operating budget account no. 481x133x7200 to provide resources to facilitate Whex Garage LLC’s financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; and **DECLARING** that expenditures from Department of Finance non-personnel operating

budget account no. 481x133x7200 are for a public purpose and constitute a "Public Infrastructure Improvement" as defined in R.C. Section 5709.40(A)(8) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

13. [202301859](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the transfer and return to source of \$695,238 from capital improvement program project account no. 980x092x220924, "CAGIS Technology Migration," to the unappropriated surplus of Cincinnati Area Geographic Information System ("CAGIS") Fund 449; **AUTHORIZING** the transfer and appropriation of \$175,000 from the unappropriated surplus of CAGIS Fund 449 to Office of Performance and Data Analytics non-personnel operating budget account no. 449x108x1000x7289 to provide resources for a subscription-based solution for CAGIS server and technology data.

**Sponsors:** City Manager

**Attachments:** [Transmittal](#)  
[Ordinance](#)

### **CINCINNATI SOUTHERN RAILWAY**

14. [202301863](#) **ORDINANCE (EMERGENCY)**, submitted by the Clerk of Council, from Kaitlyn Geiger, Clerk to the Board of Cincinnati Southern Railway, **CERTIFYING** a resolution setting the date of the election for the proposed sale of the Cincinnati Southern Railway along with the applicable ballot language to the Board of Elections of Hamilton County; and **DIRECTING** the Board of Elections of Hamilton County to submit the ballot question to the electors.

**Sponsors:** Clerk of Council

**Attachments:** [Ordinance](#)  
[Attachment A](#)

### **PROPERTY SALE AGREEMENTS**

15. [202301865](#) **ORDINANCE**, submitted by Sheryl M. M. Long, City Manager, on 7/31/2023, **AUTHORIZING** the City Manager to execute a Property Sale Agreement with Cincinnati Ballet Holdings, Inc. for the sale of certain real property located along Gilbert Avenue in the Walnut Hills neighborhood.

**Sponsors:** City Manager

- Attachments:**    [Transmittal](#)  
                          [Ordinance](#)  
                          [Attachment](#)

ADJOURNMENT

July 31, 2023

**To:** Members of the Budget and Finance Committee 202301853

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

**Subject: Emergency Ordinance – DOTE: FHWA Grant - Edwards Road**

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Attached is an Emergency Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide grant resources for the Edwards Road Rehabilitation (HAM-561-1.83 PID 115742) project (the “Edwards Road Project”), which will rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (SR 561) and Observatory Avenue from Edwards Road to Linwood Avenue; **AUTHORIZING** the City Manager to accept and appropriate grant resources of up to \$605,000 from the Federal Highway Administration (ALN 20.205), administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide resources for the Edwards Road Project; **AUTHORIZING** the Director of Finance to deposit grant resources into capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant”; **AUTHORIZING** the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Edwards Road Project; and **AUTHORIZING** the City Manager to do all things necessary to cooperate with the Director of ODOT to complete the Edwards Road Project.

Approval of this Emergency Ordinance authorizes the following:

1. the establishment of new capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide grant resources for the Edwards Road Rehabilitation (HAM-561-1.83 PID 115742) project (the “Edwards Road Project”), which will rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (SR 561) and Observatory Avenue from Edwards Road to Linwood Avenue;
2. the City Manager to accept and appropriate grant resources of up to \$605,000 from the Federal Highway Administration (“FHWA”) (ALN 20.205), administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide resources for the Edwards Road Project;

3. the Director of Finance to deposit grant resources into capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant”;
4. the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Edwards Road Project; and
5. the City Manager to do all things necessary to cooperate with the Director of ODOT to complete the Edwards Road Project.

On behalf of the City of Cincinnati, the ODOT applied for a grant of up to \$605,000 from Federal Highway Administration funding (ALN 20.205) to support the Edwards Road Rehabilitation (HAM-561-1.83 PID 115742) project (the “Edwards Road Project”), which will rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (SR 561) and Observatory Avenue from Edwards Road to Linwood Avenue. Grant resources will not be accepted without City Council approval.

The City’s estimated local match of \$3,520,000 will be provided from resources currently available in existing capital improvement program project account no. 980x233x242308, “Street Rehabilitation.” The Department of Transportation and Engineering intends to fully cover the cost of project management, community involvement, and construction inspection from existing capital improvement program resources. There are no new FTEs/full-time equivalents associated with the acceptance of this grant.

The Edwards Road Project is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” and the strategy to “[u]se the City’s transportation network to help facilitate economic development opportunities” as described on pages 139-143 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to meet ODOT deadlines and begin the Edwards Road Project as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment



**EMERGENCY**

**LES**

**- 2023**

**ESTABLISHING** new capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide grant resources for the Edwards Road Rehabilitation (HAM-561-1.83 PID 115742) project (the “Edwards Road Project”), which will rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (SR 561) and Observatory Avenue from Edwards Road to Linwood Avenue; **AUTHORIZING** the City Manager to accept and appropriate grant resources of up to \$605,000 from the Federal Highway Administration (ALN 20.205), administered by the Ohio Department of Transportation (“ODOT”), to newly established capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide resources for the Edwards Road Project; **AUTHORIZING** the Director of Finance to deposit grant resources into capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant”; **AUTHORIZING** the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Edwards Road Project; and **AUTHORIZING** the City Manager to do all things necessary to cooperate with the Director of ODOT to complete the Edwards Road Project.

WHEREAS, on behalf of the City of Cincinnati, the Ohio Department of Transportation (“ODOT”) applied for a grant of up to \$605,000 from Federal Highway Administration funding (ALN 20.205) to support the Edwards Road Rehabilitation (HAM-561-1.83 PID 115742) project (the “Edwards Road Project”), which will rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (SR 561) and Observatory Avenue from Edwards Road to Linwood Avenue; and

WHEREAS, the City’s estimated local match of \$3,520,000 will be provided from resources currently available in existing capital improvement program project account no. 980x233x242308, “Street Rehabilitation”; and

WHEREAS, the City’s Department of Transportation and Engineering intends to fully cover the cost of project management, community involvement, and construction inspection from existing capital improvement program resources; and

WHEREAS, there are no new FTEs/full-time equivalents associated with the acceptance of this grant; and

WHEREAS, ODOT has already applied for the grant on behalf of the City, but no grant funds will be accepted without approval by Council; and

WHEREAS, the Edwards Road Project is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” and the strategy to

“[u]se the City’s transportation network to help facilitate economic development opportunities” as described on pages 139-143 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That Council authorizes the establishment of capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide grant resources for the Edwards Road Rehabilitation (HAM-561-1.83 PID 115742) project (the “Edwards Road Project”), which will rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (SR 561) and Observatory Avenue from Edwards Road to Linwood Avenue.

Section 2. That the City Manager is authorized to accept and appropriate resources of up to \$605,000 from Federal Highway Administration funding (ALN 20.205), administered by the Ohio Department of Transportation (“ODOT”), to newly created capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant,” to provide resources for the Edwards Road Project.

Section 3. That the Director of Finance is authorized to deposit the grant resources into capital improvement program project account no. 980x233x242344, “Edwards Road Rehab (PID 115742) Grant.”

Section 4. That the City Manager is authorized to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Edwards Road Project.

Section 5. That the City Manager is hereby authorized to do all things necessary to cooperate with the Director of ODOT in order to complete the Edwards Road Project.

Section 6. That the City consents to the Director of ODOT moving forward to complete the Edwards Road Project and shall cooperate as necessary.

Section 7. That the proper City officials are hereby authorized to use and expend \$605,000 in accordance with the provisions of the grant and Sections 1 through 6.

Section 8. 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 meet ODOT deadlines and begin the Edwards Road Project as soon as possible.

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

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

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

**July 31, 2023**

**To:** Members of the Budget and Finance Committee 202301851  
**From:** Sheryl M. M. Long, City Manager  
**Subject: Ordinance – DOTE: HSIP Grant - Harrison Ave. Improvements**

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Attached is an Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x232x242348, “Harrison Avenue Improvements HSIP Grant,” to provide resources to right-size Harrison Avenue from Queen City Avenue to Kling Avenue by reducing vehicle lanes to three and implementing other various safety improvements along the corridor; and **AUTHORIZING** the City Manager to accept and appropriate a Highway Safety Improvement Program grant of up to \$6,143,865 from the Ohio Department of Transportation to newly established capital improvement program project account no. 980x232x242348, “Harrison Avenue Improvements HSIP Grant.”

Approval of this Ordinance establishes capital improvement program project account no. 980x232x242348, “Harrison Avenue Improvements HSIP Grant” to provide resources to right-size Harrison Avenue from Queen City Avenue to Kling Avenue by reducing vehicle lanes to three and implementing other various safety improvements along the corridor. This Ordinance also authorizes the City Manager to accept and appropriate a Highway Safety Improvement Program (“HSIP”) grant in an amount up to \$6,143,865 from the Ohio Department of Transportation (“ODOT”) to newly established capital improvement program project account no. 980x232x242348, “Harrison Avenue Improvements HSIP Grant.”

Ordinance No. 0294-2022 authorized the City Manager to apply for a grant of up to \$5,000,000 from the HSIP, administered by ODOT, for the purpose of providing financial assistance for the Harrison Avenue Safety Improvement project. ODOT awarded an amount \$1,143,865 over the initial authorized application amount of \$5,000,000 for this project due to anticipated project cost increases.

The grant requires a local match of \$2,000,000, which will come from a combination of existing resources available in capital improvement program project account no. 980x232x242360, “Harrison Avenue Right-Sizing,” as well as anticipated future funding for the “Harrison Avenue Right-Sizing” capital project in FY 2025, and potential grant resources. No new FTEs/full time equivalents are required.

