



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



Jan-Michele Lemon Kearney
Councilmember

MOTION

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.

Councilmember Jan-Michele Lemon Kearney

STATEMENT

Several hundred jurisdictions have inclusionary zoning (IZ) ordinances in order to address the lack of affordable housing (huduser.gov). We are asking for a report and recommendations on creating a mandatory inclusionary zoning (IZ) ordinance that would require developers of market-rate commercial housing developments to make a certain predetermined percentage of the units in the new project affordable to households earning 60% or less of the Area Median Income, in exchange for valuable incentives such as increased density allowances, commercial tax abatements, TIFs, and other municipal benefits. As the U.S. Department of Housing & Urban Development observed, “[t]his integration of affordable units into market-rate projects creates opportunities for households with diverse socioeconomic backgrounds to live in the same developments and have access to the same types of community services and amenities [and] because[,] it leverages private-sector development, IZ requires fewer direct public subsidies than do many other state and federal programs that promote mixed-income communities” (U.S. Department of Housing & Urban Development, *Evidence Matters*, Spring 2013).

It is important to get public comment from many stakeholders including affordable housing advocates, community councils, developers, builders, the business community, and others. This ordinance will have a positive effect on developers as it sets forth clear requirements in advance of the planning process. It is imperative that developers can plan, estimate costs, and accurately calculate their profit. The inclusionary zoning ordinance also allows for density exceptions which increase profitability for developers.

Finally, promoting inclusionary zoning will have the added effect of making our neighborhoods more diverse so that Cincinnati will move away from being the 5th most segregated city in America and become a place of inclusion and growth for all.



202100599

Jan-Michele Lemon Kearney
Councilmember

MOTION

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 FURHTER 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 things like lighting, transportation, weather, air quality, and water level monitoring—turning collected information into actionable insights that allow communities to make proactive and informed decisions.

Councilmember Jan-Michele Lemon Kearney

STATEMENT

More than 80 percent of local governments have implemented smart city technology, according to a recent national Center for Digital Government survey conducted in 2020. Nearly half (49%) are taking an enterprise-wide approach to smart city initiatives, while one-third (33%) are implementing them in one or more departments. One of many forces driving the implementation of smart city technologies is the proliferation of Internet of Things (IoT) devices. Sensors, cameras and other smart devices that can compute on the “edge” of networks are all contributing to more intelligent infrastructure.

Another factor is that smart city technologies make possible many of governments' other priorities — and the priorities of residents. Government leaders can leverage insights from smart city initiatives to improve operations and break down silos among departments or agencies. Real-time information can improve the responsiveness and flexibility of government services. For residents, having actionable information about city services, traffic and safety issues improves their daily lives. Businesses benefit from a better understanding of when and why people move through their communities, sparking economic development efforts.

For these reasons, we look forward to gaining a better understanding of the various activities, programs and initiatives planned and already underway that contribute to the continuation of Cincinnati's progress towards becoming a smart, thriving 21st century city of the future.



Jan-Michele Lemon Kearney
Councilmember

202100627

MOTION

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).

Councilmember Jan-Michele Lemon Kearney

7-81001502

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SECRET

ST/SGSM/1997/11-12/Rev.1
Annex to the Report of the Secretary-General on the
Implementation of the Declaration on the Granting of
Independence to Colonial Countries and Peoples

Annex to the Report of the Secretary-General on the
Implementation of the Declaration on the Granting of
Independence to Colonial Countries and Peoples

SECRET

United Nations

202100592



February 3, 2021

Motion

WE MOVE: that in addition to this request received from the Administration

WE MOVE: the 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

Recently, the F.B.I. and the U.S. Attorney's office filed three indictments against sitting members of our Council. The U.S. Attorney's Office stated emphatically that there's a cultural corruption within our city government. Recently, we have received an open letter to Mayor Cranley and City Manager Paula Boggs-Muething from a citizen from OTR, Danny Klinger stating inter alia that the Mayor is involved with negotiating development deals. For many of us, this is not the first time that we've heard the Mayor is involved with negotiating development deals.

It is a long-standing principle that our City Manager is solely responsible for the negotiations of development contracts. Under our Charter, this responsibility is a safeguard so that neither the Mayor nor members of City Council are able to influence the negotiations of development contracts but allowing our City Manager to perform his role without any political influence.

Given the most recent indictments and what appears to be widespread belief among many of our citizens that corruption exist beyond the indicted councilmembers, we should take every step to preserve the authority of the City Manager without the Mayor or members of City Council to ensure and restore faith in the actions of the government.

Councilmember Wendell Young

300/1000

100-100

100-100

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100-100

100-100

Date: February 10, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager
Subject: **Liquor License – New**

202100196

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

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

APPLICATION: 51697480055
PERMIT TYPE: NEW
CLASS: D2
NAME: LEVY PREMIUM FOODSERVICE LP
DBA: NONE LISTED
1501 CENTRAL PKWY
CINCINNATI, OH 45214

On December 11, 2020 West End Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 13, 2020

February 10, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager
Subject: City Department Staffing Needs

202100561

REFERENCE DOCUMENT # 202100047

On January 21, 2021 the City Council referred the following for a report:

MOTION, submitted by Vice Mayor Smitherman, WE MOVE that the City Manager provide a report identifying any city department that may need additional staff hires and/or resources to meet the current workload.

REPORT

Each General Fund department will be making a FY 2022-2023 Biennial Operating Budget presentation to the Budget and Finance Committee at meetings to be held in February and March 2021. Departments will specifically include personnel related significant budget issues related to staffing and workload as part of their presentations. Furthermore, departments can request additional staff as part of the FY 2022-2023 Biennial Operating Budget development process for potential inclusion in the Approved Budget. This information will appear in the department summary pages in the Departmental Budgets section of the budget document as budget exceptions.

cc: Christopher A. Bigham, Assistant City Manager

Date: February 10, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager
Subject: **Liquor License – Temporary (F8)**

202100564

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

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

APPLICATION: 9932398
PERMIT TYPE: TEMP
CLASS: F8
NAME: ZIEGLER PARK LLC
DBA: NONE LISTED
BLOCKED AREA BOUNDED BY
E 14TH ST BROADWAY ST SYCAMORE ST
E 13TH ST YUKON ST WOODWARD ST &
GOETZ ALLEY
CINCINNATI, OH 45202

On December 29, 2020 Over-the-Rhine Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: February 17, 2021

Date: February 10, 2021

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager
Subject: **Liquor License – Temporary (F8)**

202100565

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

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

APPLICATION: 28434220006
PERMIT TYPE: TEMP
CLASS: F8
NAME: FOUNTAIN SQUARE MANAGEMENT GROUP
DBA: NONE LISTED
520 VINE & 5TH FRM VINE-WALNUT & VINE
FRM 5TH – S OF GARAGE ENTERANCE
317 E FIFTH ST
CINCINNATI, OH 45202

On January 4, 2021 Downtown Residents Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: February 17, 2021

Date: February 10, 2021

To: Mayor and Members of City Council

202100577

From: Paula Boggs Muething, City Manager

Subject: VENDING LEASE FEE ADJUSTMENTS

Reference Document #202100002

The Council at its session on January 21, 2021 passed the following item requesting a report:

MOTION, submitted by Councilmember Landsman, Due to a dramatic decrease in attendance at sports events and concerts, arena vendors are making significantly less than they would in a regular season unaffected by the pandemic. To better understand how we can help, WE MOVE that the Administration provide a report on the impact of a vending lease fee freeze until the arenas resume to full capacity.

In late 2020, the Department of Transportation and Engineering (DOTE) re-evaluated fees for the Sidewalk Vending Program to assist vendors whose sales were severely impacted by the reduction or cancellation of professional sports and other events (Bengals, Reds, etc.) resulting from the COVID-19 pandemic during CY2020.

DOTE issued 23 permanent vendor licenses for CY2020, which generated approximately \$10,000 in fee revenue. In December 2020, DOTE submitted and the City Manager approved a plan to provide sidewalk vendors who paid for a CY2020 permanent vending license with a no-cost permanent vending license for CY2021.

Assuming all 23 vendors apply for the no-cost license in CY2021, this plan will reduce revenues by approximately \$10,000 and will be in effect through CY2021. If there is a material reduction in events for CY2021, the City will evaluate the provision of a no-cost CY2022 license to these same vendors.

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

Date: February 10, 2021

To: Mayor and Members of City Council

202100585

From: Paula Boggs Muething, City Manager

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

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

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

APPLICATION: 4316053
PERMIT TYPE: TRFO
CLASS: D5J D6
NAME: JOCHA ENTERPRISE LLC
DBA: NONE LISTED
1739 ELM ST 1ST FL & BSMT
CINCINNATI, OH 45202

The Department of Buildings & Inspections has not responded with their investigation as of today's date.

On December 29, 2020 Over-the-Rhine Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: February 17, 2021

February 10, 2021

To: Mayor and Members of City Council **202100593**
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – Parks Operations Center

Attached is an Emergency Ordinance captioned:

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.”

Approval of this Emergency Ordinance authorizes 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. A new federal facility for the National Institute for Occupational Safety and Health is being developed on a site that includes the Parks Operations Center on Reading Road. The Cincinnati Board of Park Commissioners has agreed to a sale of this property, with conditions; thus, a replacement facility must be designed and constructed within 21 months of the closure of the existing facility.

This Emergency Ordinance also authorizes 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.”

This project is in accordance with the “Compete” goals to “Foster a climate conducive to growth, investment, stability, and opportunity,” and to “Grow our own by focusing on retention, expansion and relocation of existing businesses,” as described on pages 101-107 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to transfer the funding necessary to avoid disruption in the activity of the Park Board and Parks Department by having a new facility designed as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

CFG

-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."

WHEREAS, a new federal facility for the National Institute for Occupational Safety and Health is being developed on a site that includes the Parks Operations Center on Reading Road; and

WHEREAS, the Cincinnati Board of Park Commissioners has agreed to a sale of this property, with conditions; and therefore, a replacement facility must be designed and constructed within twenty-one months of the closure of the existing facility; and

WHEREAS, the Parks Operations Center project is in accordance with the "Compete" goals to "Foster a climate conducive to growth, investment, stability, and opportunity," and to "Grow our own by focusing on retention, expansion and relocation of existing businesses," as described on pages 101-107 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. 980x203x212006, "Parks Operations Center," is hereby established for the purpose of providing resources for the Parks Operations Center replacement facility.

Section 2. That the City Manager is hereby authorized to transfer and appropriate \$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" for the purpose of providing resources for the Parks Operations Center replacement facility.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to transfer the funding necessary to avoid disruption in the activity of the Park Board and Parks Department by having a new facility designed as soon as possible.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: February 10, 2021

202100594

To: Mayor and Members of City Council
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE – VACATION AND SALE OF A PORTION OF LANG STREET

Attached is an ordinance captioned as follows:

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.

David G. Bird owns property that abuts a 0.1033-acre portion of Lang Street in Mt. Auburn. He would like to purchase this abutting portion of Lang Street for incorporation into his adjoining property. Mr. Bird has obtained the written consent of all necessary abutters to the City's vacation and sale of the property.

The property is not needed for transportation or other municipal purposes.

The approximate fair market value of the property is \$4,500, which Mr. Bird has agreed to pay.

The City Planning Commission approved the vacation and sale of the property at its meeting on October 23, 2020.

The Administration recommends passage of the attached ordinance.

Attachment I – Property Sale Agreement

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

City of Cincinnati

- 2021

An Ordinance No. _____

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.

WHEREAS, the City of Cincinnati owns approximately 0.1033 acres of real property designated as public right-of-way commonly known as Lang Street, as more particularly depicted and described in the *Property Sale Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the "Property"), which Property is under the management and control of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, David G. Bird ("Petitioner") owns an adjoining property and desires to purchase the Property from the City for incorporation into Petitioner's adjoining property; and

WHEREAS, Eric J. Fernandez, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that (i) Petitioner, the City, Donna Lee Robertson, f/k/a Donna Lee Heustis, and Cure Properties, LLC, an Ohio limited liability company, are the owners of all of the property that abuts the Property; and (ii) Petitioner has obtained the written consent of all necessary abutters to the City's vacation and sale of the Property to Petitioner; and

WHEREAS, pursuant to Section 723.04, Ohio Revised Code, the City may, upon petition, vacate a street or alley if it has determined that there is good cause for the vacation and that the vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Section 331-1, Cincinnati Municipal Code, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City's Real Estate Services Division has determined, by professional appraisal, that the approximate fair market value of the Property is \$4,500, which Petitioner has agreed to pay; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation and sale of the Property at its meeting on October 23, 2020; 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 vacate and sell to David G. Bird (“Petitioner”) an approximately 0.1033 acre portion of the public right-of-way known as Lang Street in Cincinnati, as more particularly described as follows (the “Property”):

Situated in Section 13, Town 3, Fractional Range 2, Miami Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows: Commencing at the north west corner of Lot 40 of Dorsey Red Subdivision, as recorded in Deed Book 82, Page 418 of the Hamilton County Recorder's Office; said point lies at the intersection of the East line of Lang Street with the South line of Goethe Street; THENCE leaving the south line of Goethe Street, along the east line of Lang Street, South 45 degrees 04 minutes 43 seconds West for a distance of 90.00 feet to the North line of Seitz Street; THENCE leaving the east line of Lang Street, along the extension of the North line of Seitz Street, North 45 degrees 15 minutes 00 seconds West for a distance of 50.00 feet, to the west line of Lang Street; THENCE with the west line of Lang Street, North 45 degrees 04 minutes 43 seconds East for a distance of 90.00 feet to the south line of Goethe Street; THENCE with the south line of Goethe Street, South 45 degrees 15 minutes 00 seconds East for a distance of 50.00 feet to the place of beginning. Containing in all 0.1033 acres more or less.

