

December 7, 2021

**To:** Mayor and Members of City Council  
**From:** Paula Boggs Muething, City Manager *WJ, JKU*  
**Subject:** Notwithstanding Ordinance – Ohio Avenue Steps Artwork

202103246

---

Transmitted is an Emergency Notwithstanding Ordinance captioned:

**AUTHORIZING** the City Manager to design, install, and maintain artwork on the stairway located between Van Leer Street and Ohio Avenue in the CUF neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork.

The City Planning Commission recommended approval of the Notwithstanding Ordinance at its December 3, 2021 meeting.

**Summary:**

The team, consisting of faculty from the University of Cincinnati's College of Design, Architecture, Art, and Planning (DAAP) and College of Medicine and staff from Spring in Our Steps, an organization focused enhancing community connections by reclaiming alleys, sidewalks, and steps for pedestrians, proposes to paint public artwork on the Ohio Avenue steps. Their intent is to improve connectivity between CUF and Mt. Auburn and create a unique public space to encourage a more integrated and equitable city. Additionally, their proposed project aims to promote walking and physical activity to improve public health. To permit the installation of the staircase artwork, City Council would need to approve a Notwithstanding Ordinance (NWO), which would allow the City to designate the team to carry out all or a portion of the proposed work required to install and maintain the artwork that would otherwise not be permitted without a change to existing legislation, or the implementation of a special program through the Department of Transportation and Engineering.

The City Planning Commission recommended the following on December 3, 2021, to City Council:

**APPROVE** the Notwithstanding Ordinance permitting the installation of artwork on City-owned right-of-way, known as the Ohio Avenue Steps, between Ohio Avenue and Van Lear Street in CUF with the following conditions:

- 1) That the artwork installation size, location, and design be reviewed and approved by the Department of Transportation and Engineering at the time of permit review; and
- 2) The petitioner shall coordinate with the City regarding the donation of the mural in the right-of-way including a contract with the City in a similar form as the City of Cincinnati Artwork Donation Agreement (Exhibit C); and
- 3) All artists involved in the creation and installation of the artwork shall provide the City with a Waiver of Rights pursuant to the Visual Artists Rights Act (Exhibit D).

cc: Katherine Keough-Jurs, AICP, Director, Department of City Planning and Engagement *KJK*