The Harrison Avenue Improvements project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports

neighborhood livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system” as described on pages 127-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

**ESTABLISHING** new capital improvement program project account no. 980x232x242348, “Harrison Avenue Improvements HSIP Grant,” to provide resources to right-size Harrison Avenue from Queen City Avenue to Kling Avenue by reducing vehicle lanes to three and implementing other various safety improvements along the corridor; and **AUTHORIZING** the City Manager to accept and appropriate a Highway Safety Improvement Program grant of up to \$6,143,865 from the Ohio Department of Transportation to newly established capital improvement program project account no. 980x232x242348, “Harrison Avenue Improvements HSIP Grant.”

WHEREAS, Ordinance No. 294-2022 authorized the City Manager to apply for a grant of up to \$5,000,000 from the Highway Safety Improvement Program, administered by the Ohio Department of Transportation (“ODOT”), to provide financial assistance for the Harrison Avenue Safety Improvement project to right-size Harrison Avenue from Queen City Avenue to Kling Avenue by reducing vehicle lanes to three and implementing other various safety improvements along the corridor; and

WHEREAS, ODOT awarded the City \$1,143,865 over the initial authorized application amount of \$5,000,000 for this project due to anticipated project cost increases; and

WHEREAS, the grant requires a local match of \$2,000,000, which will come from a combination of existing resources available in Department of Transportation and Engineering capital improvement program project account no. 980x232x242360, “Harrison Avenue Right-Sizing,” as well as anticipated future funding for the “Harrison Avenue Right-Sizing” capital improvement program project in FY 2025, and potential grant resources; and

WHEREAS, no new FTEs/full time equivalents are associated with these grant resources; and

WHEREAS, this grant funding for the Harrison Avenue Improvements project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system” as described on pages 127-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x232x242348, “Harrison Avenue Improvements HSIP Grant,” is established to provide resources to right-size

Harrison Avenue from Queen City Avenue to Kling Avenue by reducing vehicle lanes to three and implementing other various safety improvements along the corridor.

Section 2. That the City Manager is authorized to accept and appropriate a Highway Safety Improvement Program grant up to \$6,143,865 from the Ohio Department of Transportation to newly established capital improvement program project account no. 980x232x242348, "Harrison Avenue Improvements HSIP Grant."

Section 3. That the Director of Finance is authorized to receive and deposit the funds into capital improvement program project account no. 980x232x242348, "Harrison Avenue Improvements HSIP Grant."

Section 4. 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 through 3.

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

July 31, 2023

**To:** Members of the Budget and Finance Committee  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Health: Health Resources and Services Administration (HRSA) Grant**

202301854

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration (ALN 93.526) (the “HRSA Grant”) to provide resources for expanding the call center at the Cincinnati Health Department administrative building located at 3101 Burnet Avenue, renovating the lobby of the Price Hill Health Center located at 2136 W 8th Street, and relocating the Crest Smile Shoppe currently located at 612 Rockdale Avenue; and **AUTHORIZING** the Finance Director to deposit the HRSA Grant funds into Health Network Fund revenue account no. 446x8556.

Approval of this Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$1,000,000 from the United States Department of Health and Human Services (HHS), Health Resources and Services Administration (ALN 93.526) for the purpose of providing resources for expanding the call center at the Cincinnati Health Department administrative building located at 3101 Burnet Avenue, renovating the lobby of the Price Hill Health Center located at 2136 W 8th Street, and relocating the Crest Smile Shoppe currently located at 612 Rockdale Avenue. This Ordinance further authorizes the Finance Director to deposit the HRSA Grant funds into Health Network Fund revenue account no. 446x8556.

No additional FTEs or local matching funds are required to accept this grant.

The City already applied for the HRSA Grant and was notified of a grant award on February 22, 2023, after which it accepted and deposited the grant funds, but no funds will be committed or spent without the approval of the City Council.

This Ordinance is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment



**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration (ALN 93.526) (the “HRSA Grant”) to provide resources for expanding the call center at the Cincinnati Health Department administrative building located at 3101 Burnet Avenue, renovating the lobby of the Price Hill Health Center located at 2136 W 8th Street, and relocating the Crest Smile Shoppe currently located at 612 Rockdale Avenue; and **AUTHORIZING** the Finance Director to deposit the HRSA Grant funds into Health Network Fund revenue account no. 446x8556.

WHEREAS, grant resources are available from the United States Department of Health and Human Services, Health Resources and Services Administration (ALN 93.526) (the “HRSA Grant”) for capital developments in health centers that result in immediate facility improvements or building capacities; and

WHEREAS, the City seeks to use funds from the HRSA Grant for expanding the call center at the Cincinnati Health Department administrative building located at 3101 Burnet Avenue, renovating the lobby of the Price Hill Health Center located at 2136 W 8th Street, and relocating the Crest Smile Shoppe currently located at 612 Rockdale Avenue; and

WHEREAS, the City already applied for the HRSA Grant and was notified of its award on February 22, 2023, after which it accepted and deposited the grant funds, but no funds will be committed or spent without the approval of Council; and

WHEREAS, no additional FTEs or local matching funds are required to accept the HRSA Grant; and

WHEREAS, this ordinance is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$1,000,000 from the United States Department of Health and Human Services, Health Resources and Services Administration (ALN 93.526) (the “HRSA Grant”) to provide resources for expanding the call center at the Cincinnati Health Department administrative building located

at 3101 Burnet Avenue, renovating the lobby of the Price Hill Health Center located at 2136 W 8th Street, and relocating the Crest Smile Shoppe currently located at 612 Rockdale Avenue.

Section 2. That the Finance Director is authorized to deposit the HRSA Grant funds into Health Network Fund revenue account no. 446x8556.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of the HRSA Grant and Sections 1 and 2.

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

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

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

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

July 31, 2023

**To:** Members of the Budget and Finance Committee

202301857

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

**Subject:** **Emergency Ordinance – OES: ODOD Energy Efficiency Grant**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for and accept technical assistance from the Ohio Department of Development Energy Efficiency Program to conduct energy audits of City facilities.

This Emergency Ordinance authorizes the City Manager to apply for and accept technical assistance from the Ohio Department of Development (“ODOD”) Energy Efficiency Program to conduct energy audits of City facilities.

A non-monetary grant for technical assistance is available from the ODOD Energy Efficiency Program to conduct energy audits of City facilities. The City intends to utilize ODOD-participating energy audit contractors to complete energy audits on up to 12 City facilities with high energy use. Completing these audits will enable the City to apply for upcoming grant opportunities for energy efficiency upgrades that will be available from ODOD.

Acceptance of this technical assistance requires no matching resources, and no FTEs/full time equivalents are associated with this technical assistance.

Conducting energy audits of City facilities is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to apply for and accept technical assistance to complete energy audits of City facilities.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



**EMERGENCY**

CNS

- 2023

**AUTHORIZING** the City Manager to apply for and accept technical assistance from the Ohio Department of Development Energy Efficiency Program to conduct energy audits of City facilities.

WHEREAS, a nonmonetary grant for technical assistance is available from the Ohio Department of Development (“ODOD”) Energy Efficiency Program to conduct energy audits of City facilities; and

WHEREAS, the City intends to utilize ODOD-participating energy audit contractors to complete energy audits on up to twelve City facilities with high energy use; and

WHEREAS, completing these audits will enable the City to apply for upcoming grant opportunities for energy efficiency upgrades that will be available from ODOD; and

WHEREAS, acceptance of this technical assistance requires no matching resources, and no FTEs/full time equivalents are associated with this technical assistance; and

WHEREAS, conducting energy audits of City facilities is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for and accept technical assistance from the Ohio Department of Development Energy Efficiency Program to conduct energy audits of City facilities.

Section 2. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to apply for and accept technical assistance to complete energy audits of City facilities.

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

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

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

July 31, 2023

**To:** Members of the Budget and Finance Committee 202301847

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

**Subject:** **Emergency Ordinance – Police: Edward Byrne Memorial Justice Assistance Grant (JAG) Program**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$297,062 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation (ALN 16.738) to provide funding for additional Police Visibility Overtime and for the Sexual Assault Advocate program contract with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Justice Assistance Grant Fund 478, project account no. 23JAG.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$297,062 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation (ALN 16.738) to provide funding for additional Police Visibility Overtime (PVO) and for the Sexual Assault Advocate program contract with Women Helping Women (WHW). This Emergency Ordinance further authorizes the Director of Finance to deposit the grant funds into Justice Assistance Grant Fund 478, project account no. 23JAG.

The FY 2023 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation is available through the U.S. Department of Justice to be jointly awarded to the City of Cincinnati and Hamilton County. The City and the County will negotiate a Memorandum of Understanding (MOU) intended to specify that the grant will be divided equally, less a ten percent administrative fee charge to the County by the City, resulting in a total received by the City of up to \$163,384.

The grant application deadline is August 31, 2023, and the City may submit its application prior to City Council approval, but no grant funds will be accepted without City Council approval.

There are no new FTEs associated with this grant, and no matching funds are required.

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

The reason for the emergency is to ensure timely acceptance of the grant funds.

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 of up to \$297,062 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation (ALN 16.738) to provide funding for additional Police Visibility Overtime and for the Sexual Assault Advocate program contract with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Justice Assistance Grant Fund 478, project account no. 23JAG.