Section 2. That the Property is not needed for transportation or other municipal purposes, that there is good cause to vacate and sell the Property, and that such vacation and sale will not be detrimental to the general interest.

Section 3. That the fair market value of the Property, as determined by appraisal by the City's Real Estate Services Division, is approximately \$4,500, which Petitioner has agreed to pay.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because Petitioner owns adjoining real property and has obtained the written consent of all abutters to the Property, and as a practical matter, only an abutting property owner would have any practical use for the Property.

Section 5. That the proceeds from the sale of the Property, if any, 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 amount thereof into Miscellaneous Permanent Improvement Fund 757.

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

Section 7. That, pursuant to Section 723.041, Ohio Revised Code, any affected public utility shall be deemed to have a permanent easement in the Property for the purpose of maintaining, operating, renewing, reconstructing, and removing its utility facilities and for purposes of access to said facilities.

Section 8. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including, without limitation, executing any and all ancillary agreements, deeds, plats, and other documents to facilitate the vacation and sale of the Property to Petitioner, without limitation to executing the *Property Sale Agreement* in substantially the form attached to this ordinance as Attachment A.

Section 9. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the land records of Hamilton County, Ohio.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

Contract No. _____

Property: Lang Street

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 **DAVID G. BIRD**, whose tax mailing address is 3631 Emery Lake Lane, Mason, OH 45040 ("**Purchaser**").

Recitals:

A. The City owns a 0.1033 acre tract of land dedicated as public right-of-way known as Lang Street in the Mt. Auburn neighborhood of Cincinnati, Ohio, as depicted on Exhibit A (Survey Plat) and described on Exhibit B (Quitclaim Deed) hereto (the "**Sale Property**"). The Sale Property is under the management and control of the City's Department of Transportation and Engineering ("**DOTe**").

B. Purchaser owns adjoining property that abuts the Sale Property, as depicted on Exhibit A hereto ("**Purchaser's Property**"). Purchaser has petitioned the City to vacate the Sale Property as public right-of-way and seeks to purchase it from the City.

C. Eric J. Fernandez, Esq., a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney's Certificate of Title dated July 20, 2020, certifying that (i) the City, Purchaser, Donna Lee Robertson, unmarried, f/k/a Donna Lee Heustis, and Cure Properties, LLC, an Ohio limited liability company, are the owners of all the real property abutting the Sale Property, and (ii) the written consent of all necessary abutters to the City's vacation and sale of the Sale Property to Purchaser, a copy of which is attached as Exhibit C (Attorney's Certificate of Title) hereto.

D. Pursuant to Ohio Revised Code Chapter 723, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets and alleys if it has determined that the property is not needed for municipal purposes.

E. The City has determined that the Sale Property is not needed for transportation or any other municipal purpose and that the sale of the Sale Property will not be detrimental to the public interest.

F. The City's Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Sale Property is \$4,500.00, which Purchaser is willing to pay.

G. The City has determined that eliminating competitive bidding in connection with the City's sale of the Sale Property is justified because Purchaser owns property that abuts the Sale Property, all other abutting property owners consent to the City's vacation and sale of the Sale Property, and as a practical matter no one other than an abutting property owner would have any use for it.

H. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to Developer at its meeting on October 23, 2020.

J. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. []-202_, passed on [], 2020.

NOW, THEREFORE, 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 \$4,500 (the "Purchase Price"). 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" condition. The City makes no representations or warranties to Purchaser with respect to 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.

2. **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 (the "Conditions"); *provided, however,* that if the City, in its sole discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, 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 shall obtain and prepare all necessary documents pertaining to the satisfaction of 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;
- (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 pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;
- (iii) **Plats and Legal Descriptions:** Purchaser shall have provided the City with all plats and legal descriptions as required by DOTE, the City Planning Department, and the Hamilton County Auditor and Recorder in connection with the City's vacation and sale of the Sale Property;
- (iv) **Abutter's Interests:** Purchaser shall have provided the City with an attorney's certificate of title certifying the names of all abutters to the Sale Property.
- (v) **Coordinated Report Conditions (CR #10-2020):**
 - (a) **DOTE:**
 - (i) The existing utilities must be granted easements or relocated at petitioner's expense.
 - (ii) Abutting property owners must agree to the sale in writing.
 - (iii) No Auditor's parcels shall be landlocked by this vacation/sale. If possible, potential landlocked parcels should be consolidated with parcels having legal street frontage.
 - (iv) The petitioner is required, at their expense, to provide the City with an acceptable legal description for the sale area that meets the recordable standards of the Hamilton County Recorder's Office.
 - (v) Goethe and Seitz Streets must be closed off with a curb, sidewalk, and/or drive approach.

(vi) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

(b) **MSD**: A 20' wide minimum permanent Metropolitan Sewer District of Greater Cincinnati ("**MSDGC**") sewer easement will be necessary. Depending on the actual field location of the existing sewer with respect to the location of the Lang St. right of way, the 20' wide easement will need to be measured from the existing northwest Lang St. right of way. The permanent sewer easement will be necessary for access, operations, and maintenance for the existing sewer and manhole. Note, an additional 3' will be necessary measured from the permanent easement, along with other MSDGC restrictions, as outlined per MSDGC Rules and Regulations Section 207. No structure which can interfere with the access to the public sewer or can exert loading upon a public sewer per MSDGC Rules and Regulations Section 206.

(c) **B&I**: Purchaser shall consolidate the Sale Property with its adjoining property following the Closing.

(B) **Right to Terminate**. If either party determines, after exercising reasonable good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period of time, 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 of 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 **90 days** after 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) Purchaser shall pay the Purchase Price in full, and (ii) the City shall convey all of its right, title and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of **Exhibit B**. 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 any and all other customary closing documents that are necessary for the Closing, in such forms as are 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, it being acknowledged by Purchaser 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 any and 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.

3. 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 send 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.

4. 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 has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed and delivered by Purchaser and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Purchaser.

(ii) Purchaser's execution, delivery and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or 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.

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

(iv) 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.

(v) 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.

(vi) Purchaser does not owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

5. General Provisions.

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

(B) Amendments. This 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 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.

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

Exhibit A – *Survey Plat*

Exhibit B – *Form of Quit Claim Deed*

Exhibit C – *Attorney's Certificate of Title*

[signature pages follow]

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

DAVID G. BIRD

Date: _____, 2021

[City signatures on the following page]

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

Recommended by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A
to Property Sale Agreement

SURVEY PLAT

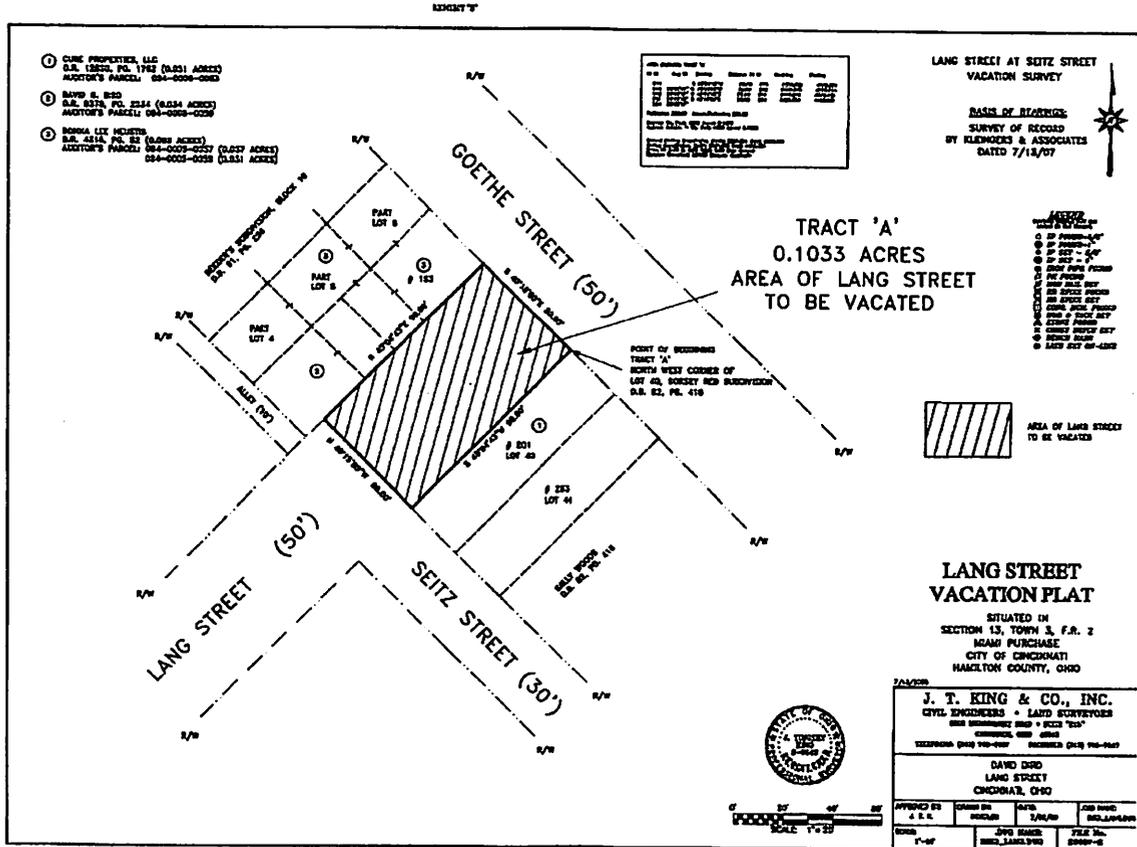


EXHIBIT B
to Property Sale Agreement
FORM OF QUIT CLAIM DEED

----- space above for recorder -----

QUITCLAIM DEED
(Portion of Lang Street)

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "**City**"), for valuable consideration paid, hereby grants and conveys to **DAVID G. BIRD**, whose tax mailing address is 3631 Emery Lake Lane, Mason, OH 45040, ("**Grantee**"), all of the City's right, title and interest in and to the real property depicted on Exhibit A (*Survey Plat*) and described on Exhibit B (*Legal Description*) hereto (the "**Property**").

Property Address:	None; certain portions of former public right-of-way known as Lang Street.
Auditor's parcels:	None (former public right-of-way)
Prior instrument reference:	None (former public right-of-way)

Pursuant to Ohio Revised Code Chapter 723 and Ordinance No. ___-2021, passed by Cincinnati City Council on _____, 2021, the Property is hereby vacated as public right-of-way by the City.

(A) Creation of Utility Easement: This conveyance is subject to R.C. Section 723.041 so that any affected public utility shall be deemed to have a permanent easement in such vacated portions of Lang Street for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purposes of access to said facilities.

(B) Utility Easement for Sanitary Sewers: The City hereby reserves and creates a permanent easement 10 feet on either side of the centerline of an existing sanitary sewer line for the operation, maintenance, repair, and replacement of such facilities, including access thereto (the "**Sewer Easement**"). Unless otherwise approved by the City in writing, Grantee, its successors and assigns, shall not place or permit to be placed within, or within a three-foot buffer area of, the Sewer Easement area any structures or other improvements, except that landscaping, paving and other minor improvements shall be permitted. If the City determines that improvements placed within the easement area interfere with the City's easement rights, the City may remove such improvements at Grantee's expense. Under no circumstances shall the City or its contractors be liable for any damage to improvements placed within the easement area. Following the relocation of any existing sanitary sewers in such vacated portion of the public right-of-way to the satisfaction of the City, upon Grantee's request, the City shall execute and deliver to Grantee a recordable release, for recording in the Hamilton County Recorder's Office, at Grantee's cost.

This conveyance was authorized by Ordinance No. ___-2021, passed by Cincinnati City Council on _____, 2021.

Executed on _____, 2021.

