



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, February 10, 2021

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MS. KEARNEY

MR. LANDSMAN

1. [202100584](#) **MOTION**, submitted by Councilmember Kearney and Landsman, **WE MOVE** that, upon passage of this motion, the Administration prepare a REPORT and recommendations on creating an inclusionary affordable housing policy mandating that all new commercial housing projects in Cincinnati of a certain size (to be determined by City Council) must include a predetermined percentage of affordable housing units at 60% or less of the Area Median Income as a condition for receiving municipal benefits including, but not limited to commercial tax abatements, TIFs, and increased density allowances. **WE FURTHER MOVE** that once the ordinance is drafted, there should be a 30-day period for City Council discussion and for public comment to allow for input from a variety of stakeholders, including residents, business owners, advocates for affordable housing, community councils, developers, builders, and others, and allow for modifications of the draft ordinance before it is submitted to City Council for passage. **WE FURTHER MOVE** that the City Administration preparE a draft of the inclusionary zoning ordinance by the end of February 2021. (STATEMENT ATTACHED).

Recommendation EQUITY, INCLUSION, YOUTH & THE ARTS COMMITTEE

Sponsors: Kearney and Landsman

MS. KEARNEY

2. [202100599](#) **MOTION**, submitted by Councilmember Kearney, **WE MOVE** for the City Administration to prepare a report detailing all major and noteworthy projects, initiatives and activities that have been undertaken in the past 5-10 years to implement smart city technology solutions for parking, lighting, traffic engineering, and other relevant operations. **WE FURTHER MOVE** for this report to include an analysis of the feasibility of implementing technology similar to "Smart City Platform" provided by Fybr - a secure, end-to-end IoT solution that delivers real-time data on into actionable insights that allow communities to make proactive and informed decisions. (STATEMENT ATTACHED).

Recommendation EDUCATION, INNOVATION & GROWTH COMMITTEE**Sponsors:** Kearney

3. [202100627](#) **MOTION**, submitted by Councilmember Kearney, **WE MOVE** for the City Administration to prepare a report and recommendations for designating the entirety of the month of March 2021 as a parking amnesty period for unpaid parking tickets incurred within the City of Cincinnati prior to March 1, 2021. **WE FURTHER MOVE** for this parking amnesty period to authorize any person who has incurred late fees on a parking ticket within the City of Cincinnati, including towing and storage fees, to pay the full balance of their citation at base value (without any late fees).

Recommendation NEIGHBORHOODS COMMITTEE**Sponsors:** Kearney**MR. YOUNG**

4. [202100592](#) **MOTION**, submitted by Councilmember Young, **WE MOVE** that in addition to this request received from the Administration. **WE MOVE** that undersigned, move that the City Solicitor issue a legal opinion addressing the following question: "Under the City Charter, does the Mayor have legal authority to negotiate or direct any development contracts with Developers who want to do business with the City." (STATEMENT ATTACHED)

Recommendation LAW AND PUBLIC SAFETY COMMITTEE**Sponsors:** Young**CITY MANAGER**

5. [202100196](#) **REPORT**, dated 1/27/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for LEVY PREMIUM FOODSERVICE LP, 1501 Central Parkway, Cincinnati, Ohio 45214. (#51697480055, D2, NEW) [Objections: NONE]

Recommendation FILE**Sponsors:** City Manager

6. [202100561](#) **REPORT**, dated 2/10/2021, submitted by Paula Boggs Muething, City Manager, regarding City Department Staffing Needs. (SEE REFERENCE DOC# 202100561)

Recommendation BUDGET AND FINANCE COMMITTEE**Sponsors:** City Manager

7. [202100564](#) **REPORT**, dated 2/10/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for ZIEGLER PARK LLC, BLOCK AREA OF E. 14TH STREET, E. 13TH STREET, YUKON STREET, WOODWARD STREET AND GOETZ ALLEY, CINCINNATI, OHIO 45202. (#9932398, F8, TEMPORARY) [Objections: NONE]