WHEREAS, a grant of up to \$297,062 is available from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Edward Byrne Memorial Justice Assistance Grant Program – Local Solicitation (ALN 16.738) to be jointly awarded to the City of Cincinnati and Hamilton County, Ohio (“the County”); and

WHEREAS, if awarded, the City and the County will negotiate a Memorandum of Understanding specifying that the grant will be divided equally, less a ten percent administrative fee charged to the County by the City, resulting in a total received by the City of up to \$163,384; and

WHEREAS, the Cincinnati Police Department intends to use the grant funds to support additional Police Visibility Overtime and the Sexual Assault Advocate program contract with Women Helping Women; and

WHEREAS, acceptance of the grant requires no matching funds, and there are no FTEs/full time equivalents associated with the grant; and

WHEREAS, in order to meet the grant application deadline of August 31, 2023, the City may submit its application prior to receiving Council’s approval, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$297,062 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2023 Edward Byrne Memorial Justice Assistance Grant Program – Local

Solicitation (ALN 16.738) to provide funding for additional Police Visibility Overtime and for the Sexual Assault Advocate program contract with Women Helping Women.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Justice Assistance Grant Fund 478, project account no. 23JAG.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to ensure timely acceptance of the grant funds.

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

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

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



July 31, 2023

**To:** Members of the Budget and Finance Committee 202301850  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – Police: Season of Justice DNA Testing Grant**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$8,257 in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department with funding to assist in solving cold cases using DNA; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23DNA.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$8,257, effective FY 2024, in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department with funding to assist in solving cold cases using DNA. This Emergency Ordinance further authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23DNA.

The grant is available through Season of Justice, a non-profit organization dedicated to providing funding for investigative agencies and families to assist in solving cold cases through the use of DNA. Season of Justice provides grants to investigative agencies for advanced DNA solutions, such as forensic genealogy and next-generation sequencing, in an effort to solve complex cold cases. If awarded, the Cincinnati Police Department will use the grant funds to assist investigators in solving cold cases where DNA is available.

The City has already applied for the grant, but no grant funds will be accepted without approval by the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

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

The reason for the emergency is to ensure timely acceptance of the grant funds.

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 of up to \$8,257 in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department with funding to assist in solving cold cases using DNA; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23DNA.

WHEREAS, there is a grant available of up to \$8,257 in DNA Testing Grant funds from Season of Justice, a non-profit organization dedicated to providing funding for investigative agencies and families to assist in solving cold cases through the use of DNA; and

WHEREAS, Season of Justice provides grants to investigative agencies for advanced DNA analysis solutions, such as forensic genealogy and next-generation sequencing, in an effort to solve complex cold cases; and

WHEREAS, if awarded, grant funds will be used to assist Cincinnati Police Department investigators in solving cold cases where DNA is available; and

WHEREAS, the City has already applied for the grant, but no grant funds will be accepted without approval by Council; and

WHEREAS, there are no new FTEs/full time equivalents 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 authorized to apply for, accept, and appropriate a grant of up to \$8,257 in DNA Testing Grant funds from Season of Justice to provide the Cincinnati Police Department with funding to assist in solving cold cases using DNA.

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

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to ensure timely acceptance of the grant funds.

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

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

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

July 31, 2023

**To:** Members of the Budget and Finance Committee 202301848

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

**Subject:** **Emergency Ordinance – Police: Patrick Leahy Bulletproof Vest Partnership (BVP) Program**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, FY 2023 Patrick Leahy Bulletproof Vest Partnership Program (ALN 16.607), that would provide the Cincinnati Police Department with reimbursement of up to \$271,897 for bulletproof vest body armor expenditures for Fiscal Years 2024 and 2025, which are estimated at \$534,794; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VEST.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant from the United States Department of Justice (DOJ), Office of Justice Programs (OJP), FY 2023 Patrick Leahy Bulletproof Vest Partnership Program (ALN 16.607), that would provide the Cincinnati Police Department with reimbursement of up to \$271,897 for bulletproof vest body armor expenditures for Fiscal Year 2024 and 2025, which are estimated at \$534,794. This Emergency Ordinance further authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VEST.

The FY 2024 Patrick Leahy Bulletproof Vest Partnership Program (ALN 16.607) is available through the United States Department of Justice, Office of Justice Programs, to provide the Cincinnati Police Department with a maximum allowable reimbursement amount of up to fifty percent of the departmental expenditure for bulletproof vest body armor in Fiscal Years 2024 and 2025, up to a maximum of \$271,897. The departmental expenditure for bulletproof vest body armor is expected to be \$534,794 for the next two fiscal years.

The grant application deadline was June 26, 2023, and the City has applied for the grant prior to this date, but no funds will be accepted without approval by the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

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

The reason for the emergency is the need to ensure timely acceptance of any grant funds awarded.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

**EMERGENCY**

**MSS**

**- 2023**

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, FY 2023 Patrick Leahy Bulletproof Vest Partnership Program (ALN 16.607), that would provide the Cincinnati Police Department with reimbursement of up to \$271,897 for bulletproof vest body armor expenditures for Fiscal Years 2024 and 2025, which are estimated at \$543,794; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VEST.

WHEREAS, a grant is available from the United States Department of Justice, Office of Justice Programs, FY 2023 Patrick Leahy Bulletproof Vest Partnership Program (ALN 16.607), that would provide the Cincinnati Police Department with a maximum allowable reimbursement amount of up to fifty percent of the departmental expenditure for bulletproof vest body armor in Fiscal Years 2024 and 2025, up to a maximum of \$271,897; and

WHEREAS, the departmental expenditure for bulletproof vest body armor is expected to be \$543,794 for the next two fiscal years; and

WHEREAS, the grant application deadline was June 26, 2023, and the City applied for the grant prior to this date, but no funds will be accepted without approval by Council; and

WHEREAS, the grant does not require local matching funds and no additional FTEs/full time equivalents are associated with acceptance of this grant; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant from the United States Department of Justice, Office of Justice Programs, FY 2023 Patrick Leahy Bulletproof Vest Partnership Program, that would provide the Cincinnati Police Department with reimbursement of up to \$271,897 for bulletproof vest body armor expenditures for Fiscal Years 2024 and 2025, which are estimated at \$543,794.

Section 2. That the Finance Director is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VEST.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to ensure timely acceptance of any grant funds awarded.

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

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

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

July 31, 2023

**To:** Members of the Budget and Finance Committee 202301849

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

**Subject:** **Emergency Ordinance – Police: Virtual Reality De-Escalation Site-Based Initiative Grant**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a FY 2023 Virtual Reality De-Escalation Site-Based Initiative Grant of up to \$800,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (ALN 16.054), to develop and operate technology solutions to improve officer training; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23VRDI.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a FY 2023 Virtual Reality De-Escalation Site-Based Initiative Grant of up to \$800,000 from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice of Assistance (BJA) (ALN 16.054), to develop and operate technology solutions to improve officer training. This Emergency Ordinance further authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23VRI.

The Federal Fiscal Year 2023 Virtual Reality De-Escalation Site-Based Initiative Grant is available through the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (ALN 16.054), to develop and operate technology solutions to improve officer training through the utilization of virtual reality-based technology and provide for specialized training focused on de-escalation of situations involving individuals in crisis.

The grant application deadline was July 6, 2023, and the City has already applied for the grant prior to this deadline, but no grant funds will be accepted without approval by the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

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

The reason for the emergency is to ensure timely acceptance of the grant funds.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



**EMERGENCY**

CNS

**-2023**

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a FY 2023 Virtual Reality De-Escalation Site-Based Initiative Grant of up to \$800,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (ALN 16.054), to develop and operate technology solutions to improve officer training; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23VRDI.

WHEREAS, there is a FY 2023 Virtual Reality De-Escalation Site-Based Initiative Grant of up to \$800,000 available from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (ALN 16.054), to develop and operate technology solutions to improve officer training through the utilization of virtual reality-based technology and provide for specialized training focused on de-escalation of situations involving individuals in crisis; and

WHEREAS, the grant application deadline was July 6, 2023, and the City applied for the grant prior to the deadline, but no grant funds will be accepted without Council approval; and

WHEREAS, acceptance of this grant requires no matching funds, and no FTEs/full time equivalents are associated with this grant; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a FY 2023 Virtual Reality De-Escalation Site-Based Initiative Grant of up to \$800,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (ALN 16.054), to develop and operate technology solutions to improve officer training.

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

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.



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 to ensure timely acceptance of the grant funds.

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

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

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



July 31, 2023

**To:** Members of the Budget and Finance Committee 202301861  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – Police: FY 2023 Urban Area Security Initiatives (UASI) Grant Program**

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for a grant from the United States Department of Homeland Security, Federal Emergency Management Agency, FY 2023 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “UASI Grant”); and **AUTHORIZING** the City Manager to accept the transfer of equipment, supplies, and training valued at up to \$250,000 from the Hamilton County Emergency Management Agency, which acts as the regional fiscal agent for the UASI Grant.

This Emergency Ordinance authorizes the City Manager to apply for a grant from the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), FY 2023 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “UASI Grant”). This Emergency Ordinance further authorizes the City Manager to accept the transfer of equipment, supplies, and training valued at up to \$250,000 from the Hamilton County Emergency Management Agency (HCEMA), which acts as the regional fiscal agent for the UASI Grant.

The UASI Grant is available through the U.S. Department of Homeland Security to assist in preventing, preparing for, protecting against, and responding to acts of terrorism. The Hamilton County Emergency Management Agency serves as the regional fiscal agent for the UASI Grant and uses grant funds to purchase equipment, supplies, and training for the Cincinnati Police Department (CPD).

The UASI Grant application deadline was May 18, 2023, and the City has already applied for the UASI grant, but no supplies, equipment, or training will be accepted without authorization from the City Council.

There are no new FTEs associated with this grant, and no matching funds are required.

Acceptance of the supplies, training, and equipment funded by the UASI Grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the transfer of UASI Grant-funded equipment, supplies, and training in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

## EMERGENCY

IMD

- 2023

**AUTHORIZING** the City Manager to apply for a grant from the United States Department of Homeland Security, Federal Emergency Management Agency, FY 2023 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “UASI Grant”); and **AUTHORIZING** the City Manager to accept the transfer of equipment, supplies, and training valued at up to \$250,000 from the Hamilton County Emergency Management Agency, which acts as the regional fiscal agent for the UASI Grant.