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ___ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgment. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

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

Exhibit A
to Quitclaim Deed
Survey Plat

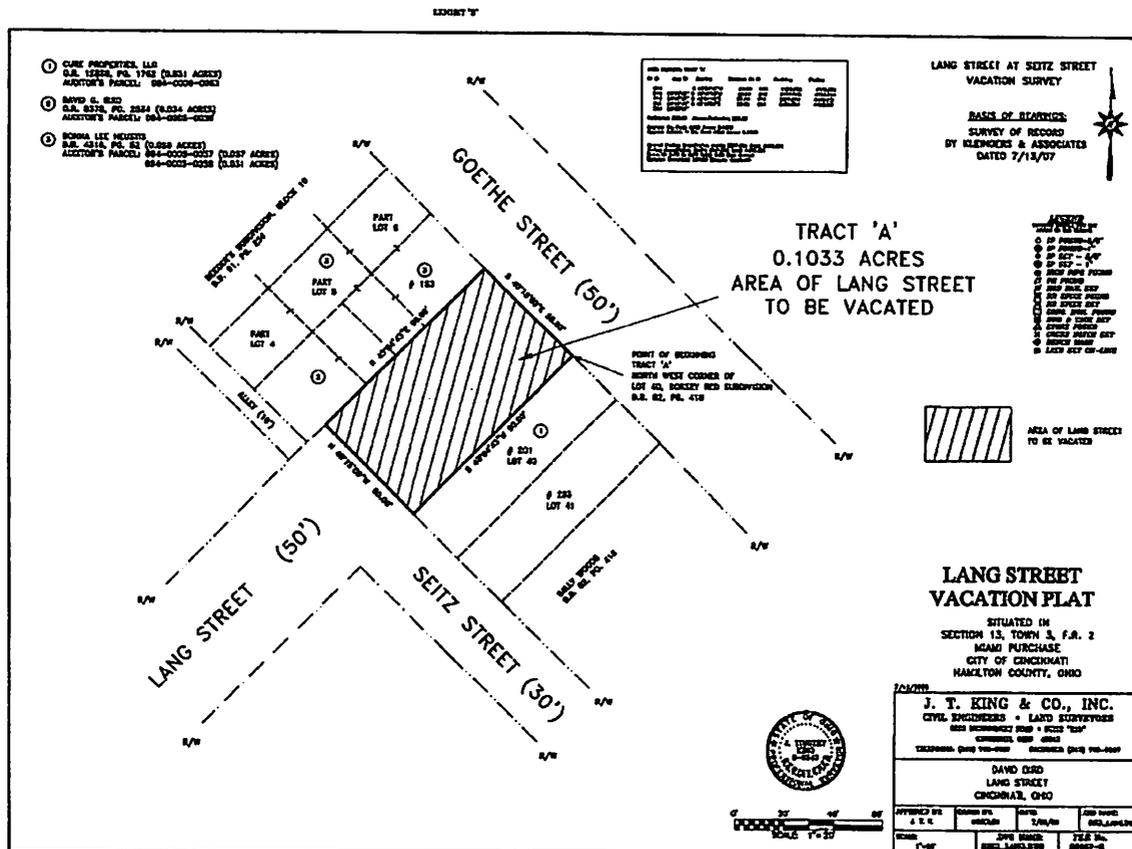


Exhibit B
to Quitclaim Deed
Legal Description

LEGAL DESCRIPTION
TRACT 'A'
0.1033 ACRES

Situated in Section 13, Town 3, Fractional Range 2, Miami Purchase, City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

Commencing at the north west corner of Lot 40 of Dorsey Red Subdivision, as recorded in Deed Book 82, Page 418 of the Hamilton County Recorder's Office; said point lies at the intersection of the East line of Lang Street with the South line of Goethe Street;

THENCE leaving the south line of Goethe Street, along the east line of Lang Street, South 45 degrees 04 minutes 43 seconds West for a distance of 90.00 feet to the North line of Seitz Street;

THENCE leaving the east line of Lang Street, along the extension of the North line of Seitz Street, North 45 degrees 15 minutes 00 seconds West for a distance of 50.00 feet, to the west line of Lang Street;

THENCE with the west line of Lang Street, North 45 degrees 04 minutes 43 seconds East for a distance of 90.00 feet to the south line of Goethe Street;

THENCE with the south line of Goethe Street, South 45 degrees 15 minutes 00 seconds East for a distance of 50.00 feet to the place of beginning;

Containing in all 0.1033 acres more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated July 09, 2020, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

Exhibit C
to Property Sale Agreement
Attorney Certificate of Title

ATTORNEY'S CERTIFICATE OF TITLE

(purchase of public right-of-way)

DAVID G. BIRD ("Petitioner"), whose address is 1905 Lang St. Cincinnati, OH 45202, has requested to purchase a portion of the public right-of-way known as Lang Street, Cincinnati, Ohio 45202 between Seitz Street and Goethe Street as more particularly described in Exhibit "A" hereto (the "property").

NAMES OF ABUTTING OWNERS

Parcel(s) owned (address/Parcel ID.

DAVID G. BIRD, Petitioner/Purchaser

Owner of abutting Lot(s) located at:
1905 Lang St. Cincinnati, OH 45202
PART LOTS 4-5 REEDERS SUB
Parcel # 094-0005-0059-00
Per Deed Recorded at:
See Attached Exhibit "B".

DONNA LEE ROBERTSON, Unmarried (F/K/A DONNA LEE HEUSTIS)

Owner of abutting Lot(s) located at:
153 Goethe St., Cincinnati, OH 45202
PART LOTS 5-6 REEDERS SUB
Parcel # 094-0005-0058-00
Per Deed Recorded at:
See Attached Exhibit "C"

**CURE PROPERTIES, LLC,
(An Ohio Limited Liability Company)**

Owner of abutting Lot(s) located at:
201 Goethe St., Cincinnati, OH 45202
LOT 40 DORSEY RED SUB
Parcel # 094-0006-0053-00
Per Deed Recorded at:
See Attached Exhibit "D"

Cincinnati, Ohio July 16 , 2020.

I, the undersigned attorney at law, practicing in Hamilton County, Ohio hereby certify that the above Petitioner(s) and the above listed owner(s) is/are all of the owner(s) of the land abutting on the Property.


ERIC J. FERNANDEZ
Attorney at Law
Ohio Attorney Registration No. 0067104

Contract No. _____

Property: Lang Street

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 **DAVID G. BIRD**, whose tax mailing address is 3631 Emery Lake Lane, Mason, OH 45040 ("**Purchaser**").

Recitals:

A. The City owns a 0.1033 acre tract of land dedicated as public right-of-way known as Lang Street in the Mt. Auburn neighborhood of Cincinnati, Ohio, as depicted on Exhibit A (Survey Plat) and described on Exhibit B (Quitclaim Deed) hereto (the "**Sale Property**"). The Sale Property is under the management and control of the City's Department of Transportation and Engineering ("**DOT**").

B. Purchaser owns adjoining property that abuts the Sale Property, as depicted on Exhibit A hereto ("**Purchaser's Property**"). Purchaser has petitioned the City to vacate the Sale Property as public right-of-way and seeks to purchase it from the City.

C. Eric J. Fernandez, Esq., a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney's Certificate of Title dated July 20, 2020, certifying that (i) the City, Purchaser, Donna Lee Robertson, unmarried, f/k/a Donna Lee Heustis, and Cure Properties, LLC, an Ohio limited liability company, are the owners of all the real property abutting the Sale Property, and (ii) the written consent of all necessary abutters to the City's vacation and sale of the Sale Property to Purchaser, a copy of which is attached as Exhibit C (Attorney's Certificate of Title) hereto.

D. Pursuant to Ohio Revised Code Chapter 723, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets and alleys if it has determined that the property is not needed for municipal purposes.

E. The City has determined that the Sale Property is not needed for transportation or any other municipal purpose and that the sale of the Sale Property will not be detrimental to the public interest.

F. The City's Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Sale Property is \$4,500.00, which Purchaser is willing to pay.

G. The City has determined that eliminating competitive bidding in connection with the City's sale of the Sale Property is justified because Purchaser owns property that abuts the Sale Property, all other abutting property owners consent to the City's vacation and sale of the Sale Property, and as a practical matter no one other than an abutting property owner would have any use for it.

H. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to Developer at its meeting on October 23, 2020.

J. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. [____]-202_, passed on [____], 2020.

NOW, THEREFORE, 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 \$4,500 (the "**Purchase Price**"). 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" condition. The City makes no representations or warranties to Purchaser with respect to 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.

2. **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 (the "**Conditions**"); *provided, however,* that if the City, in its sole discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, 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 shall obtain and prepare all necessary documents pertaining to the satisfaction of 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;
- (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 pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;
- (iii) **Plats and Legal Descriptions:** Purchaser shall have provided the City with all plats and legal descriptions as required by DOTE, the City Planning Department, and the Hamilton County Auditor and Recorder in connection with the City's vacation and sale of the Sale Property;
- (iv) **Abutter's Interests:** Purchaser shall have provided the City with an attorney's certificate of title certifying the names of all abutters to the Sale Property.
- (v) **Coordinated Report Conditions (CR #10-2020):**
 - (a) **DOTE:**
 - (i) The existing utilities must be granted easements or relocated at petitioner's expense.
 - (ii) Abutting property owners must agree to the sale in writing.
 - (iii) No Auditor's parcels shall be landlocked by this vacation/sale. If possible, potential landlocked parcels should be consolidated with parcels having legal street frontage.
 - (iv) The petitioner is required, at their expense, to provide the City with an acceptable legal description for the sale area that meets the recordable standards of the Hamilton County Recorder's Office.
 - (v) Goethe and Seitz Streets must be closed off with a curb, sidewalk, and/or drive approach.

(vi) A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

(b) MSD: A 20' wide minimum permanent Metropolitan Sewer District of Greater Cincinnati ("**MSDGC**") sewer easement will be necessary. Depending on the actual field location of the existing sewer with respect to the location of the Lang St. right of way, the 20' wide easement will need to be measured from the existing northwest Lang St. right of way. The permanent sewer easement will be necessary for access, operations, and maintenance for the existing sewer and manhole. Note, an additional 3' will be necessary measured from the permanent easement, along with other MSDGC restrictions, as outlined per MSDGC Rules and Regulations Section 207. No structure which can interfere with the access to the public sewer or can exert loading upon a public sewer per MSDGC Rules and Regulations Section 206.

(c) B&I: Purchaser shall consolidate the Sale Property with its adjoining property following the Closing.

(B) Right to Terminate. If either party determines, after exercising reasonable good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period of time, 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 of 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 **90 days** after 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) Purchaser shall pay the Purchase Price in full, and (ii) the City shall convey all of its right, title and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of Exhibit B. 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 any and all other customary closing documents that are necessary for the Closing, in such forms as are 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, it being acknowledged by Purchaser 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 any and 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.

3. 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 send 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.

4. 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 has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed and delivered by Purchaser and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Purchaser.

(ii) Purchaser's execution, delivery and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or 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.

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

(iv) 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.

(v) 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.

(vi) Purchaser does not owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

5. General Provisions.

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

(B) Amendments. This 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 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.

6. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Survey Plat*
Exhibit B – *Form of Quit Claim Deed*
Exhibit C – *Attorney’s Certificate of Title*

[signature pages follow]

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

DAVID G. BIRD

Date: _____, 2021

[City signatures on the following page]

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2021

Recommended by:

John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT B
to Property Sale Agreement
FORM OF QUIT CLAIM DEED

----- space above for recorder -----

QUITCLAIM DEED
(Portion of Lang Street)

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the “**City**”), for valuable consideration paid, hereby grants and conveys to **DAVID G. BIRD**, whose tax mailing address is 3631 Emery Lake Lane, Mason, OH 45040, (“**Grantee**”), all of the City’s right, title and interest in and to the real property depicted on Exhibit A (Survey Plat) and described on Exhibit B (Legal Description) hereto (the “**Property**”).

Property Address:	None; certain portions of former public right-of-way known as Lang Street.
Auditor’s parcels:	None (former public right-of-way)
Prior instrument reference:	None (former public right-of-way)

Pursuant to Ohio Revised Code Chapter 723 and Ordinance No. __-2021, passed by Cincinnati City Council on _____, 2021, the Property is hereby vacated as public right-of-way by the City.

(A) Creation of Utility Easement: This conveyance is subject to R.C. Section 723.041 so that any affected public utility shall be deemed to have a permanent easement in such vacated portions of Lang Street for the purpose of maintaining, operating, renewing, reconstructing, and removing said utility facilities and for purposes of access to said facilities.

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This conveyance was authorized by Ordinance No. ___-2021, passed by Cincinnati City Council on _____, 2021.

Executed on _____, 2021.