Recommendation FILE**Sponsors:** City Manager

8. [202100565](#) **REPORT**, dated 2/10/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for FOUNTAIN SQUARE MANAGEMENT GROUP, 520 VINE STREET AND 5TH FROM VINE-WALNUT AND VINE FROM 5TH-SOUTH OF GARAGE ENTRANCE, CINCINNATI, OHIO 45202. (#28434220006, F8, TEMPORARY) [Objections: NONE]
Recommendation FILE
Sponsors: City Manager
9. [202100577](#) **REPORT**, dated 2/10/2021, submitted by Paula Boggs Muething, City Manager, regarding Vending Lease Fee Adjustments. (SEE REFERENCE DOC# 202100002)
Recommendation BUDGET AND FINANCE COMMITTEE
Sponsors: City Manager
10. [202100585](#) **REPORT**, dated 2/10/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for JOCHA ENTERPRISE LLC, 1739 ELM STREET 1ST FLOOR AND BASEMENT, CINCINNATI, OHIO 45202. (#4316053, D5J, D6, TRANSFER) [Objections: NONE]
Recommendation FILE
Sponsors: City Manager
11. [202100593](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 2/10/2021, **AUTHORIZING** the establishment of capital improvement program project account no. 980x203x212006, "Parks Operations Center," for the purpose of providing resources for the Parks Operations Center replacement facility; and **AUTHORIZING** the transfer and appropriation of \$57,750 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to newly established capital improvement program project account no. 980x203x212006, "Parks Operations Center."
Recommendation BUDGET AND FINANCE COMMITTEE
Sponsors: City Manager
12. [202100594](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 2/10/2021, **AUTHORIZING** the City Manager to vacate and sell to David G. Bird approximately 0.1033 acres of the public right-of-way known as Lang Street in the Mt. Auburn neighborhood of Cincinnati.
Recommendation BUDGET AND FINANCE COMMITTEE
Sponsors: City Manager
13. [202100595](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 2/10/2021, **AUTHORIZING** the City Manager to accept in-kind donation of a Pan African flag from RoSho Awards and Graphics in order to fly it from the flagpole at City Hall during the month of February as a recognition of Black History Month.
Recommendation BUDGET AND FINANCE COMMITTEE
Sponsors: City Manager
14. [202100596](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on

2/10/2021, **AUTHORIZING** the City Manager to execute a *Lease Agreement* with Tender Mercies, Inc. pursuant to which the City will lease for a five-year term a portion of Doerr Alley located south of West 12th Street and north of Central Parkway in the Over-the-Rhine neighborhood of Cincinnati.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

15. [202100598](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 2/10/2021, **AUTHORIZING** the City Manager to accept a donation from the Blue Line Foundation of an Apex Officer virtual reality system valued at \$62,500 and a Force Science De-escalation instructor course valued at \$24,650 for use in the Cincinnati Police Department to allow the department to operate more efficiently and safely.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

16. [202100586](#) **APPOINTMENT**, submitted by the Clerk of Council, recommending the appointment of Chelsey Pettyjohn as Deputy Clerk in the Office of the Clerk of Council pursuant to Article II, Section 5a of the Charter of the City of Cincinnati.

Recommendation CONFIRM

Sponsors: Clerk of Council

17. [202100587](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Marie Reynolds, Partner, Government Affairs, 255 East Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (KEAN DEVELOPMENT)

Recommendation FILE

Sponsors: Clerk of Council

18. [202100552](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Anthony Vaughn Searls/GCWW/Commercial Services Superintendent.

Recommendation FILE

Sponsors: Clerk of Council

19. [202100558](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Eric Saylor/Wate/City Stormwater Management Engineer.

Recommendation FILE

Sponsors: Clerk of Council

20. [202100588](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Matthew Rowekamp/City Facility Manager.

Recommendation FILE

Sponsors: Clerk of Council

21. [202100589](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the

Financial Disclosure Statement for Andrew Rossiter/MSD/Wastewater Treatment Superintendent.

Recommendation FILE

Sponsors: Clerk of Council

22. [202100590](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jennifer Richmond/MSD-Treatment Superintendent.

Recommendation FILE

Sponsors: Clerk of Council

23. [202100591](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Edward Ramsey/Human Resources Deputy Director.

Recommendation FILE

Sponsors: Clerk of Council

24. [202100600](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Beverly Marie Nussman/City Manager-Retirement/Finance Manager.

Recommendation FILE

Sponsors: Clerk of Council

25. [202100601](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Lauren Sundararajan/City Manager/Internal Audit Manager.

Recommendation FILE

Sponsors: Clerk of Council

26. [202100602](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jeff Swertfeger/Water Works/Superintendent.