WHEREAS, the FY 2023 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “UASI Grant”) is available through the U.S. Department of Homeland Security, Federal Emergency Management Agency, to assist in preventing, preparing for, protecting against, and responding to acts of terrorism; and

WHEREAS, the Hamilton County Emergency Management Agency serves as the regional fiscal agent for the UASI Grant and uses the grant funds to purchase equipment, supplies, and training for the Cincinnati Police Department (“CPD”); and

WHEREAS, the equipment, supplies, and training received by the CPD will be used to support Special Weapons and Tactics tactical training, Community Disturbance Response Team uniforms and equipment, Fugitive Apprehension Unit body armor, and Greater Cincinnati Fusion Center equipment and supplies, to enhance and support the protection of soft targets and crowded places, respond to threats of civil disorder, and allow for intelligence and information analysis and sharing; and

WHEREAS, acceptance of the supplies, equipment, and training funded by the UASI Grant does not require any matching funds or additional FTEs/full time equivalents; and

WHEREAS, the deadline to apply for the UASI Grant was May 18, 2023, and the City has already applied for the UASI Grant, but no supplies, equipment, or training will be accepted without approval by Council; and

WHEREAS, acceptance of the supplies, training, and equipment funded by the UASI 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 a grant from the United States Department of Homeland Security, Federal Emergency Management Agency, FY 2023

Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “UASI Grant”) that will assist the City in preventing, preparing for, protecting against, and responding to acts of terrorism.

Section 2. That the City Manager is hereby authorized to accept the transfer of equipment, supplies, and training valued at up to \$250,000 from the Hamilton County Emergency Management Agency, which acts as the regional fiscal agent for the UASI Grant.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the transfer of UASI Grant-funded equipment, supplies, and training in a timely manner.

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

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

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

July 31, 2023

**To:** Members of the Budget and Finance Committee 202301860

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

**Subject:** **Emergency Ordinance – Cincinnati Recreation Commission:  
Recreation Foundation Donations**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$30,000 from the Cincinnati Recreation Foundation to provide funding support for the Cincinnati Recreation Commission’s E-Sports and I CAN SWIM! programs; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Approval of this Emergency Ordinance would authorize the City Manager to accept and appropriate a donation in the amount of \$30,000 from the Cincinnati Recreation Foundation to provide funding support for the Cincinnati Recreation Commission’s E-Sports and I CAN SWIM! programs. This Emergency Ordinance further authorizes the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund revenue account no. 319x8571.

The Cincinnati Recreation Foundation received two grants totaling \$30,000 from Cincinnati Children’s Hospital and Medical Center and is permitted to donate the grant resources to the Cincinnati Recreation Commission. \$25,000 will be used to support the E-Sports program and \$5,000 will be used to support the I CAN SWIM! program.

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

Acceptance of the donated funds 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 reason for the emergency is the immediate need to accept and utilize the donated funds during the 2023 summer programming season.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

**EMERGENCY**

**LES**

**- 2023**

**AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$30,000 from the Cincinnati Recreation Foundation to provide funding support for the Cincinnati Recreation Commission’s E-Sports and I CAN SWIM! programs; and **AUTHORIZING** the Director of Finance to deposit the donated funds into Contributions for Recreation Purposes Fund 319, revenue account no. 319x8571.

WHEREAS, the Cincinnati Recreation Foundation received two grants totaling \$30,000 from Cincinnati Children’s Hospital and Medical Center which are permitted to be donated to the Cincinnati Recreation Commission (“CRC”); and

WHEREAS, \$25,000 in donated funds will be used to support CRC’s E-Sports program and \$5,000 in donated funds will be used to support CRC’s I CAN SWIM! program; and

WHEREAS, acceptance of the donation requires no matching funds, and there are no FTEs/full time equivalents associated with the donation; and

WHEREAS, acceptance of the donated funds is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities” as described on pages 207 - 212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to accept and appropriate a donation in the amount of \$30,000 from the Cincinnati Recreation Foundation to provide funding support for the Cincinnati Recreation Commission’s E-Sports and I CAN SWIM! programs.

Section 2. That the Director of Finance is authorized to deposit the donated funds into Contributions for Recreation Purposes Fund 319, revenue account no. 319x8571.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept and utilize the donated funds during the 2023 summer programming season.

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

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

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

**July 31, 2023**

**To:** Members of the Budget and Finance Committee 202301858

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

**Subject: Emergency Ordinance – Cincinnati Recreation Commission:  
Moral Obligation Payment to A Fantastic Return LLC**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** a payment of \$9,500 to A Fantastic Return, LLC from Cincinnati Recreation Commission Recreation Special Activities Fund non-personnel operating budget account no. 323x197x6750x7299 as a moral obligation for professional tennis and pickleball services.

Approval of this Emergency Ordinance will authorize the payment \$9,500 from Cincinnati Recreation Commission Recreation Special Activities Fund non-personnel operating budget account no. 323x197x6750x7299 as a moral obligation to A Fantastic Return, LLC for professional tennis and pickleball services.

The City entered into a contract with A Fantastic Return, LLC to provide professional tennis and pickleball services at the Lindner Family Tennis Center in June 2020. The agreement expired on May 31, 2023, and a new contract is not expected to be finalized until August 2023. The moral obligation payment covers the two months of services provided outside of a contract.

Cincinnati Recreation Commission staff were informed of the contract issues and educated on the best practices for coordinating and reviewing contracts prior to expiration dates to prevent moral obligations in the future.

The reason for the emergency is the immediate need to pay A Fantastic Return, LLC in a timely manner for services provided to the Cincinnati Recreation Commission.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



**EMERGENCY**

**IMD**

**- 2023**

**AUTHORIZING** a payment of \$9,500 to A Fantastic Return, LLC from Cincinnati Recreation Commission Recreation Special Activities Fund non-personnel operating budget account no. 323x197x6750x7299 as a moral obligation for professional tennis and pickleball services.

WHEREAS, the City entered into a contract (the “Agreement”) with A Fantastic Return, LLC (“Contractor”) on June 20, 2020, after the City issued a Request for Proposals and selected Contractor’s bid as being most advantageous to the City; and

WHEREAS, through the Agreement, Contractor provided services at the Cincinnati Recreation Commission’s (“CRC’s”) Lindner Family Tennis Center, which includes overseeing the Center’s daily operations and staff, interfacing with customers, and providing training lessons to youth from the Cincinnati Recreation Commission’s recreation centers; and

WHEREAS, the Agreement expired on May 31, 2023, and a new contract is not expected to be finalized until August 2023; and

WHEREAS, the moral obligation payment of \$9,500 will cover the two months of services where a contract was not in place at a price of \$4,750 per month; and

WHEREAS, CRC staff has been educated on the best practices for coordinating and reviewing contracts prior to their expiration dates to prevent moral obligations in the future; and

WHEREAS, sufficient resources are available in CRC Recreation Special Activities Fund non-personnel operating budget account no. 323x197x6750x7299 to pay for the services provided by Contractor; and

WHEREAS, Council desires to provide payment of \$9,500 to Contractor for services provided to the CRC; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$9,500 to A Fantastic Return, LLC from Cincinnati Recreation Commission Recreation Special Activities Fund non-personnel operating budget account no. 323x197x6750x7299 as a moral obligation for professional tennis and pickleball services.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay A Fantastic Return, LLC in a timely manner for services provided to the Cincinnati Recreation Commission.

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

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

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

July 31, 2023

**To:** Members of the Budget and Finance Committee

202301852

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

**Subject: Ordinance – DCED: Whex Garage TIF Appropriation**

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Attached is an Ordinance captioned:

**AUTHORIZING** the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to Department of Finance non-personnel operating budget account no. 481x133x7200 to provide resources to facilitate Whex Garage LLC’s financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; and **DECLARING** that expenditures from Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and constitute a “Public Infrastructure Improvement” as defined in R.C. Section 5709.40(A)(8) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43.

Approval of this Ordinance authorizes the transfer and appropriation of \$275,000 from Downtown South/Riverfront Equivalent Fund 481 to the Department of Finance non-personnel operating budget account no. 481x133x7200 to provide the second of seven allocations to support the Whex Garage LLC’s financing from the Ohio Department of Development (ODOD) for the acquisition of property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage. Additionally, this Ordinance declares this expenditure to be for a public purpose.

Ordinance No. 0084-2023 authorized the City Manager to enter into a funding agreement with Whex Garage LLC, a wholly owned subsidiary of 3CDC, to facilitate the company’s financing to acquire the Whex Garage. The funding agreement contemplated an annual appropriation not to exceed \$275,000 for up to seven years.

Providing resources for the acquisition of an existing parking garage as part of the Convention District redevelopment is in accordance with the “Compete” goal to “[c]ultivate our position as the most vibrant and healthiest part of our region” and to “[b]ecome nationally and internationally recognized as a vibrant and unique city” as described on pages 114-125 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



**AUTHORIZING** the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to Department of Finance non-personnel operating budget account no. 481x133x7200 to provide resources to facilitate Whex Garage LLC's financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; and **DECLARING** that expenditures from Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and constitute a "Public Infrastructure Improvement" as defined in R.C. Section 5709.40(A)(8) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43.