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ___ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgment. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

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

Exhibit A
to Quitclaim Deed
Survey Plat

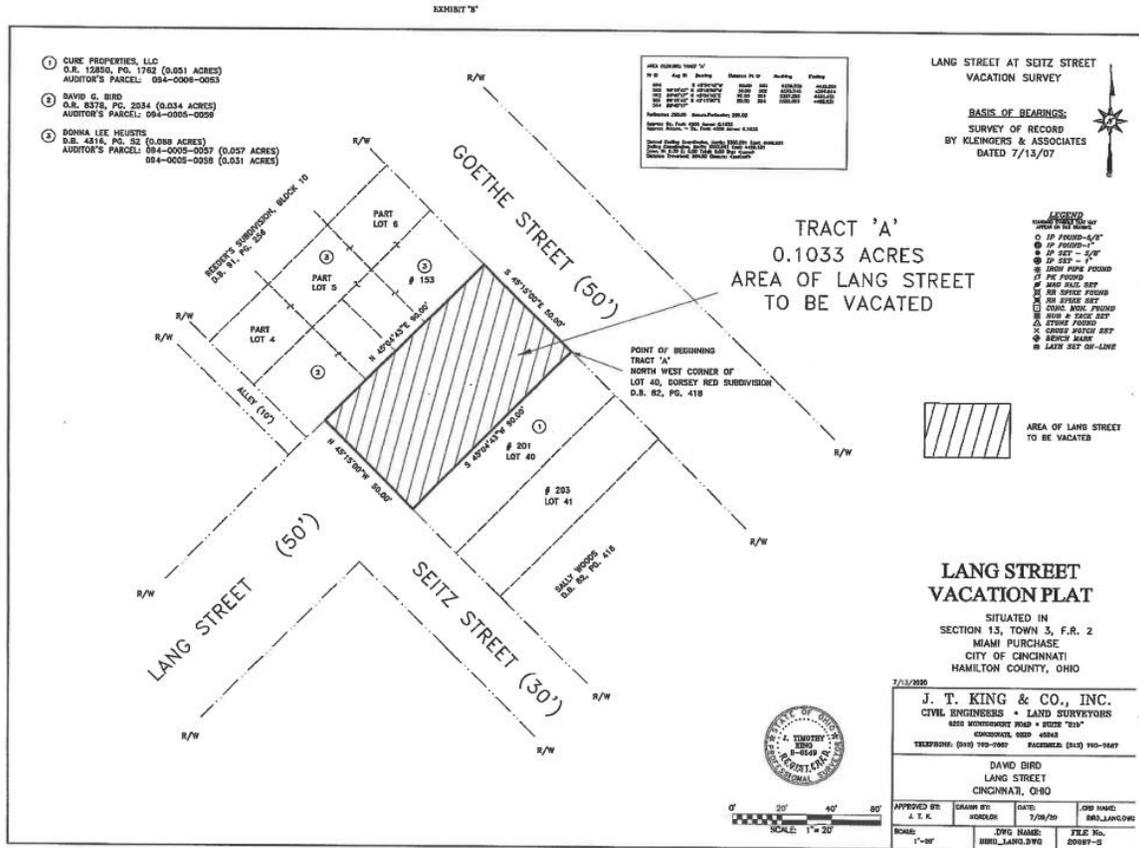


Exhibit B
to Quitclaim Deed
Legal Description

LEGAL DESCRIPTION
TRACT 'A'
0.1033 ACRES

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THENCE leaving the south line of Goethe Street, along the east line of Lang Street, South 45 degrees 04 minutes 43 seconds West for a distance of 90.00 feet to the North line of Seitz Street;

THENCE leaving the east line of Lang Street, along the extension of the North line of Seitz Street, North 45 degrees 15 minutes 00 seconds West for a distance of 50.00 feet, to the west line of Lang Street;

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THENCE with the south line of Goethe Street, South 45 degrees 15 minutes 00 seconds East for a distance of 50.00 feet to the place of beginning;

Containing in all 0.1033 acres more or less subject to all legal highways and easements of record;

This Legal Description was prepared from a survey by J.T. King & Co. Inc., Civil Engineers and Land Surveyors, dated July 09, 2020, and written by J. Timothy King, PE-PS, Professional Land Surveyor, State of Ohio Registration No. 6549.

Exhibit C
to Property Sale Agreement
Attorney Certificate of Title

ATTORNEY'S CERTIFICATE OF TITLE

(purchase of public right-of-way)

DAVID G. BIRD ("Petitioner"), whose address is 1905 Lang St. Cincinnati, OH 45202, has requested to purchase a portion of the public right-of-way known as Lang Street, Cincinnati, Ohio 45202 between Seitz Street and Goethe Street as more particularly described in Exhibit "A" hereto (the "property").

NAMES OF ABUTTING OWNERS

Parcel(s) owned (address/Parcel ID.

DAVID G. BIRD, Petitioner/Purchaser

Owner of abutting Lot(s) located at:
1905 Lang St. Cincinnati, OH 45202
PART LOTS 4-5 REEDERS SUB
Parcel # 094-0005-0059-00
Per Deed Recorded at:
See Attached Exhibit "B".

DONNA LEE ROBERTSON, Unmarried (F/K/A DONNA LEE HEUSTIS)

Owner of abutting Lot(s) located at:
153 Goethe St., Cincinnati, OH 45202
PART LOTS 5-6 REEDERS SUB
Parcel # 094-0005-0058-00
Per Deed Recorded at:
See Attached Exhibit "C"

**CURE PROPERTIES, LLC,
(An Ohio Limited Liability Company)**

Owner of abutting Lot(s) located at:
201 Goethe St., Cincinnati, OH 45202
LOT 40 DORSEY RED SUB
Parcel # 094-0006-0053-00
Per Deed Recorded at:
See Attached Exhibit "D"

Cincinnati, Ohio July 16 , 2020.

I, the undersigned attorney at law, practicing in Hamilton County, Ohio hereby certify that the above Petitioner(s) and the above listed owner(s) is/are all of the owner(s) of the land abutting on the Property.


ERIC J. FERNANDEZ
Attorney at Law
Ohio Attorney Registration No. 0067104

February 10, 2021

To: Mayor and Members of City Council 202100595
From: Paula Boggs Muething, City Manager
Subject: **Emergency Ordinance – Acceptance of Pan African Flag from RoSho Awards and Graphics**

Transmitted herewith is an emergency ordinance captioned as follows:

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.

The reason for the emergency is the immediate need to accept the donation in time to fly a Pan African flag during the month of February.

Date: February 5, 2021

To: Paul Boggs Muething, City Manager
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance – Acceptance of Pan African Flag from RoSho Awards and Graphics**

Transmitted herewith is an emergency ordinance captioned as follows:

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.

AWG/KKF/(lnk)
Attachment
331539

EMERGENCY

City of Cincinnati

KKF

AWB

An Ordinance No. _____ - 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.

WHEREAS, Carter G. Woodson, noted Black Scholar and historian, founded the Association for the Study of Negro Life and History in 1915, and initiated Black History Week on February 12, 1926, chosen to coincide with the birthdays of Frederick Douglass and Abraham Lincoln; and

WHEREAS, in 1976, as part of the nation's bicentennial, the week was expanded to become Black History Month in honor of the shared heritage of its African American citizens and in order to better conserve, preserve, and perpetuate African American history and culture; and

WHEREAS, the Pan African flag has been a symbol of solidarity, liberation, and respect and has represented pride and unity since 1920 when the Honorable Marcus Garvey of the United Negro Improvement Association created the flag; and

WHEREAS, the City Administration intends to fly a Pan African flag from the flagpole at City Hall during the month of February in recognition of Black History Month, and RoSho Awards and Graphics has offered to donate the flag to the City; and

WHEREAS, the City of Cincinnati desires to express its support for Black History Month in solidarity with its Black residents; and

WHEREAS, the value of the flag is less than \$150; and

WHEREAS, the City's installation and maintenance of the Pan African flag is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum; and

WHEREAS, there are no new FTEs associated with this donation, and acceptance of this donation does not require any local matching resources; now, therefore,

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

Section 1. That City Council hereby declares it is a matter of great public interest to celebrate Black History Month in the City of Cincinnati in honor of the shared heritage of its African American citizens and in order to better conserve, preserve, and perpetuate African

American history and culture, including through accepting the donation of and flying the Pan African flag during the month of February.

Section 2. That the City Manager is hereby authorized to accept a donation of a Pan African flag, and subsequent similar replacement flags, from RoSho Awards and Graphics valued at less than \$150 each, and to display the flag in celebration of Black History Month.

Section 3. That the City's installation and maintenance of the Pan African flag is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum.

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

Section 5. That this ordinance shall 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 donation in time to fly a Pan African flag during the month of February.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Date: February 10, 2021

To: Mayor and Members of City Council **202100596**
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE – LEASE A PORTION OF DOERR ALLEY TO TENDER MERCIES

Attached is an ordinance captioned as follows:

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.

The City owns Doerr Alley located south of West 12th Street and north of Central Parkway in the Over-the-Rhine neighborhood. Tender Mercies owns property abutting Doerr Alley and has requested to lease a portion of the alley.

The City has determined the Lease Area is not needed for vehicular or pedestrian access or any other municipal purpose for the duration of the lease and leasing the area to Tender Mercies is not adverse to the City's retained interest in the Lease Area.

The fair market value of the Lease Area is approximately \$475 per year, which Tender Mercies has agreed to pay.

The City Planning Commission approved the lease at its meeting on September 4, 2020.

The Administration recommends passage of the attached ordinance.

Attachment I – Lease Renewal

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

City of Cincinnati
An Ordinance No. _____

CHM
- 2021

AWB

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.

WHEREAS, the City of Cincinnati owns certain real property, designated as public right-of-way, commonly known as Doerr Alley located south of West 12th Street and north of Central Parkway in the Over-the-Rhine neighborhood of Cincinnati (the “Property”), which Property is under the management of the Department of Transportation and Engineering (“DOTE”); and

WHEREAS, Tender Mercies, Inc., an Ohio nonprofit corporation (“Tender Mercies”), owns or otherwise controls certain real property abutting the Property and has requested to lease from the City a portion of the Property, as more particularly depicted in the *Lease Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (the “Lease Area”); and

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

WHEREAS, the City’s Real Estate Services Division has determined by appraisal that the fair market rental value of the Lease Area is approximately \$475 per year, which Tender Mercies has agreed to pay; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the lease of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Lease Area at its meeting on September 4, 2020; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Lease Agreement* with Tender Mercies, Inc., an Ohio nonprofit corporation, (“Tender Mercies”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City of Cincinnati will lease for a five-year term a portion of Doerr Alley located south of West 12th Street and north of Central Parkway, as more particularly depicted in the *Lease Agreement* (the “Lease Area”).

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

Section 3. That leasing the Lease Area to Tender Mercies is not adverse to the City’s retained interest in the Lease Area.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Lease Area is in the best interest of the City because as a practical matter, no one other than Tender Mercies, an abutting property owner, would have any interest in leasing the Lease Area and assuming responsibility for the maintenance and repair thereof.

Section 5. That the fair market value of the lease, as determined by appraisal by the City’s Real Estate Services Division, is \$475 per year, which Tender Mercies has agreed to pay.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the *Lease Agreement*, including executing any and all ancillary documents associated with the *Lease Agreement*, such as amendments or supplements to the *Lease Agreement* deemed by the City Manager to be in the vital and best interests of the City.

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

LEASE AGREEMENT

(Portion of Doerr Alley, between W. 12th Street and W. Central Parkway in OTR)

This Lease Agreement ("**Lease**") is made and entered into by and between the **City of Cincinnati**, an Ohio municipal corporation, the address of which for purposes of this Lease is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), and **Tender Mercies, Inc.**, an Ohio nonprofit corporation, the address of which for purposes of this Lease is 27 W. 12th Street, Cincinnati, OH 45202 ("**Lessee**").

Recitals:

A. The City owns the public right-of-way known as Doerr Alley, between W. 12th Street and W. Central Parkway in Over-the-Rhine, as shown on Exhibit A (Site Plan) hereto.

B. Lessee and its affiliates own adjacent properties along W. 12th Street, as shown on Exhibit A.

C. Lessee desires to lease a portion of Doerr Alley from the City (said portion being shown on Exhibit A and referred to herein as the "**Leased Premises**") so that it can restrict vehicular and pedestrian traffic through the area in an effort to reduce loitering, drinking, drug dealing and other illegal and offensive activity.

D. The City's Department of Transportation and Engineering ("**DOTE**") has determined that the Leased Premises are not needed for vehicular or pedestrian access.

E. The fair market rental value of the Leased Premises, as determined by appraisal by the City's Real Estate Services Division, is \$475/year, which Lessee has agreed to pay.