Recommendation FILE

Sponsors: Clerk of Council

27. [202100603](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Paul Douglas VonderMeulen/Greater Cincinnati Water Works/IT Manager.

Recommendation FILE

Sponsors: Clerk of Council

28. [202100604](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Nicollette Marie Staton/Office of Performance & Data Analytics, Director.

Recommendation FILE

Sponsors: Clerk of Council

29. [202100605](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Samuel Jonathan Stephens/Finance/Division Manager (Debt Manager).

Recommendation FILE

Sponsors: Clerk of Council

30. [202100606](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Cheryl Drexler Watson/Finance/Division Manager.

Recommendation FILE

Sponsors: Clerk of Council

31. [202100607](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Roy Edward Winston/Fire/Fire Chief.

Recommendation FILE

Sponsors: Clerk of Council

32. [202100608](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Emily Smart Woerner/Deputy City Solicitor.

Recommendation FILE

Sponsors: Clerk of Council

33. [202100609](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Charles H. Gerhardt, III, President & CEO, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202.

Recommendation FILE

Sponsors: Clerk of Council

34. [202100610](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Alison C. Trianfo, Operations Manager, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202.

Recommendation FILE

Sponsors: Clerk of Council

35. [202100611](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent James T. Benedict, Vice President, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202.

Recommendation FILE

Sponsors: Clerk of Council

36. [202100612](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Alana M. Tucker, Senior Associate, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202.

Recommendation FILE

Sponsors: Clerk of Council

37. [202100613](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Anne Sesler, Senior Advisor, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202.

Recommendation FILE

Sponsors: Clerk of Council

38. [202100614](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent J. Douglas Moormann, Vice President, Development Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202.
Recommendation FILE
Sponsors: Clerk of Council
39. [202100615](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Richard J. Merz III/Parks Division Manager.
Recommendation FILE
Sponsors: Clerk of Council
40. [202100616](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jennifer Bush Mackenzie/Department of Economic Inclusion/Interim Director.
Recommendation FILE
Sponsors: Clerk of Council
41. [202100617](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Christopher Andrew Bigham/Assistant City Manager.
Recommendation FILE
Sponsors: Clerk of Council
42. [202100618](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Deborah W Allison/Finance Manager.
Recommendation FILE
Sponsors: Clerk of Council
43. [202100619](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Beverly Marie Nussman/City Manager - Retirement/Finance Manager.
Recommendation FILE
Sponsors: Clerk of Council

BUDGET AND FINANCE COMMITTEE

44. [202100463](#) **REPORT**, dated 2/3/2021, submitted by Paula Boggs Muething, City Manager, regarding Transit Corridor Zoning Study Plan. (SEE REFERENCE DOC #202002127)
Recommendation APPROVE & FILE
Sponsors: City Manager
45. [202100466](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 2/3/2021, **Establishing** new capital improvement program project account no. 980x195x211920, "Reeves Driving Range Reconstruction"; and AUTHORIZING the transfer and appropriation of \$775,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to newly established capital improvement program project account no. 980x195x211920, "Reeves Driving Range Reconstruction," for the

purpose of reconstructing the Reeves Driving Range.

Recommendation PASS

Sponsors: City Manager

46. [202100467](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 2/3/2021, **AUTHORIZING** the payment of \$90,398.36 from the Finance Department's non-personnel operating budget account no. 151x134x0000x7289 as a moral obligation to Nuveen Asset Management, LLC for investment management and investment advisory services provided to the City of Cincinnati.

Recommendation PASS EMERGENCY

Sponsors: City Manager

47. [202100468](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 2/3/2021, **AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc., granting a utility easement over a portion of City-owned property generally located at 2026 Seymour Avenue in the Roselawn neighborhood of Cincinnati.

Recommendation PASS

Sponsors: City Manager

48. [202100562](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 2/3/2021, **AUTHORIZING** the establishment of new capital improvement program project account no. 980x164x211638, "E. Freedom Way Public Improvements - TIF," for the purpose of providing resources to facilitate the construction of various public improvements related to the closure of a portion of East Freedom Way and creation of a pedestrian plaza; **AUTHORIZING** the transfer and appropriation of \$150,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to newly established capital improvement program project account no. 980x164x211638, "E. Freedom Way Public Improvements - TIF," for the purpose of providing resources to facilitate the construction the various public improvements related to the closure of a portion of East Freedom Way and creation of a pedestrian plaza including, but not limited to, removable bollards placed in the street to prevent vehicular access to the area and minor electrical work to provide power to the area; **DECLARING** expenditures from capital improvement program project account no. 980x164x211638, "E. Freedom Way Public Improvements - TIF," to be for a public purpose because the projects will foster local improvements and investment and increase neighborhood vitality.