WHEREAS, the Mayor and Council expressed support in Resolution No. 6-2022 for a comprehensive strategy to redevelop the Duke Energy Convention Center and the surrounding area (the "District"); and

WHEREAS, the strategy included engagement of Cincinnati Center City Development Corporation ("3CDC") for planning and management services related to the District; and

WHEREAS, in furtherance of the redevelopment efforts, 3CDC entered into an agreement to purchase certain real property located within the District at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is a located a 780-space parking garage commonly known as the Whex Garage; and

WHEREAS, pursuant to Ordinance No. 84-2023, the City entered into a Funding Agreement dated March 30, 2023 with Whex Garage LLC, a wholly owned subsidiary of 3CDC, to facilitate the company's financing to acquire the Whex Garage; and

WHEREAS, pursuant to the Funding Agreement, the City agreed to provide an annual amount not to exceed \$275,000 for a period of up to seven years, subject to Council appropriation each year, to facilitate the acquisition financing; and

WHEREAS, Whex Garage LLC has obtained its financing and acquired the Whex Garage for the benefit of the District; and

WHEREAS, in FY 2023, Ordinance No. 84-2023 authorized the first annual appropriation of \$275,000; and

WHEREAS, in FY 2024, passage of this ordinance constitutes the second annual appropriation of \$275,000; and

WHEREAS, providing resources to facilitate acquisition of an existing parking garage as part of the District redevelopment is in accordance with the “Compete” goal to “[c]ultivate our position as the most vibrant and healthiest part of our region” and to “[b]ecome nationally and internationally recognized as a vibrant and unique city” as described on pages 114-125 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and appropriation of \$275,000 is authorized from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to Department of Finance non-personnel operating budget account no. 481x133x7200 to provide resources, pursuant to a Funding Agreement between the City of Cincinnati and Whex Garage LLC (the “Company”) dated March 30, 2023, to facilitate the Company’s financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage.

Section 2. That Council declares that expenditures from Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and constitute a “Public Infrastructure Improvement” as defined in R.C. Section 5709.40(A)(8) that will benefit and/or serve the District 2-Downtown South/Riverfront Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43.

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

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

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

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

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

July 31, 2023

**To:** Members of the Budget and Finance Committee

202301859

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

**Subject: Ordinance – OPDA: CAGIS Operating Budget Transfer**

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Attached is an Ordinance captioned:

**AUTHORIZING** the transfer and return to source of \$695,238 from capital improvement program project account no. 980x092x220924, “CAGIS Technology Migration,” to the unappropriated surplus of Cincinnati Area Geographic Information System (“CAGIS”) Fund 449; **AUTHORIZING** the transfer and appropriation of \$175,000 from the unappropriated surplus of CAGIS Fund 449 to Office of Performance and Data Analytics non-personnel operating budget account no. 449x108x1000x7289 to provide resources for a subscription-based solution for CAGIS server and technology data.

Approval of this Ordinance authorizes the transfer of and return to source of \$695,238 from capital improvement program project account no. 980x092x220924, “CAGIS Technology Migration,” to the unappropriated surplus of Cincinnati Area Geographic Information System (“CAGIS”) Fund 449. The Ordinance also authorizes the transfer and appropriation of \$175,000 from the unappropriated surplus of CAGIS Fund 449 to Office of Performance and Data Analytics (OPDA) non-personnel operating budget account no. 449x108x1000x7289 for the purpose of providing resources for a subscription-based solution for CAGIS server and technology data.

Ordinance No. 0018-2022 authorized the transfer and appropriation of \$805,000 from CAGIS Fund 449 to the newly established capital improvement program project account no. 980x092x2209243, “CAGIS Technology Migration” for the purpose of migrating the GIS, permitting, and server hardware technology platforms. The solution implemented by CAGIS is a subscription-based solution, which is not an eligible capital expense. Therefore, it is necessary to transfer resources to the operating budget to cover the cost of the subscription.

Acquisition of technology to support updates to CAGIS to assist consortium members is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on page 209 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

**AUTHORIZING** the transfer and return to source of \$695,238 from capital improvement program project account no. 980x092x220924, “CAGIS Technology Migration,” to the unappropriated surplus of Cincinnati Area Geographic Information System (“CAGIS”) Fund 449; and **AUTHORIZING** the transfer and appropriation of \$175,000 from the unappropriated surplus of CAGIS Fund 449 to Office of Performance and Data Analytics non-personnel operating budget account no. 449x108x1000x7289 to provide resources for a subscription-based solution for CAGIS server and technology data.

WHEREAS, on February 2, 2022, Council passed Ordinance No. 18-2022, which authorized the establishment of capital improvement program project account no. 980x092x220924, “CAGIS Technology Migration,” as well as the transfer and appropriation of \$805,000 from the unappropriated surplus of CAGIS Fund 449 to capital improvement program project account no. 980x092x220924, “CAGIS Technology Migration,” for the purpose of migrating the GIS, permitting, and server hardware technology platforms; and

WHEREAS, staff later determined that the solution implemented by CAGIS is subscription-based, which is not an eligible capital expense; and

WHEREAS, in order to use a portion of the funds for the stated purpose, it is necessary to transfer the funds to the Office of Performance and Data Analytics; and

WHEREAS, acquisition of technology to support updates to CAGIS to assist consortium members is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on page 209 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That Council authorizes the transfer and return to source of \$695,238 from capital improvement program project account no. 980x092x220924, “CAGIS Technology Migration,” to the unappropriated surplus of Cincinnati Area Geographic Information System (“CAGIS”) Fund 449.

Section 2. That Council authorizes the transfer and appropriation of \$175,000 from the unappropriated surplus of CAGIS Fund 449 to the Office of Performance and Data Analytics



non-personnel operating budget account no. 449x108x1000x7289 to provide resources for a subscription-based solution for CAGIS server and technology data.

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

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

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

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

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

EMERGENCY

City of Cincinnati

KMG

FESW

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

**CERTIFYING** a resolution setting the date of the election for the proposed sale of the Cincinnati Southern Railway along with the applicable ballot language to the Board of Elections of Hamilton County; and **DIRECTING** the Board of Elections of Hamilton County to submit the ballot question to the electors.

WHEREAS, on May 4, 1869, the Act commonly known as the Ferguson Act became law (as amended and supplemented, the "Act"), which Act allowed Ohio cities of a certain size to construct a railway and for such railway to be held by a board of trustees; and

WHEREAS, pursuant to the Act, the City of Cincinnati completed a 337-mile rail line between Cincinnati and Chattanooga, Tennessee, commonly known as the Cincinnati Southern Railway (the "Cincinnati Southern Railway"); and

WHEREAS, as contemplated by the Act, the Board of Trustees of the Cincinnati Southern Railway (the "Board") retains ownership of the Cincinnati Southern Railway for the benefit of the City of Cincinnati; and

WHEREAS, the 135<sup>th</sup> General Assembly adopted House Bill 23 making certain changes to the Act in furtherance of the sale of the Cincinnati Southern Railway (the "State Law Changes"); and

WHEREAS, on June 28, 2023, pursuant to Resolution 1-2023, adopted by the Board on June 27, 2023, the Board entered into a First Amended and Restated Asset Purchase and Sale Agreement with Norfolk Southern Railway Company ("Buyer") and Cincinnati, New Orleans & Texas Pacific Railway, which contemplates a proposed sale of the Cincinnati Southern Railway to Buyer for a base purchase price of \$1,600,000,000, and at least \$25,000,000 (such amount as may be increased pursuant to such agreement) in transaction fees, plus other valuable consideration reflected therein; and

WHEREAS, pursuant to Resolution 2-2023, adopted by the Board on July 13, 2023 (the "Resolution"), the Board established the date to submit the sale of the Cincinnati Southern Railway to the electorate of the City of Cincinnati as the general election to be held on November 7, 2023 and adopted the applicable ballot language; and

WHEREAS, the Clerk for the Board certified the Resolution to Council and the City's Director of Finance on July 14, 2023; and

WHEREAS, in accordance with the State Law Changes, Council hereby certifies the Resolution to the Board of Elections of Hamilton County; now, therefore,

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

Section 1. That Council certifies to the Board of Elections of Hamilton County (the “Board of Elections”) the resolution attached hereto as Attachment A (the “Resolution”), which sets November 7, 2023 as the date of the election at which the City of Cincinnati electorate votes upon the proposed sale of the Cincinnati Southern Railway to Norfolk Southern Railway Corporation.

Section 2. That, in accordance with the Resolution, Council hereby directs the Board of Elections to submit the proposed sale to the electors, the form of which shall be substantially as follows:

<b>SALE OF THE CINCINNATI SOUTHERN RAILWAY</b> <b>A majority vote is necessary for passage.</b>	
<b>YES</b>	Shall the Cincinnati Southern Railway Board of Trustees be authorized to sell the Cincinnati Southern Railway to an entity, the ultimate parent company of which is Norfolk Southern Corporation, for a purchase price of \$1,600,000,000, to be paid in a single installment during the year 2024, with the moneys received to be deposited into a trust fund operated by the Cincinnati Southern Railway Board of Trustees, with the City of Cincinnati as the sole beneficiary, the moneys to be annually disbursed to the municipal corporation in an amount no less than \$26,500,000 per year, for the purpose of the rehabilitation, modernization, or replacement of existing streets, bridges, municipal buildings, parks and green spaces, site improvements, recreation facilities, improvements for parking purposes, and any other public facilities owned by the City of Cincinnati, and to pay for the costs of administering the trust fund?
<b>NO</b>	

Section 3. That the Clerk of Council is instructed to file a certified copy of this ordinance and the proposed form of the ballot question with the Board of Elections not later than August 8, 2023, such date being more than ninety days prior to the November 7, 2023 general election in accordance with R.C. Section 746.02(B)(1).

Section 4. That the Clerk of Council shall cause a notice of the election contemplated in this resolution to be published in a newspaper of general circulation for the two consecutive weeks prior to November 7, 2023, or as provided in R.C. Section 7.16 in accordance with R.C. Section 746.02(C)(1).

Section 5. That the Board of Elections shall post notice to its website of the election contemplated herein no later than thirty days prior to November 7, 2023, in accordance with R.C. 746.02(C)(2).