F. The City has determined that eliminating competitive bidding in connection with the lease of the Leased Premises is in the best interest of the public because, as a practical matter, no one other than an abutting property owner would have any interest in leasing the Leased Premises and assuming responsibility for the maintenance and repair thereof.

G. As a condition of receiving DOT E's consent to this Lease, Lessee has provided the City with the written consent from the abutting property owners, copies of which are attached hereto as Exhibit B.

H. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the change in use of the Leased Premises at its meeting on September 4, 2020.

NOW THEREFORE, the parties hereby agree as follows:

1. **Grant.** The City does hereby lease the Leased Premises to Lessee, and Lessee does hereby lease the Leased Premises from the City, on the terms and conditions set forth therein. The rights herein granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions and other matters of record affecting the Leased Premises. The City makes no representations or warranties to Lessee concerning the physical condition of the Leased Premises or the condition of the City's title to the Leased Premises and, on the Commencement Date, Lessee shall accept the Leased Premises in "as is" condition.

2. Term.

(A) The term ("Term") of this Lease shall be **five (5) years** and shall commence on the Effective Date (as defined on the signature page hereof) (herein, the "**Commencement Date**") and, unless sooner terminated as herein provided, shall expire on the day immediately preceding the 5th anniversary thereof.

(B) **Early Termination on 30 Days Notice.** Notwithstanding anything in this Lease to the contrary, the City may terminate this Lease at any time during the Term, by giving Lessee no less than 30 days prior written notice thereof, if the City determines that it needs the Leased Premises or any portion thereof for a municipal purpose or for any other reason. Similarly, Lessee may terminate this Lease at any time and for any reason by giving the City no less than 30 days prior written notice thereof.

3. Rent.

(A) **Base Rent.** On the Commencement Date, and on each anniversary thereof during the Term, Lessee shall pay the City annual rent for the Leased Premises in the amount of \$475/year.

(B) **Late Payment.** If any payment owed by Lessee hereunder is not received by the City on the due date, Lessee shall pay the City a late charge equal to five percent of the amount past due, together with interest on the past due amount, until paid, at an annual rate of ten percent. If the Term of this Lease is terminated or expires prior to the end of a year, the City shall not be required to refund any portion of the prepaid rent for such year to Lessee. All payments shall be made by check payable to the "City of Cincinnati-Treasurer" and mailed to: City of Cincinnati, 801 Plum Street, Cincinnati, Ohio 45202, Attention: Real Estate, or to such other address as the City may from time to time designate in writing.

4. Permitted Use. Lessee may use the Leased Premises as a private walkway, for private parking, for placement of tables and chairs for employees to eat lunch, for storage and other uses that serve Lessee's adjacent properties, and for no other purpose unless consented to in writing by DOTE. Lessee shall not bring or permit to be brought onto the Leased Premises any hazardous materials or other contaminants or substances that are harmful to the public or to the environment.

5. Utilities & Other Expenses. During the Term of this Lease, Lessee shall pay, when due, (i) any and all utility expenses associated with the Leased Premises, (ii) any and all real estate taxes and assessments levied against the Leased Premises that become due and payable during the Term, and (iii) any and all other operating expenses associated with the Leased Premises. *Lessee acknowledges and agrees that the City shall not be liable for any expenses associated with the Leased Premises during the Term of this Lease.*

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

7. Alterations.

(A) **Vehicular/Pedestrian Barriers.** Lessee, at its expense, shall have the right (but not the obligation) to prevent vehicular and pedestrian use of the Leased Premises or any portion or portions thereof by installing a security fence with a lockable gate and/or other forms of barriers approved by DOTE, at the north end of each alley where it abuts W. 12th Street (each, a "**Barrier**", and collectively, the "**Barriers**"). The Barriers shall provide for a minimum 12 foot horizontal clearance for access by utility maintenance vehicles. All upright posts shall be located no closer than 3 feet to existing underground utility lines. The Barriers shall be constructed so that visibility through the Barriers is not impaired. Lessee, through a licensed street contractor, shall obtain a street opening permit before installing the Barriers and shall pay any and all permit fees imposed by DOTE. Before a street

opening permit can be issued, Lessee's licensed street contractor shall be required to supply two sets of plans to DOTE for approval showing the location of the Barriers in relation to street fixtures and the rights-of-way lines and, if applicable, providing the manufacturer's details of the gate and locking mechanism. Unless otherwise approved by DOTE, the locking mechanism shall include key locking from the outside and panic hardware for pedestrian egress on the inside and such other features as may be required by DOTE. At the end of the Term, and unless DOTE requires that the Barriers remain in place, Lessee shall remove the Barriers and immediately perform all necessary street and sidewalk restoration under a DOTE street opening permit obtained by a licensed contractor. If Lessee fails to timely remove the Barriers and complete such restoration to the satisfaction of the City Engineer, the City may do so at Lessee's expense, which amount shall be payable by Lessee within thirty (30) days after Lessee's receipt of a statement from the City indicating the amount due.

(B) Access by City Departments, Utility Companies and Others. (i) Lessee shall ensure continuous access to the Leased Premises (24 hours/day, 7 days/week, 52 weeks/year), including access across Lessee's abutting properties between Doerr Alley, by: (i) DOTE for inspection and all other reasonable purposes; (ii) the City's Police and Fire Departments; (iii) GREATER CINCINNATI WATER WORKS for the inspection, maintenance, repair or replacement of existing water mains in the area; (iv) METROPOLITAN SEWER DISTRICT for the inspection, maintenance, repair or replacement of existing public sewers in the area; (v) CINCINNATI BELL for the inspection, maintenance, repair or replacement of existing telephone facilities in the area; and (vi) DUKE ENERGY for the inspection, maintenance, repair or replacement of any and all existing gas or electric facilities in the area. Lessee shall contact Mark Niehe at GCWW (591-7870) at least 2 full working days prior to commencing any construction within the Leased Premises. If Lessee installs gates under paragraph 7(A) above, Lessee shall provide the City and such utility companies, upon their request from time to time and at no cost to them, with a reasonable number of keys to unlock the gates. If Lessee undertakes any action or constructs any improvements within the Leased Premises that interfere with the access rights reserved to the City and third parties herein, the same shall constitute an immediate default of Lessee under this Lease.

(ii) If Lessee's activities within the Leased Premises cause damage to existing utility lines or other utility facilities belonging to a utility provider, Lessee shall immediately notify the appropriate utility provider. All costs of such repairing such damage, including without limitation, all costs of replacing any damaged utility lines and facilities that are not capable of being properly repaired as determined by the applicable utility provider in its sole discretion, shall be borne by Lessee and shall be payable by Lessee within thirty (30) days after Lessee receives documentation substantiating such costs. If any utility company damages or must remove any improvements installed by Lessee within the Leased Premises in connection with its inspection, maintenance, repair or replacement of its existing utility facilities in the area, Lessee shall be solely responsible for all costs associated with the repair or replacement of Lessee's improvements.

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

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

(E) No Other Alterations or Signs. Except as permitted under this section, Lessee shall not make any alterations or improvements to the Leased Premises, install any signs within the Leased Premises that are visible from outside the Leased Premises, install any new utilities within the Leased Premises, or remove any existing improvements within the Leased Premises, without obtaining the prior written consent of DOTE. If Lessee proposes to install any permanent structures or other improvements in addition to the Barriers, Lessee shall also obtain the prior written consent of the utility companies that have utilities located within the Leased Premises.

8. Insurance; Indemnification.

(A) Insurance. Throughout the Term, Lessee shall maintain Commercial General Liability insurance with respect to the Leased Premises in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, naming the City as an additional insured, and such additional insurance as DOTE or

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the City's Department of Risk Management may from time to time reasonably require. All insurance required to be maintained by Lessee hereunder shall be issued by insurance companies reasonably acceptable to the City. If Lessee constructs any improvements within the Leased Premises, Lessee shall maintain property insurance on such improvements in the amount of the full replacement cost thereof. On or prior to the Commencement Date and prior to the expiration of each insurance policy, Lessee shall furnish to the City a certificate of insurance evidencing the insurance required hereunder.

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

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

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

10. Notices. All notices required to be given hereunder by either party shall be in writing and personally delivered, sent by Federal Express or other recognized overnight courier that in the ordinary course of business maintains a record of each delivery, or mailed by U.S. certified mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Lease or at such other address as either party may from time to time specify by notice to the other. Notices shall be deemed to have been given on the date of receipt if personally delivered, on the following business day if sent by an overnight courier, and on the date noted on the return receipt if mailed by U.S. certified mail. If Lessee sends a notice to the City alleging that the City is in default under this Lease, Lessee shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202.

11. Surrender; Holdover.

(A) **Surrender; Holdover.** At the end of the Term, Lessee shall surrender the Leased Premises to the City in the condition in which Lessee is required to maintain the Leased Premises under the terms of this Lease. If Lessee remains in possession of the Leased Premises after the end of the Term, then, at the City's option, such holdover shall create a tenancy from month-to-month on the same terms and conditions as set forth in this Lease except that rent payable during such month-to-month tenancy shall be equal to the then fair market rental value of the Leased Premises as determined by appraisal by the City's Real Estate Services Division.

(B) **Removal of Alterations.** If Lessee has made improvements to the Leased Premises during the Term, then, at the end of the Term, the City shall identify which improvements Lessee shall be required to surrender (at no cost to the City) and which improvements Lessee shall be required to remove. If Lessee fails to timely remove improvements that are designated for removal by the City, such improvements shall be deemed abandoned by Lessee, whereupon the City may remove, store, keep, sell, discard or otherwise dispose of such improvements, and Lessee shall pay all costs incurred by the City in so doing within twenty days after the City's written demand. As provided in paragraph 7(A) hereof, at the end of the Term, and if required by DOTE, Lessee shall remove any and all Barriers installed by it under said paragraph.

12. General Provisions. This Lease constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior understandings and agreements of the parties. This Lease may be amended only by a written amendment signed by both parties hereto. Lessee shall not assign its interests under this Lease or sublet any portion of the Leased Premises without the prior written consent of the City, which consent may be withheld in the City's sole discretion; provided, however, that if Lessee sells or transfers its abutting properties to a third party, Lessee may simultaneously assign its interests under this Lease to such transferee. This Lease shall be binding upon the parties and their respective successors and permitted assigns. If the lessee hereunder consists of more than one individual or entity, such individuals' or entities' obligations under this Lease are joint and several. This Lease shall not be recorded in the Hamilton County, Ohio Recorder's office. This Lease shall be governed by the laws of the City of Cincinnati and the State of Ohio.

13. Additional Conditions from City's Coordinated Reports.

(A) Notwithstanding anything herein to the contrary, if Central Parkway is temporarily closed to the public for special events, Lessee shall keep the leased portion of Doerr Alley open to vehicular traffic during each such event.

(B) No building, structure or improvement of any kind shall be made in the lease area which will interfere with access to or operation of the existing water mains. The Greater Cincinnati Water Works ("GCWW") would allow gates on the alleys. The City of Cincinnati, Ohio shall not be responsible to any present or future owners of said property or present or future owners of property with rights of ingress and egress over said property for reason of entering for constructing, maintaining or replacing the water mains. Further, the City of Cincinnati, Ohio shall not be responsible to any present or future owners of said property or future owners of property with rights of ingress and egress over said property for any damages which result from disruption or denial of said rights of ingress and egress or other rights of access by reason of entering for constructing, maintaining, or replacing the water main. No grade changes of any kind over any part of the full width profile of this lease area are permitted at any time so not to impact any present or future GCWW operations. Any building, structure or improvement to be constructed in the vicinity of the lease area shall be kept not less than three (3) feet from the existing water mains. The full width of the lease area must always be accessible to the GCWW for future operation and maintenance purposes.