Recommendation PASS EMERGENCY

Sponsors: City Manager

49. [202100574](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 2/3/2021, **REPEALING AND REPLACING** Ordinance No.23-2021, passed by Cincinnati City Council on January 21, 2021, in order

to APPROVE an application for the creation of a designated outdoor refreshment area to be known as the "DORA at The Banks," pursuant to Chapter 838 of the Cincinnati Municipal Code, "Outdoor Refreshment Areas," and to AUTHORIZE the City Manager to take all necessary and proper actions to provide for the operation and maintenance of the designated outdoor refreshment area.

Recommendation PASS EMERGENCY

Sponsors: City Manager

SUPPLEMENTAL ITEMS

EDUCATION, INNOVATION & GROWTH COMMITTEE

50. [202002233](#) **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Smitherman, from Andrew W. Garth, Interim City Solicitor, **TO SUBMIT** to the electors of the City of Cincinnati an amendment to the Charter of the City to prohibit council members from revising their successor designation certificates subsequent to being indicted for a felony or the filing of criminal charges relating to official conduct against them by amending Article II, Section 4b and repealing existing Section 4b of Article II; and to require the appointment of a special prosecutor by the City Solicitor in the event of an action under Ohio law to remove a member of Council where a member of council has been indicted for a felony or a criminal complaint has been filed against a member for charges relating to official conduct by amending Article IV by enacting new Section 5b.

Recommendation PASS EMERGENCY

Sponsors: Smitherman

51. [202100217](#) **MOTION**, submitted by Councilmember Kearney, **WE MOVE** for the city administration to encourage city department leadership and city administration officials to participate in the Groundwater Training provided by the Greater Cincinnati Foundation's All in Cincinnati coalition. The Greater Cincinnati Foundation is providing the training to the City at no cost and can accommodate up to 50 participants. **WE FURTHER MOVE** for the city administration to urge all department heads to participate and to select a designee(s) to attend along with them. (STATEMENT ATTACHED).

Recommendation ADOPT

Sponsors: Kearney

52. [202100629](#) **ORDINANCE (EMERGENCY) (VERSION B)** submitted by Councilmember Sundermann, from Andrew W. Garth, Interim City Solicitor, **TO SUBMIT** to the electors of the City of Cincinnati an amendment to the Charter of the City to provide for the suspension of members of City Council upon the filing of an indictment or the filing of certain criminal charges, but before a conviction; to provide for the removal of members of City Council upon the conviction of or guilty plea to certain criminal charges; to require ethics training for council members within 60 days of taking the oath of office; to prohibit council members from revising their successor designation certificates subsequent to being indicted for a state or federal felony or the filing of certain criminal charges against them; and to clarify details regarding successor designation

certificates, by amending Section 4b and enacting new Sections 4c, 4d, and 4e of Article II, and repealing existing Section 4b.

Recommendation PASS EMERGENCY

Sponsors: Sundermann

53. [202100637](#) **ORDINANCE (EMERGENCY) (VERSION C)** submitted by Councilmember Sundermann, from Andrew W. Garth, Interim City Solicitor, **TO SUBMIT** to the electors of the City of Cincinnati an amendment to the Charter of the City to provide for the suspension of members of City Council upon the filing of an indictment or the filing of certain criminal charges related to conduct in the performance of City Council duties, but before a conviction; to provide for the removal of members of City Council upon the conviction of or guilty plea to certain criminal charges related to conduct in the performance of City Council duties; to require ethics training for council members within 60 days of taking the oath of office; to prohibit council members from revising their successor designation certificates subsequent to being indicted for a state or federal felony related to conduct in the performance of City Council duties; and to clarify details regarding successor designation certificates, by amending Section 4b and enacting new Sections 4c, 4d, and 4e of Article II, and repealing existing Section 4b.

Recommendation PASS EMERGENCY

Sponsors: Sundermann

ANNOUNCEMENTS

Adjournment