Section 6. That the Board of Elections shall certify to the Cincinnati Southern Railway Board of Trustees the result of the vote upon said sale.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6, of the Charter, be effective immediately. The reason for the emergency is the need to submit this Ordinance to the Board of Elections within the statutorily required time frame.

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

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

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

**ATTACHMENT A**

## RESOLUTION 2-2023

**RESOLVING TO** submit the sale of the Cincinnati Southern Railway to the electors of the City of Cincinnati at the general election of November 2023.

WHEREAS, on May 4, 1869, the Act commonly known as the Ferguson Act became law (as amended and supplemented, the “Act”), which Act allowed Ohio cities of a certain size to construct a railway and for such railway to be held by a board of trustees; and

WHEREAS, pursuant to the Act, the City of Cincinnati completed a 337-mile rail line between Cincinnati and Chattanooga, TN, commonly known as the Cincinnati Southern Railway (the “Cincinnati Southern Railway”); and

WHEREAS, as contemplated by the Act, the Board of Trustees of the Cincinnati Southern Railway (the “Board”) retains ownership of the Cincinnati Southern Railway for the benefit of the City of Cincinnati; and

WHEREAS, the Cincinnati Southern Railway has been continually leased by the Board to the Cincinnati, New Orleans & Texas Pacific Railway (“CNOTP”), which is a subsidiary of Norfolk Southern Railway Company (the “Buyer”) pursuant to a Lease dated October 11, 1881 (as amended and supplemented, the “Lease”); and

WHEREAS, the Cincinnati Southern Railway is solely used for commercial purposes and there is no passenger traffic on the line; and

WHEREAS, as part of CNOTP’s initial offer on July 12, 2021, for an extended term of the Lease, CNOTP proposed buying the Cincinnati Southern Railway; and

WHEREAS, the 135<sup>th</sup> General Assembly adopted House Bill 23 making certain changes to the Act in furtherance of the sale of the Cincinnati Southern Railway to the Buyer (the “State Law Changes”); and

WHEREAS, on June 28, 2023, pursuant to Resolution 1-2023, adopted by the Board following advice and guidance by the Board’s financial and legal advisors and Board deliberation at its duly noticed special meeting held in City Council Chambers on June 27, 2023, the Board entered into a *First Amended and Restated Asset Purchase and Sale Agreement* with Buyer and CNOTP, which contemplates a proposed sale of the Cincinnati Southern Railway for a base purchase price of \$1,600,000,000 (such amount as may be increased pursuant to the terms of such agreement, the “Purchase Price”); at least \$25,000,000 (such amount as may be increased pursuant to such agreement) in transaction fees, plus other valuable consideration reflected therein; and

WHEREAS, the Board wishes to submit the sale of the Cincinnati Southern Railway to the electorate of the City of Cincinnati at the general election to be held on November 7, 2023; and

WHEREAS, in furtherance of that election and in accordance with the State Law Changes, the Board also wishes to adopt the ballot language for such election; now, therefore,

BE IT RESOLVED by the Trustees of the Cincinnati Southern Railway:

Section 1. That Board of Trustees of the Cincinnati Southern Railway (the “Board”) hereby sets the date of the election in which the electorate of the City of Cincinnati votes upon the proposed sale of the Cincinnati Southern Railway to Norfolk Southern Railway Corporation as November 7, 2023.

Section 2. That the form of submission of the proposed sale to the electors shall be substantially as follows:

<p><b>SALE OF THE CINCINNATI SOUTHERN RAILWAY</b>  <b>A majority vote is necessary for passage.</b></p>	
<b>YES</b>	<p>Shall the Cincinnati Southern Railway Board of Trustees be authorized to sell the Cincinnati Southern Railway to an entity, the ultimate parent company of which is Norfolk Southern Corporation, for a purchase price of \$1,600,000,000, to be paid in a single installment during the year 2024, with the moneys received to be deposited into a trust fund operated by the Cincinnati Southern Railway Board of Trustees, with the City of Cincinnati as the sole beneficiary, the moneys to be annually disbursed to the municipal corporation in an amount no less than \$26,500,000 per year, for the purpose of the rehabilitation, modernization, or replacement of existing streets, bridges, municipal buildings, parks and green spaces, site improvements, recreation facilities, improvements for parking purposes, and any other public facilities owned by the City of Cincinnati, and to pay for the costs of administering the trust fund?</p>
<b>NO</b>	

Section 3. That on behalf of the Board, the Clerk to the Board shall certify and transmit this resolution to the Council of the City of Cincinnati (the “City”) and the City’s Finance Director, as set forth in Revised Code (“R.C.”) Section 746.02(B).

Section 4. That the Clerk of City Council, in accordance with R.C. Section 746.02(B) shall certify and transmit to the Board of Elections of Hamilton County, Ohio (the “Board of Elections”), a copy of the ordinance to be passed by City Council not less than ninety days prior {00386130-2}

to the date of the November 7, 2023 general election and direct the Board of Elections to submit the proposed Charter amendment to the electors of the City as provided by law.

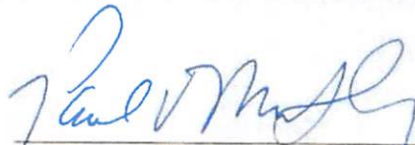
Section 5. That the Clerk of City Council shall cause a notice of the election contemplated in this resolution to be published in a newspaper of general circulation for the two consecutive weeks prior to November 7, 2023, or as provided in R.C. Section 7.16 in accordance with R.C. Section 746.02(C)(1).

Section 6. That the Board of Elections shall post notice to its website of the election contemplated herein no later than thirty days prior to November 7, 2023, in accordance with R.C. 746.02(C)(2).

Section 7. That the Board of Elections shall certify to the Board the result of the vote upon said sale, and if said sale is approved by a majority of the electors voting thereon, the related closing conditions pursuant to the Board's agreement sell the Cincinnati Southern Railway shall be deemed satisfied.

Section 8. That a copy of this Resolution be spread upon the minutes of the Board.

Passed: July 13, 2023

  
Paul V. Muething, President, Board  
of Trustees of the Cincinnati  
Southern Railway

ATTEST:   
Kaitlyn Geiger, Clerk to the Board





**July 31, 2023**

**To:** Members of the Budget & Finance Committee 202301865  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Authorizing the Sale of a Portion of Johnston Park**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to execute a Property Sale Agreement with Cincinnati Ballet Holdings, Inc. for the sale of certain real property located along Gilbert Avenue in the Walnut Hills neighborhood.

The Administration recommends passage of this Ordinance.

cc: Jason Barron, Director, Cincinnati Park Board

**AUTHORIZING** the City Manager to execute a Property Sale Agreement with Cincinnati Ballet Holdings, Inc. for the sale of certain real property located along Gilbert Avenue in the Walnut Hills neighborhood.

WHEREAS, the City owns certain real property generally located north of Elsinore Place, east of Interstate 71, and west of Gilbert Avenue, more particularly identified as Hamilton County, Ohio Auditor's Parcel Identification No. 071-0001-0121, and more particularly depicted and described in the Property Sale Agreement attached to this ordinance as Attachment A and incorporated herein by reference ("Property"), which Property is under the management and control of the Cincinnati Board of Park Commissioners ("Park Board"); and

WHEREAS, the Cincinnati Ballet Holdings Inc., an Ohio nonprofit corporation ("Developer"), owns certain real property adjacent to the Property on which the Cincinnati Ballet Company has completed construction of a new facility for the Cincinnati Ballet ("Project"); and

WHEREAS, the City authorized Developer to construct certain improvements on the Property during construction and development of the Project for the benefit of the Project, namely, an access drive, driveway apron, curbs, lighting, and related improvements ("Improvements") to provide a means of pedestrian and vehicular ingress and egress to the Gilbert Avenue public right-of-way; and

WHEREAS, Developer now desires to purchase in fee simple portions of the Property on which Developer constructed the Improvements, as more particularly detailed in Attachment A ("Sale Property"); and

WHEREAS, the City Manager, in consultation with the Park Board, has determined that the Sale Property is not needed for park purposes or any other municipal purpose; and

WHEREAS, the City's Real Estate Services Division has determined, by a professional appraisal, that the estimated fair market value of the Sale Property is approximately \$124,000; however, the City is agreeable to convey the Sale Property for less than the estimated fair market value, namely, for \$27,280 because the City anticipates that it will receive economic and non-economic benefits from the transaction that equal or exceed the fair market value of the Sale Property because the Project is likely to expand exposure to cultural and educational programs, activities, and opportunities in areas directly concerned with the arts and will foster and encourage the development of the arts within the City for the economic benefit of the City; and

WHEREAS, the City has determined that eliminating competitive bidding in connection with the City's sale of the Sale Property is in the best interests of the City because Developer owns the property abutting the Sale Property, Developer has invested significant financial resources to improve and develop the Sale Property with the Improvements, and as a practical matter, no one other than an abutting property owner would have any use for the Sale Property as so improved; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, the City has determined that the sale of the Sale Property to Developer is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; and

WHEREAS, the Park Board approved the sale of the Sale Property to Developer at its meeting on March 17, 2022; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's sale of the Sale Property to Developer at its meeting on June 2, 2023; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Property Sale Agreement with Cincinnati Ballet Holdings, Inc., an Ohio nonprofit corporation ("Developer"), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference ("Agreement"), pursuant to which the City will sell to Developer a portion of certain real property generally located north of Elsinore Place, east of Interstate 71, and west of Gilbert Avenue, being a portion of Hamilton County, Ohio Auditor's Parcel Identification No. 071-0001-0121, and more particularly detailed on Attachment A ("Sale Property").

Section 2. That the Sale Property is not needed for park purposes or other municipal purposes.