- 14. Exhibits.** The following Exhibits are attached hereto:
Exhibit A – *Site Plan*
Exhibit B – *Copy of consents from abutting property owners*

[SIGNATURE PAGE FOLLOWS]

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

Tender Mercies, Inc.,
an Ohio nonprofit corporation

By: _____

Printed name: _____

Title: _____

Date: _____, 2021

City of Cincinnati

By: _____

Printed name: _____

Title: _____

Date: _____, 2021

Recommended by:

John S. Brazina, Director,
Department of Transportation & Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A
to
Lease Agreement

SITE PLAN

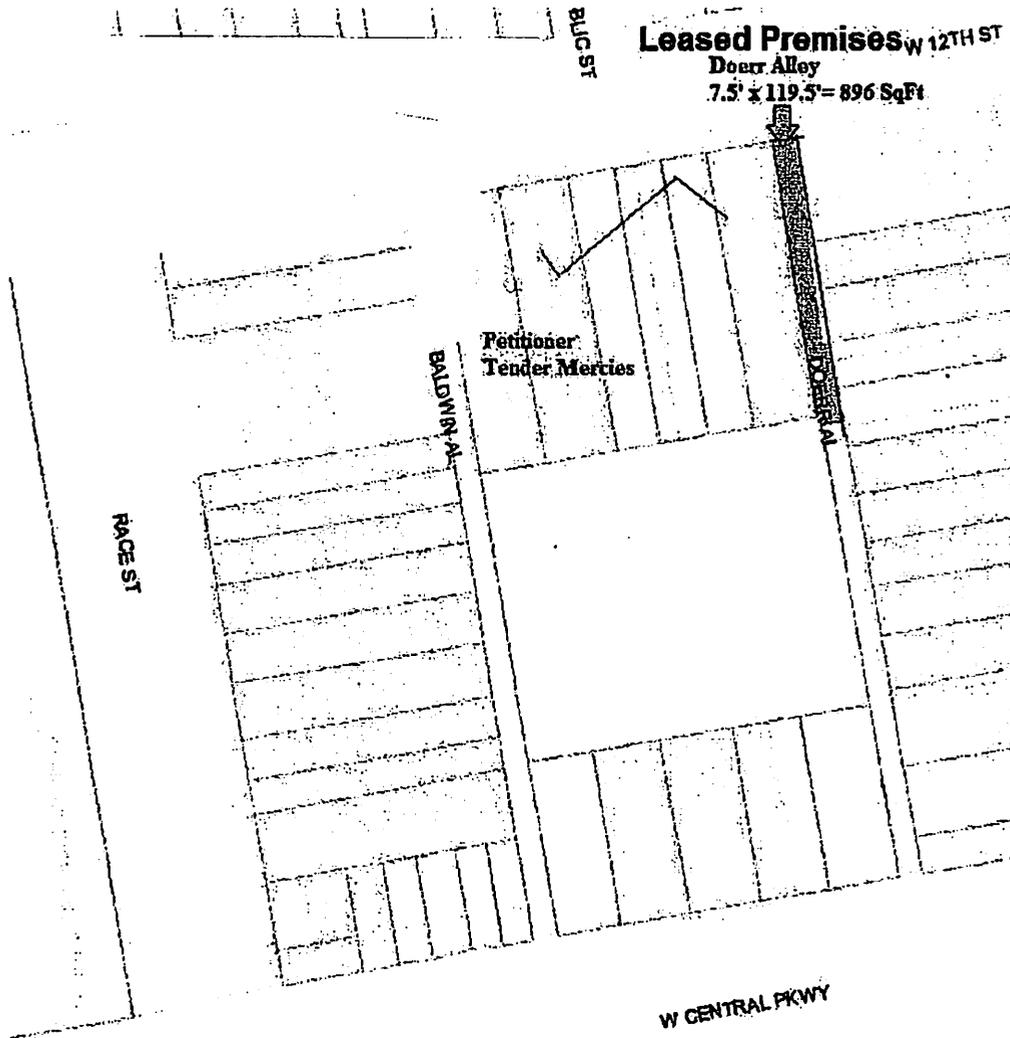


EXHIBIT B
to
Lease Agreement

COPY OF CONSENTS FROM ABUTTING PROPERTY OWNERS



January 14, 2021

Mr. Russell L. Winters
Chief Executive Officer
Tender Mercies, Inc.
27 W. 12th Street
Cincinnati, OH 45202

Dear Mr. Winters,

We understand the City of Cincinnati is requiring you to renew your lease for Doerr Alley between 12th Street and Central Parkway in order to continue maintaining gates to close off the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th.

You require the permission of all abutting properties to allow you to renew your lease of Doerr Alley.

This letter is to give Tender Mercies, Inc. the permission of 1200 Vine LLC who owns the property at 1135 Vine Street and 5 W 12th St. Parcel #'s 076-0002-0356 and 076-0002-0357 to lease the aforementioned alley between 12th Street and Central Parkway and maintain existing gates at the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th. We also understand that should Central Parkway ever be closed off for special events that Tender Mercies will make Baldwin Alley accessible to Ferguson Square during the event.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Adam Gelter', written over a light blue circular scribble.

Adam Gelter
EVP Development



January 12, 2021

Mr. Russell L. Winters
Chief Executive Officer
Tender Mercies, Inc.
27 W. 12th Street
Cincinnati, OH 45202

Dear Mr. Winters,

We understand the City of Cincinnati is requiring you to renew your lease for Doerr Alley between 12th Street and Central Parkway in order to continue maintaining gates to close off the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th to discourage illegal behaviors from taking place in or next to Doerr Alley.

You require the permission of all abutting properties to allow you to renew your lease of Doerr Alley.

This letter is to give Tender Mercies, Inc. the permission of 1200 Vine LLC who owns the property at 1135 Vine Street and 5 W 12th St.

Parcel #'s 076-0002-0356 and 076-0002-0357

to lease the aforementioned alley between 12th Street and Central Parkway and maintain existing gates at the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th. We also understand that should Central Parkway ever be closed off for special events that Tender Mercies will make Baldwin Alley accessible to Ferguson Square during the event.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lynn Meyers", is written over a light blue horizontal line.

D. Lynn Meyers
Producing Artistic Director
Ensemble Theatre Cincinnati

1127 Vine Street | Cincinnati, OH 45202 | www.ensemblecincinnati.org | 513-421-3555

LEASE AGREEMENT

(Portion of Doerr Alley, between W. 12th Street and W. Central Parkway in OTR)

This Lease Agreement (“**Lease**”) is made and entered into by and between the **City of Cincinnati**, an Ohio municipal corporation, the address of which for purposes of this Lease is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”), and **Tender Mercies, Inc.**, an Ohio nonprofit corporation, the address of which for purposes of this Lease is 27 W. 12th Street, Cincinnati, OH 45202 (“**Lessee**”).

Recitals:

A. The City owns the public right-of-way known as Doerr Alley, between W. 12th Street and W. Central Parkway in Over-the-Rhine, as shown on Exhibit A (Site Plan) hereto.

B. Lessee and its affiliates own adjacent properties along W. 12th Street, as shown on Exhibit A.

C. Lessee desires to lease a portion of Doerr Alley from the City (said portion being shown on Exhibit A and referred to herein as the “**Leased Premises**”) so that it can restrict vehicular and pedestrian traffic through the area in an effort to reduce loitering, drinking, drug dealing and other illegal and offensive activity.

D. The City’s Department of Transportation and Engineering (“**DOTe**”) has determined that the Leased Premises are not needed for vehicular or pedestrian access.

E. The fair market rental value of the Leased Premises, as determined by appraisal by the City’s Real Estate Services Division, is \$475/year, which Lessee has agreed to pay.

F. The City has determined that eliminating competitive bidding in connection with the lease of the Leased Premises is in the best interest of the public because, as a practical matter, no one other than an abutting property owner would have any interest in leasing the Leased Premises and assuming responsibility for the maintenance and repair thereof.

G. As a condition of receiving DOTe’s consent to this Lease, Lessee has provided the City with the written consent from the abutting property owners, copies of which are attached hereto as Exhibit B.

H. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the change in use of the Leased Premises at its meeting on September 4, 2020.

NOW THEREFORE, the parties hereby agree as follows:

1. **Grant.** The City does hereby lease the Leased Premises to Lessee, and Lessee does hereby lease the Leased Premises from the City, on the terms and conditions set forth therein. The rights herein granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions and other matters of record affecting the Leased Premises. The City makes no representations or warranties to Lessee concerning the physical condition of the Leased Premises or the condition of the City’s title to the Leased Premises and, on the Commencement Date, Lessee shall accept the Leased Premises in “as is” condition.

2. Term.

(A) The term ("**Term**") of this Lease shall be **five (5) years** and shall commence on the Effective Date (as defined on the signature page hereof) (herein, the "**Commencement Date**") and, unless sooner terminated as herein provided, shall expire on the day immediately preceding the 5th anniversary thereof.

(B) Early Termination on 30 Days Notice. Notwithstanding anything in this Lease to the contrary, the City may terminate this Lease at any time during the Term, by giving Lessee no less than 30 days prior written notice thereof, if the City determines that it needs the Leased Premises or any portion thereof for a municipal purpose or for any other reason. Similarly, Lessee may terminate this Lease at any time and for any reason by giving the City no less than 30 days prior written notice thereof.

3. Rent.

(A) Base Rent. On the Commencement Date, and on each anniversary thereof during the Term, Lessee shall pay the City annual rent for the Leased Premises in the amount of \$475/year.

(B) Late Payment. If any payment owed by Lessee hereunder is not received by the City on the due date, Lessee shall pay the City a late charge equal to five percent of the amount past due, together with interest on the past due amount, until paid, at an annual rate of ten percent. If the Term of this Lease is terminated or expires prior to the end of a year, the City shall not be required to refund any portion of the prepaid rent for such year to Lessee. All payments shall be made by check payable to the "City of Cincinnati-Treasurer" and mailed to: City of Cincinnati, 801 Plum Street, Cincinnati, Ohio 45202, Attention: Real Estate, or to such other address as the City may from time to time designate in writing.

4. Permitted Use. Lessee may use the Leased Premises as a private walkway, for private parking, for placement of tables and chairs for employees to eat lunch, for storage and other uses that serve Lessee's adjacent properties, and for no other purpose unless consented to in writing by DOTE. Lessee shall not bring or permit to be brought onto the Leased Premises any hazardous materials or other contaminants or substances that are harmful to the public or to the environment.

5. Utilities & Other Expenses. During the Term of this Lease, Lessee shall pay, when due, (i) any and all utility expenses associated with the Leased Premises, (ii) any and all real estate taxes and assessments levied against the Leased Premises that become due and payable during the Term, and (iii) any and all other operating expenses associated with the Leased Premises. *Lessee acknowledges and agrees that the City shall not be liable for any expenses associated with the Leased Premises during the Term of this Lease.*

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

7. Alterations.

(A) Vehicular/Pedestrian Barriers. Lessee, at its expense, shall have the right (but not the obligation) to prevent vehicular and pedestrian use of the Leased Premises or any portion or portions thereof by installing a security fence with a lockable gate and/or other forms of barriers approved by DOTE, at the north end of each alley where it abuts W. 12th Street (each, a "**Barrier**", and collectively, the "**Barriers**"). The Barriers shall provide for a minimum 12 foot horizontal clearance for access by utility maintenance vehicles. All upright posts shall be located no closer than 3 feet to existing underground utility lines. The Barriers shall be constructed so that visibility through the Barriers is not impaired. Lessee, through a licensed street contractor, shall obtain a street opening permit before installing the Barriers and shall pay any and all permit fees imposed by DOTE. Before a street opening

{00325882-1}

permit can be issued, Lessee's licensed street contractor shall be required to supply two sets of plans to DOTE for approval showing the location of the Barriers in relation to street fixtures and the rights-of-way lines and, if applicable, providing the manufacturer's details of the gate and locking mechanism. Unless otherwise approved by DOTE, the locking mechanism shall include key locking from the outside and panic hardware for pedestrian egress on the inside and such other features as may be required by DOTE. At the end of the Term, and unless DOTE requires that the Barriers remain in place, Lessee shall remove the Barriers and immediately perform all necessary street and sidewalk restoration under a DOTE street opening permit obtained by a licensed contractor. If Lessee fails to timely remove the Barriers and complete such restoration to the satisfaction of the City Engineer, the City may do so at Lessee's expense, which amount shall be payable by Lessee within thirty (30) days after Lessee's receipt of a statement from the City indicating the amount due.

(B) Access by City Departments, Utility Companies and Others. (i) Lessee shall ensure continuous access to the Leased Premises (24 hours/day, 7 days/week, 52 weeks/year), including access across Lessee's abutting properties between Doerr Alley, by: (i) DOTE for inspection and all other reasonable purposes; (ii) the City's Police and Fire Departments; (iii) GREATER CINCINNATI WATER WORKS for the inspection, maintenance, repair or replacement of existing water mains in the area; (iv) METROPOLITAN SEWER DISTRICT for the inspection, maintenance, repair or replacement of existing public sewers in the area; (v) CINCINNATI BELL for the inspection, maintenance, repair or replacement of existing telephone facilities in the area; and (vi) DUKE ENERGY for the inspection, maintenance, repair or replacement of any and all existing gas or electric facilities in the area. Lessee shall contact Mark Niehe at GCWW (591-7870) at least 2 full working days prior to commencing any construction within the Leased Premises. If Lessee installs gates under paragraph 7(A) above, Lessee shall provide the City and such utility companies, upon their request from time to time and at no cost to them, with a reasonable number of keys to unlock the gates. If Lessee undertakes any action or constructs any improvements within the Leased Premises that interfere with the access rights reserved to the City and third parties herein, the same shall constitute an immediate default of Lessee under this Lease.

(ii) If Lessee's activities within the Leased Premises cause damage to existing utility lines or other utility facilities belonging to a utility provider, Lessee shall immediately notify the appropriate utility provider. All costs of such repairing such damage, including without limitation, all costs of replacing any damaged utility lines and facilities that are not capable of being properly repaired as determined by the applicable utility provider in its sole discretion, shall be borne by Lessee and shall be payable by Lessee within thirty (30) days after Lessee receives documentation substantiating such costs. If any utility company damages or must remove any improvements installed by Lessee within the Leased Premises in connection with its inspection, maintenance, repair or replacement of its existing utility facilities in the area, Lessee shall be solely responsible for all costs associated with the repair or replacement of Lessee's improvements.

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

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

(E) No Other Alterations or Signs. Except as permitted under this section, Lessee shall not make any alterations or improvements to the Leased Premises, install any signs within the Leased Premises that are visible from outside the Leased Premises, install any new utilities within the Leased Premises, or remove any existing improvements within the Leased Premises, without obtaining the prior written consent of DOTE. If Lessee proposes to install any permanent structures or other improvements in addition to the Barriers, Lessee shall also obtain the prior written consent of the utility companies that have utilities located within the Leased Premises.

8. Insurance; Indemnification.

(A) Insurance. Throughout the Term, Lessee shall maintain Commercial General Liability insurance with respect to the Leased Premises in an amount not less than \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, naming the City as an additional insured, and such additional insurance as DOTE or

the City's Department of Risk Management may from time to time reasonably require. All insurance required to be maintained by Lessee hereunder shall be issued by insurance companies reasonably acceptable to the City. If Lessee constructs any improvements within the Leased Premises, Lessee shall maintain property insurance on such improvements in the amount of the full replacement cost thereof. On or prior to the Commencement Date and prior to the expiration of each insurance policy, Lessee shall furnish to the City a certificate of insurance evidencing the insurance required hereunder.

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

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

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

10. Notices. All notices required to be given hereunder by either party shall be in writing and personally delivered, sent by Federal Express or other recognized overnight courier that in the ordinary course of business maintains a record of each delivery, or mailed by U.S. certified mail, postage prepaid, return receipt requested, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Lease or at such other address as either party may from time to time specify by notice to the other. Notices shall be deemed to have been given on the date of receipt if personally delivered, on the following business day if sent by an overnight courier, and on the date noted on the return receipt if mailed by U.S. certified mail. If Lessee sends a notice to the City alleging that the City is in default under this Lease, Lessee shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202.

11. Surrender; Holdover.

(A) Surrender; Holdover. At the end of the Term, Lessee shall surrender the Leased Premises to the City in the condition in which Lessee is required to maintain the Leased Premises under the terms of this Lease. If Lessee remains in possession of the Leased Premises after the end of the Term, then, at the City's option, such holdover shall create a tenancy from month-to-month on the same terms and conditions as set forth in this Lease except that rent payable during such month-to-month tenancy shall be equal to the then fair market rental value of the Leased Premises as determined by appraisal by the City's Real Estate Services Division.

(B) **Removal of Alterations.** If Lessee has made improvements to the Leased Premises during the Term, then, at the end of the Term, the City shall identify which improvements Lessee shall be required to surrender (at no cost to the City) and which improvements Lessee shall be required to remove. If Lessee fails to timely remove improvements that are designated for removal by the City, such improvements shall be deemed abandoned by Lessee, whereupon the City may remove, store, keep, sell, discard or otherwise dispose of such improvements, and Lessee shall pay all costs incurred by the City in so doing within twenty days after the City's written demand. As provided in paragraph 7(A) hereof, at the end of the Term, and if required by DOTE, Lessee shall remove any and all Barriers installed by it under said paragraph.

12. General Provisions. This Lease constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior understandings and agreements of the parties. This Lease may be amended only by a written amendment signed by both parties hereto. Lessee shall not assign its interests under this Lease or sublet any portion of the Leased Premises without the prior written consent of the City, which consent may be withheld in the City's sole discretion; provided, however, that if Lessee sells or transfers its abutting properties to a third party, Lessee may simultaneously assign its interests under this Lease to such transferee. This Lease shall be binding upon the parties and their respective successors and permitted assigns. If the lessee hereunder consists of more than one individual or entity, such individuals' or entities' obligations under this Lease are joint and several. This Lease shall not be recorded in the Hamilton County, Ohio Recorder's office. This Lease shall be governed by the laws of the City of Cincinnati and the State of Ohio.

13. Additional Conditions from City's Coordinated Reports.

(A) Notwithstanding anything herein to the contrary, if Central Parkway is temporarily closed to the public for special events, Lessee shall keep the leased portion of Doerr Alley open to vehicular traffic during each such event.

(B) No building, structure or improvement of any kind shall be made in the lease area which will interfere with access to or operation of the existing water mains. The Greater Cincinnati Water Works ("**GCWW**") would allow gates on the alleys. The City of Cincinnati, Ohio shall not be responsible to any present or future owners of said property or present or future owners of property with rights of ingress and egress over said property for reason of entering for constructing, maintaining or replacing the water mains. Further, the City of Cincinnati, Ohio shall not be responsible to any present or future owners of said property or future owners of property with rights of ingress and egress over said property for any damages which result from disruption or denial of said rights of ingress and egress or other rights of access by reason of entering for constructing, maintaining, or replacing the water main. No grade changes of any kind over any part of the full width profile of this lease area are permitted at any time so not to impact any present or future GCWW operations. Any building, structure or improvement to be constructed in the vicinity of the lease area shall be kept not less than three (3) feet from the existing water mains. The full width of the lease area must always be accessible to the GCWW for future operation and maintenance purposes.

14. Exhibits. The following Exhibits are attached hereto:

Exhibit A – *Site Plan*

Exhibit B – *Copy of consents from abutting property owners*

[SIGNATURE PAGE FOLLOWS]

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

Tender Mercies, Inc.,
an Ohio nonprofit corporation

By: _____
Printed name: _____
Title: _____
Date: _____, 2021

City of Cincinnati

By: _____
Printed name: _____
Title: _____
Date: _____, 2021

Recommended by:

John S. Brazina, Director,
Department of Transportation & Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____
Fund/Code: _____
Amount: _____
By: _____
Karen Alder, City Finance Director

EXHIBIT A
to
Lease Agreement

SITE PLAN

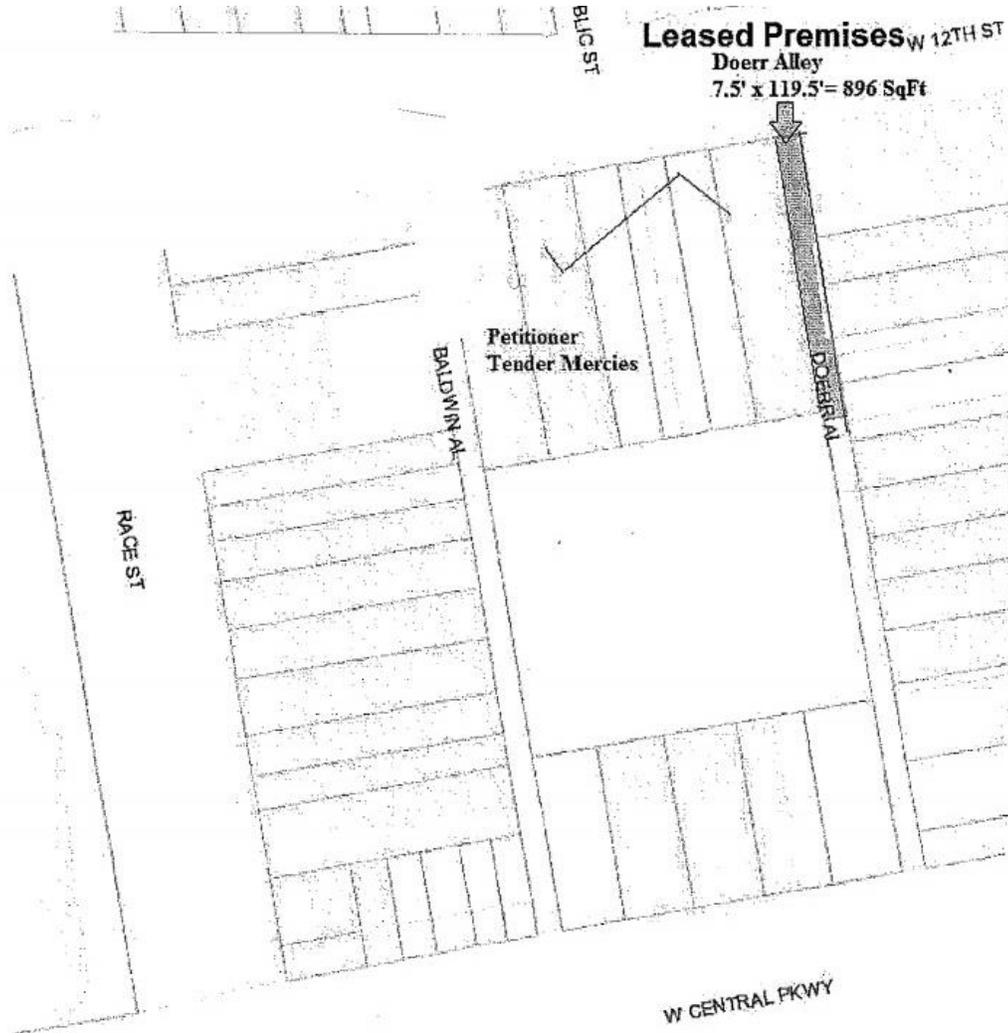


EXHIBIT B
to
Lease Agreement

COPY OF CONSENTS FROM ABUTTING PROPERTY OWNERS



January 14, 2021

Mr. Russell L. Winters
Chief Executive Officer
Tender Mercies, Inc.
27 W. 12th Street
Cincinnati, OH 45202

Dear Mr. Winters,

We understand the City of Cincinnati is requiring you to renew your lease for Doerr Alley between 12th Street and Central Parkway in order to continue maintaining gates to close off the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th.

You require the permission of all abutting properties to allow you to renew your lease of Doerr Alley.

This letter is to give Tender Mercies, Inc. the permission of 1200 Vine LLC who owns the property at 1135 Vine Street and 5 W 12th St. Parcel #'s 076-0002-0356 and 076-0002-0357 to lease the aforementioned alley between 12th Street and Central Parkway and maintain existing gates at the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th. We also understand that should Central Parkway ever be closed off for special events that Tender Mercies will make Baldwin Alley accessible to Ferguson Square during the event.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Adam Gelter', written over a light blue circular scribble.

Adam Gelter
EVP Development



January 12, 2021

Mr. Russell L. Winters
Chief Executive Officer
Tender Mercies, Inc.
27 W. 12th Street
Cincinnati, OH 45202

Dear Mr. Winters,

We understand the City of Cincinnati is requiring you to renew your lease for Doerr Alley between 12th Street and Central Parkway in order to continue maintaining gates to close off the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th to discourage illegal behaviors from taking place in or next to Doerr Alley.

You require the permission of all abutting properties to allow you to renew your lease of Doerr Alley.

This letter is to give Tender Mercies, Inc. the permission of 1200 Vine LLC who owns the property at 1135 Vine Street and 5 W 12th St.

Parcel #'s 076-0002-0356 and 076-0002-0357

to lease the aforementioned alley between 12th Street and Central Parkway and maintain existing gates at the North end of Doerr Alley at 12th Street and at the South end of your property at 15 W 12th. We also understand that should Central Parkway ever be closed off for special events that Tender Mercies will make Baldwin Alley accessible to Ferguson Square during the event.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Lynn Meyers", is written over the typed name.

D. Lynn Meyers
Producing Artistic Director
Ensemble Theatre Cincinnati

1127 Vine Street | Cincinnati, OH 45202 | www.ensemblecincinnati.org | 513.421.3555

February 10, 2021

To: Mayor and Members of City Council **202100598**

From: Paula Boggs Muething, City Manager

Subject: Emergency Ordinance – Acceptance of Donation from Blue Line Foundation

Attached is an Emergency Ordinance captioned:

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.

This Emergency Ordinance would authorize the City Manager to accept a donation from the Blue Line Foundation for the Apex Officer virtual reality (VR) system in the amount of \$62,500.00 as well as the Force Science De-escalation instructor course in the amount of \$24,650.00 at no cost to the City.

This VR system allows for scenario-based role-player training in an immersive environment. It emphasizes de-escalation skills through live dialog with the trainer, therefore permitting immediate training and remediation with minimum staffing levels. The Force Science De-escalation Instructor course will permit Police Academy staff certification leading to better de-escalation instruction throughout the Department and region.

The reason for the emergency is the immediate need to accept the donated equipment to allow for this training of police officers to occur.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

LES

- 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.