Section 3. That the City's Real Estate Services Division has determined, by a professional appraisal, that the estimated fair market value of the Sale Property is approximately \$124,000; however, the City is agreeable to convey the Sale Property for less than the estimated fair market value, namely, for \$27,280 because the City anticipates that it will receive economic and non-economic benefits from the transaction that equal or exceed the fair market value of the Sale Property because the Project is likely to expand exposure to cultural and educational programs, activities, and opportunities in areas directly concerned with the arts and will foster and encourage the development of the arts within the City for the economic benefit of the City.

Section 4. That it is in the best interest of the City to eliminate competitive bidding in connection with the City's sale of the Sale Property because Developer owns the property abutting the Sale Property, Developer has invested significant financial resources to improve and develop the Sale Property with the Improvements, and as a practical matter, no one other than an abutting property owner would have any use for the Sale Property as so improved.

Section 5. That proceeds from the sale of the Sale Property 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 sale, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof into Park Board Permanent Improvement Fund 752.

Section 6. That Council authorizes all proper City officials to take all necessary and proper actions to fulfill the terms of the Agreement and this ordinance, including without limitation executing any and all ancillary agreements, deeds, plats, covenants, terminations, releases, and other documents.

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

## PROPERTY SALE AGREEMENT

This Property Sale Agreement (this “**Agreement**”) is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which for purposes of this Agreement is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”) and **CINCINNATI BALLET HOLDINGS, INC.**, an Ohio nonprofit corporation, with a tax mailing address of 1801 Gilbert Avenue, Cincinnati, OH 45202 (“**Purchaser**”).

### Recitals:

A. By virtue of deeds recorded in Official Record 13824, Page 2086, and Official Record 13786, Page 1609, Hamilton County, Ohio Records, the City owns certain real property generally located north of Elsinore Place, east of Interstate 71, and west of Gilbert Avenue more particularly identified as Hamilton County, Ohio Auditor’s Parcel ID No. 071-0001-0121 (the “**Park Property**”). The Park Property is under the management and control of the Cincinnati Park Board.

B. By virtue of a deed recorded in Official Record 14092, Page 340, Hamilton County, Ohio Records, Purchaser owns certain real property adjacent to the Park Property, more particularly depicted on Exhibit A (Site Map) hereto (“**Purchaser’s Property**”) on which Purchaser has completed construction of a new facility for the Cincinnati Ballet (the “**Ballet Facility**”).

C. The City permitted Purchaser to make certain improvements to a portion of the Park Property that is more particularly depicted in Exhibit A and described in Exhibit B (Legal Description—Sale Property) hereto (the “**Sale Property**”) during the construction and development of the Ballet Facility for the benefit of the Ballet Facility, namely, an access drive, driveway apron, curbs, lighting, and related improvements to provide a means of pedestrian and vehicular ingress and egress to the Gilbert Avenue public right-of-way (the “**Improvements**”). Purchaser now desires to purchase the Sale Property in fee simple, and the City is agreeable to sell the Sale Property to Purchaser on the terms and conditions set forth herein.

D. The City has determined that the Sale Property is not needed for park or other municipal purposes.

E. The City’s Real Estate Services Division has determined, by a professional appraisal, that the estimated fair market value of the Sale Property is approximately \$124,000; however, the City is agreeable to convey the Sale Property for less than the estimated fair market value, namely, for \$27,280 because the City anticipates that it will receive economic and non-economic benefits from the transaction that equal or exceed the fair market value of the Sale Property because the new Ballet Facility is likely to expand exposure to cultural and educational programs, activities, and opportunities in areas directly concerned with the arts and will foster and encourage the development of the arts within the City for the economic benefit of the City.

F. The City has determined that eliminating competitive bidding in connection with the City’s sale of the Sale Property is in the best interests of the City because Purchaser owns the property abutting the Sale Property, Purchaser has invested significant financial resources to improve and develop the Sale Property with the Improvements, and as a practical matter, no one other than an abutting property owner would have any use for the Sale Property as improved.

G. Section 13 of Article VIII of the Ohio Constitution provides that to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public

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interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

H. The City believes that the sale of the Sale Property to Purchaser is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements.

I. The Cincinnati Board of Park Commissioners approved the sale of the Sale Property to Purchaser at its meeting on March 17, 2022.

J. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property at its meeting on June 2, 2023.

K. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. [\_\_\_\_]-2023, passed on [\_\_\_\_], 2023.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Purchase Price.** Subject to the terms and conditions set forth herein, the City hereby agrees to sell the Sale Property to Purchaser, and Purchaser hereby agrees to purchase the Sale Property from the City for \$27,280 (the “**Purchase Price**”).

2. **Condition of the Sale Property.** Purchaser acknowledges that it is familiar with the condition of the Sale Property, and, at Closing (as defined below), the City shall convey the Sale Property to Purchaser in “as is,” “where is” condition with all faults and defects, known or unknown. The City makes no representations or warranties to Purchaser concerning the condition of the Sale Property, and, from and after the Closing, the City shall have no liability of any kind to Purchaser for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

3. **Termination of Temporary Easement.** Pursuant to a *Grant of Temporary Access Easement* executed on February 14, 2017, and recorded in Official Record 13824, Page 2092, Hamilton County, Ohio Records (the “**Temporary Easement**”), the City granted temporary easement rights to Purchaser’s predecessor-in-interest over the Park Property, including portions of the Sale Property, as more particularly detailed in the Temporary Easement. Purchaser acknowledges and agrees that construction of the Improvements on the Sale Property has rendered the use of the Temporary Easement impractical and unnecessary with respect to the portions of the Park Property to be retained by the City following the Closing. As a material inducement to the City to enter into this Agreement, Purchaser agrees to cause the Temporary Easement to be terminated by causing all beneficiaries thereto to execute an agreement to release and terminate the Temporary Easement in a form acceptable to the City Solicitor.

4. **Closing.**

(A) **Conditions.** The closing on the City’s sale of the Sale Property to Purchaser (the “**Closing**”) shall not occur unless and until the following conditions have been satisfied or waived (the “**Conditions**”); *provided, however*, that if the City, at its sole discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, then the City may, if appropriate, include such Conditions in the City’s Quitclaim Deed to Purchaser or handle such Conditions post-Closing. Purchaser shall perform all work and investigations and obtain and prepare all necessary documents to satisfy the Conditions at no cost to the City.

(i) **Title & Survey:** Purchaser’s approval of title to the Sale Property and, if obtained by Purchaser, an ALTA property survey of the Sale Property;

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- (ii) Inspections, Utilities & Zoning/Building Code Requirements: Purchaser's approval of inspections of the Sale Property, including, without limitation, environmental assessments and soil assessments, all matters concerning utility service for the Sale Property, and all zoning and building code requirements that apply to the Sale Property;
- (iii) Zone Change Application for Sale Property: Purchaser shall have initiated a zoning change for the Sale Property by having filed an application and any and all other associated documents as required by the Department of City Planning and Engagement to amend the official zoning map of the City of Cincinnati to rezone the Sale Property from the PR, "Park and Recreation" zoning district to the OG, "Office General" zoning district;
- (iv) Plats and Legal Descriptions: Purchaser shall have provided the City with all plats and legal descriptions as required by the Department of City Planning and Engagement, and the Hamilton County Auditor, Engineer, and Recorder in connection with the City's sale of the Sale Property, including, but not limited to an acceptable survey plat and legal description with closure of the Sale Property to accompany the transfer and recording of the *Quitclaim Deed* in substantially the form attached as Exhibit C – (*Form of Quitclaim Deed*);
- (v) Termination of Temporary Easement: Purchaser shall have provided the City with a *Termination of Temporary Easement Agreement* executed by the beneficiaries of the Temporary Easement burdening the Park Property;

(B) Right to Terminate. If either party determines, after exercising good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **12 months** of the Effective Date, this Agreement and all rights and obligations of the parties hereunder shall automatically terminate.

(C) Closing Date. Provided the Conditions have been satisfied, the Closing shall take place **30 days** after the Effective Date or on such earlier or later date as the parties may agree upon.

(D) Closing Costs and Closing Documents. At the Closing, (i) the City shall confirm that Purchaser has paid the Purchase Price in full, and (ii) the City shall convey all its right, title, and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of Exhibit C. Purchaser shall pay all Hamilton County, Ohio recording fees, transfer tax, and any and all other customary closing costs associated with the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Purchaser shall pay all real estate taxes and assessments thereafter becoming due. At Closing, the parties shall execute a settlement statement and all other customary closing documents necessary for the Closing in such forms as approved by the City. The City shall not, however, be required to execute a title affidavit at Closing or other similar documents pertaining to title; Purchaser acknowledges that the City is selling the Property "as is." Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing, Purchaser shall pay to the City all unpaid related and unrelated fines, penalties, judgments, water, or other utility charges, and any and all other outstanding amounts owed by Purchaser to the City. The provisions of this Agreement shall survive the City's execution and delivery of the *Quitclaim Deed* and shall not be deemed to have been merged therein.

**5. Notices**. All notices given by the parties hereunder shall be deemed given if personally delivered, delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. regular or certified mail, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Agreement. If Purchaser sends a notice to the City alleging that the City is in default under this Agreement, Purchaser shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. Notices shall be deemed given on the date of receipt.

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**6. Representations, Warranties, and Covenants of Purchaser.** Purchaser makes the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) Purchaser is an Ohio nonprofit corporation duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws relevant to the transactions contemplated by this Agreement.

(ii) Purchaser has full power and authority to execute and deliver this Agreement and carry out the transactions provided herein. Purchaser has duly taken all proper actions to authorize, execute, and deliver this Agreement. Purchaser has taken all actions necessary to constitute valid and binding obligations of Purchaser upon execution and delivery of this Agreement by Purchaser.

(iii) Purchaser's execution, delivery, and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, any writ or decree of any court or governmental instrumentality, or any mortgage, contract, agreement, or other undertaking to which Purchaser is a party or which purports to be binding upon Purchaser or upon any of its assets, nor is Purchaser in violation or default of any of the foregoing.

(iv) No actions, suits, proceedings, or governmental investigations are pending, or to the knowledge of Purchaser, threatened against or affecting Purchaser, at law or in equity or before or by any governmental authority.

(v) Purchaser shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute, or governmental proceedings or investigation affecting Purchaser that could reasonably be expected to interfere substantially or materially and adversely affect its financial condition or its purchase of the Sale Property.

(vi) The statements made in the documentation provided by Purchaser to the City have been reviewed by Purchaser and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) Neither Purchaser nor its affiliates owe the City any outstanding fines, penalties, judgments, water or other utility charges, or other amounts.

**7. General Provisions.**

(A) Entire Agreement. This Agreement (including the exhibits hereto) contains the entire agreement between the parties concerning 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 Purchaser agrees that venue in such court is proper. Purchaser hereby waives 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 assigns. Purchaser shall not

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assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City's sole discretion, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

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

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

(H) Brokers. Purchaser represents to the City that Purchaser has not dealt with any real estate brokers and agents in connection with its purchase of the Sale Property.

(I) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City 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 officer, agent, employee, or attorney of the City in other than his or her official capacity.

(J) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the property sale shall have any personal financial interest, direct or indirect, in the property sale, and Purchaser shall take appropriate steps to assure compliance.

(K) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(L) Counterparts; E-Signature. The parties hereto agree that this Agreement may be executed and delivered by electronic signature, which shall have the same force and effect as an original signature. Electronic signatures may be delivered via email or other electronic means agreed upon by the parties. The parties hereto may execute this Agreement in two or more counterparts, and each executed counterpart shall be considered an original.

**8. Exhibits**. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Site Map*

Exhibit B – *Legal Description-Sale Property*

Exhibit C – *Form of Quitclaim Deed*

[Remainder of Page Intentionally Blank; Signature Pages Follow]

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Executed by the parties on the dates indicated below their respective signatures, effective as of the latest of such dates (the “**Effective Date**”).

**CINCINNATI BALLET HOLDINGS, INC.**,  
an Ohio nonprofit corporation

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

Printed Name: \_\_\_\_\_

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

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

[City signatures on the following page]

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**CITY OF CINCINNATI**

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

Printed Name: \_\_\_\_\_

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

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

Recommended by:

\_\_\_\_\_  
Jason Barron, Director  
Cincinnati Park Board

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

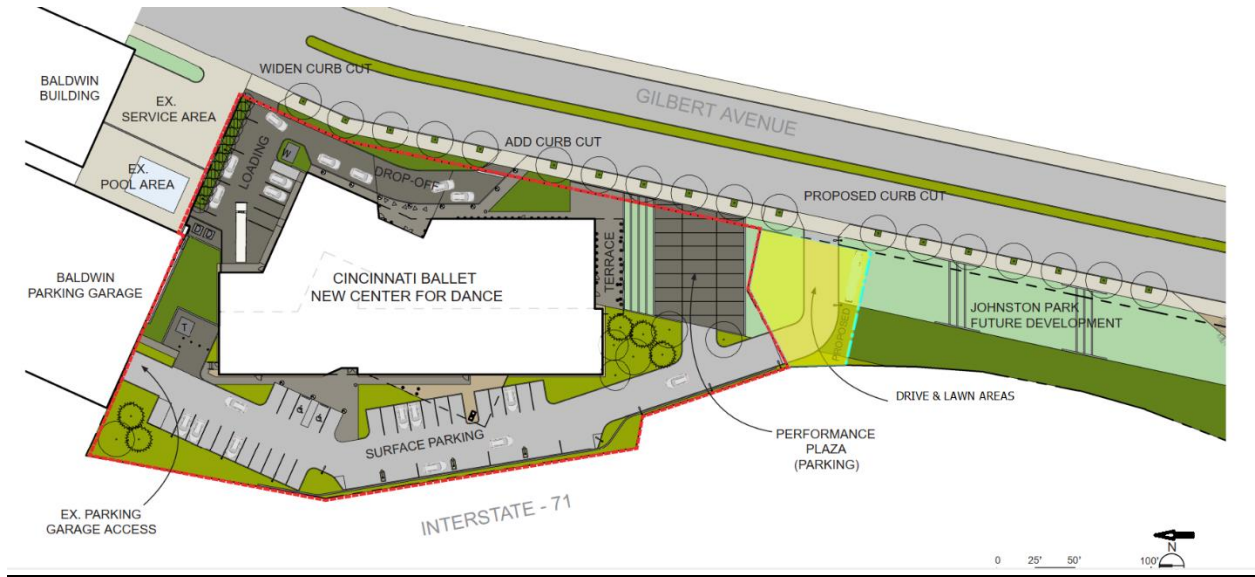
Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

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**EXHIBIT A**  
to Property Sale Agreement  
*Site Map*



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**EXHIBIT B**  
to Property Sale Agreement

*Legal Description - Sale Property*

**Auditor's Parcel No.:** Cut-up of 071-0001-0121

**Property Address:** None; a portion of Johnston Park along the 1800 block of Gilbert Avenue

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**EXHIBIT C**  
to Property Sale Agreement  
*Form of Quitclaim Deed*

[SEE ATTACHED]

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**QUITCLAIM DEED**

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the “**City**”), for valuable consideration paid, hereby grants and conveys to **CINCINNATI BALLET HOLDINGS, INC.**, an Ohio nonprofit corporation, with a tax mailing address of 1801 Gilbert Avenue, Cincinnati, OH 45202 (“**Grantee**”), all of the City’s right, title, and interest in and to the real property depicted on Exhibit A (Survey) and described on Exhibit B (Legal Description) hereto (the “**Property**”).

Property Address:                   None; a portion of Johnston Park along the 1800 block of Gilbert Avenue  
Auditor’s Parcel ID No.:        Cut-up of 071-0001-0121  
Prior instrument references:    Official Record 13824, Page 2086, Hamilton County, Ohio Records; and  
  Official Record 13786, Page 1609, Hamilton County, Ohio Records

Conveyance Between Adjoining Lot Owners. This conveyance is a transfer between adjoining lot owners made in compliance with Ohio Revised Code Section 711.001(B)(1)(b). This conveyance does not create an additional building site nor violate any zoning regulation or other public regulation in the property hereby conveyed or the balance of the property retained by the City. The property hereby conveyed may not hereafter be conveyed separately from Grantee’s adjoining property, nor any structure erected thereon without the prior approval of the authority having jurisdiction of plats.

The following exhibits are attached hereto and made a part hereof:

- Exhibit A – *Survey*
- Exhibit B – *Legal Description*



This conveyance was authorized by Ordinance No. [\_\_\_\_]-2023, passed by Cincinnati City Council on [\_\_\_\_], 2023.

Executed on the date of acknowledgement.

**CITY OF CINCINNATI**

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

Printed Name: \_\_\_\_\_

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

STATE OF OHIO                    )  
  ) SS:  
COUNTY OF HAMILTON        )

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

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

Approved as to Form:

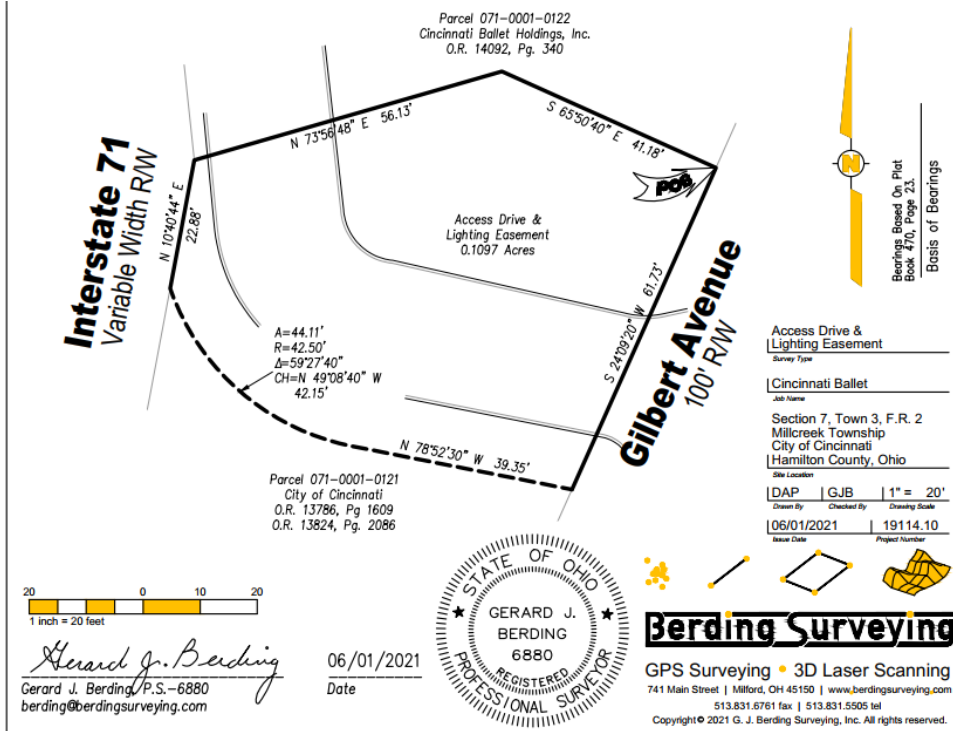
\_\_\_\_\_  
Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department,  
801 Plum Street, Suite 214,  
Cincinnati, Ohio 45202

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**EXHIBIT A**  
to Quitclaim Deed  
Survey



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**EXHIBIT B**  
to Quitclaim Deed  
*Legal Description*

**Auditor's Parcel No.:** Cut-up of 071-0001-0121  
**Property Address:** None; a portion of Johnston Park along the 1800 block of Gilbert Avenue

[TO BE INSERTED]

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