WHEREAS, the Blue Line Foundation has offered to donate an Apex Officer virtual reality (VR) system and a Force Science De-escalation instructor course to the Cincinnati Police Department; and

WHEREAS, the VR system allows for training in an immersive environment emphasizing de-escalation skills through live dialog with the trainer; and

WHEREAS, the VR system provides immediate training and feedback with minimum staffing levels; and

WHEREAS, the Force Science De-escalation Instructor course will permit Police Academy staff certification resulting in improved de-escalation instruction throughout the Department and region; now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept a donation 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.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to accept the donated equipment to allow for this training of police officers to occur.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

City of Cincinnati Council



Melissa Autry, CMC
Clerk of Council

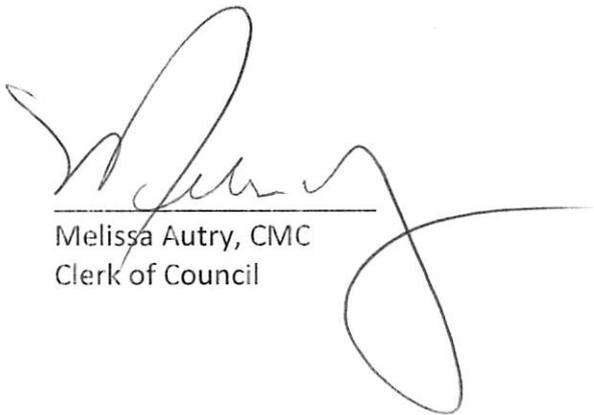
Office of the Clerk

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

February 2, 2021

Appointment to Legislative Service

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.



Melissa Autry, CMC
Clerk of Council

Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

Office of the Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

1. Full Name Colleen Marie Reynolds
2. Occupation Government Affairs
3. Title/Position Partner
4. Business Address 255 East Fifth Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
5. Telephone Number (513) 832 - 5449
6. Date of Engagement as Legislative Agent 1/28/21

B. EMPLOYER INFORMATION

1. Full name of company or organization KEAN Development
2. Type of Industry Real Estate
3. Business Address 14 West 15th Street
Street Suite Number
Cincinnati Ohio 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Real Estate, Zoning, Economic Development

MEMORANDUM FOR THE DIRECTOR, FBI
SUBJECT: [Illegible]

TO: [Illegible]
FROM: [Illegible]

DATE: [Illegible]

RE: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input checked="" type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAK EN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen M. Reynolds

Type or Print Name of Legislative Agent

Colleen M. Reynolds
Signature of Legislative Agent

1/28/21

Date

Stephen Dronen

Type or Print Name of Persons Signing for Employer

BY: *[Signature]*
Signature for Employer

President

Title

1/28/21

Date

1951

1951

FINANCIAL DISCLOSURE STATEMENT

2021 00552

Name: Searls Anthony Vaughn

Last First Middle

Home Address:



Street City State County Zip

Department/Job Title: GCWW/Commercial Services Superintendent

- 1. List the names of members of your immediate family including your spouse and any dependent children.



- 2. List all name under which you or members of your immediate family do business.

N/A

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists **should not** list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: N/A

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

N/A

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

N/A

ATTESTATION

I acknowledge that I have a continuing duty to supplement the information provided herein as any material changes may occur, and that I am under an obligation to advise my superior(s) or areas where the potential for conflict of interest may arise in the performance of my responsibilities.

I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: _____



1/26/2021

Date

FINANCIAL DISCLOSURE STATEMENT

902100558

Name: Saylor Eric S
Last First Middle

Home Address: [Redacted]
Street City State County Zip

Department/Job Title: Water/City Stormwater Management Engineer

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted] _____

- 2. List all name under which you or members of your immediate family do business.

N/A _____

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A _____

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists should not list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: [Redacted] Northwest School
District school teacher

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

N/A

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

N/A

ATTESTATION

I acknowledge that I have a continuing duty to supplement the information provided herein as any material changes may occur, and that I am under an obligation to advise my superior(s) or areas where the potential for conflict of interest may arise in the performance of my responsibilities.

I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: _____

Erie Taylor

1/26/21
Date

FINANCIAL DISCLOSURE STATEMENT

Name: Rowekamp Matthew Donald

Last First Middle

Home Address: [Redacted]

Street City State County Zip

Department/Job Title: City Facility Manager

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted] _____

- 2. List all name under which you or members of your immediate family do business.

[Redacted] _____

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A _____

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists should not list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: Comey & Shedherd Realtors _____

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

N/A

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

N/A

ATTESTATION

I acknowledge that I have a continuing duty to supplement the information provided herein as any material changes may occur, and that I am under an obligation to advise my superior(s) or areas where the potential for conflict of interest may arise in the performance of my responsibilities.

I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: Matthew D. Rowekamp

Digitally signed by Matthew D. Rowekamp
DN: cn=Matthew D. Rowekamp, o=City of Cincinnati, ou=Public Services / City
Facility Management, email=matt.rowekamp@cityofcincinnati-oh.gov, c=US
Date: 2021.01.26 08:25:10 -0500

1/26/2021

Date

FINANCIAL DISCLOSURE STATEMENT

202100589

Name: Rossiter Andrew

Last First Middle

Home Address: 

Street City State County Zip

Department/Job Title: MSD / Wastewater Treatment Superintendent

- 1. List the names of members of your immediate family including your spouse and any dependent children



- 2. List all name under which you or members of your immediate family do business.

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists **should not** list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: Boone County Schools

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

AdvanEng Services LLC

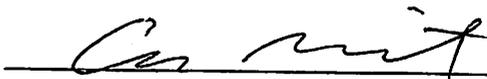
6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

ATTESTATION

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I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: 

1/26/2021

Date

202100590

FINANCIAL DISCLOSURE STATEMENT

Name: Richmond Jennifer Lynn

Last First Middle

Home Address: [Redacted]

Street City State County Zip

Department/Job Title: MSD - Treatment Superintendent

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted]
[Redacted]
[Redacted]

- 2. List all name under which you or members of your immediate family do business.

[Redacted]

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

[Redacted]

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists should not list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: [Redacted] Flint Group [Redacted]

075001204

Source: _____

Source: _____

- 5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure or information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

- 6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

ATTESTATION

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I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Jennifer Richmond

Signature: _____

1/26/21

Date

FINANCIAL DISCLOSURE STATEMENT

202100591

Name: RAMSEY EDWARD GUY
Last First Middle

Home Address: 
Street City State County Zip

Department/Job Title: HUMAN RESOURCES DEPUTY DIRECTOR

- 1. List the names of members of your immediate family including your spouse and any dependent children.





- 2. List all name under which you or members of your immediate family do business.

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists **should not** list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: ODJFS / NECCO FOSTER CHILD SUPPORT

1125082021

Source: _____

Source: _____

- 5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

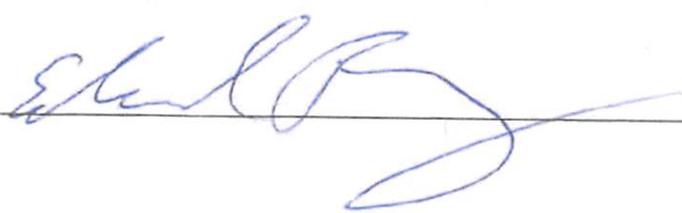
- 6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

ATTESTATION

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I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: 

1/25/2021

Date

FINANCIAL DISCLOSURE STATEMENT

Name: Nussman, Beverly Marie

Last

First

Middle

Home Address: [REDACTED]

Street

City

State

County

Zip

Department/Job Title: City Manager-Retirement/Finance Manager

1. List the names of members of your immediate family including your spouse and any dependent children.

[REDACTED]

[REDACTED]

2. List all name under which you or members of your immediate family do business.

not applicable

3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

not applicable

4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists **should not** list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: Spouse-City of Cincinnati

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure or information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

not applicable

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

not applicable

ATTESTATION

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I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: Beverly Hussman

Jan 19, 2021

Date

FINANCIAL DISCLOSURE STATEMENT

Name: Sundararajan Lauren Beth

Last First Middle

Home Address: [Redacted]

Street City State County Zip

Department/Job Title: City Manager/ Internal Audit Manager

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted]

[Redacted]

- 2. List all name under which you or members of your immediate family do business.

N/A

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: CDK Global [Redacted] spouse employment

Source: Investment

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

N/A

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

N/A

ATTESTATION

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I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: _____

1/26/2021

Date

FINANCIAL DISCLOSURE STATEMENT

2021

202100602

Name: Swertfeger Jeff Wade

Last First Middle

Home Address: [Redacted]

Street City State County Zip

Department/Job Title: Water Works/Superintendent

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted] _____

- 2. List all name under which you or members of your immediate family do business.

same _____

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

none _____

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: Cincinnati Childrens Hospital [Redacted]

CONFIDENTIAL

Source: _____

Source: _____

- 5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

none

- 6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

none

ATTESTATION

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I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature:  _____

1/26/2021

Date

FINANCIAL DISCLOSURE STATEMENT

202100603

Name: VonderMeulen, Paul, Douglas

Last First Middle

Home Address: [REDACTED]

Street City State County Zip

Department/Job Title: Greater Cincinnati Water Works/ IT Manager

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[REDACTED]
[REDACTED]
[REDACTED]

- 2. List all name under which you or members of your immediate family do business.

N/A

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists should not list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: [REDACTED] UC Health (Nurse), Elena - UC Health (Scheduler)

[REDACTED] United Electric (Electrician Apprentice)

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure or information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

N/A

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

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I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: _____

Paul Vander Meulen

1/26/2021

Date

FINANCIAL DISCLOSURE STATEMENT

202100604

Name: Staton Nicollette Marie

Last First Middle

Home Address: [REDACTED]

Street City State County Zip

Department/Job Title: Office of Performance & Data Analytics, Director

- 1. List the names of members of your immediate family including your spouse and any dependent children.

N/A

- 2. List all name under which you or members of your immediate family do business.

N/A

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: N/A

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

N/A

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

N/A

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I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: _____

Ficollotte Statan

1/26/2021

Date

FINANCIAL DISCLOSURE STATEMENT

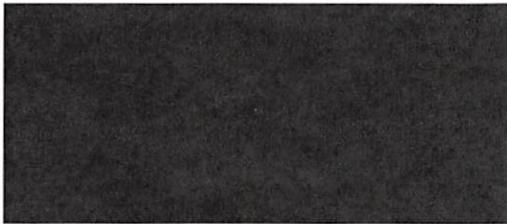
202100605

Name: Stephens Samuel Jonathan
Last First Middle

Home Address: 
Street City State County Zip

Department/Job Title: Finance/Division Manager (Debt Manager)

- 1. List the names of members of your immediate family including your spouse and any dependent children.



- 2. List all name under which you or members of your immediate family do business.

n/a

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

n/a

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: Northwest Local School District- spouse is employed as a teacher

FEB 21 3:60

FINANCIAL DISCLOSURE STATEMENT

202100606

Name: Watson Cheryl Drexler
Last First Middle

Home Address: 
Street City State County Zip

Department/Job Title: Finance/Division Manager

- 1. List the names of members of your immediate family including your spouse and any dependent children.



- 2. List all name under which you or members of your immediate family do business.

N/A

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source:  We had no other sources

of income for calendar year 2020 besides our City employment.

202100607

FINANCIAL DISCLOSURE STATEMENT

Name: Winston Roy Edward
Last First Middle

Home Address: [Redacted]
Street City State County Zip

Department/Job Title: Fire / Fire Chief

1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted]

2. List all name under which you or members of your immediate family do business.

[Redacted]

3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: Princeton High School

FINANCIAL DISCLOSURE STATEMENT

202100608

53

Name: Woerner, Emily Smart

Last

First

Middle

Home Address:

[Redacted]

Street

City

State

County

Zip

Department/Job Title: Deputy City Solicitor

1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted]

[Redacted]

2. List all name under which you or members of your immediate family do business.

None

3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

None

4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: Exair Corporation

[Redacted]

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

None

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

None

ATTESTATION

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I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: _____

Quincy Smart

1/28/21

Date

2021 00609

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

Please check ALL that apply

- Termination(s) of Engagement
- Change of Address
- Amended Statement
- Updated Registration

LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council by the last day of January and July, annually. Please read instructions and review Sections 112-1 to 112-17, Cincinnati Municipal Code, prior to filing. There is no fee for this filing. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days (the form may be obtained from the Clerk.) **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.** Other related prohibitions and penalties are contained in Section 112-99 of the Cincinnati Municipal Code.

A. GENERAL INFORMATION

Full Name of Legislative Agent Charles H Gerhardt, III
(First) (Middle) (Last)

Occupation President & CEO, Government Strategies Group

Business Address 700 Walnut Street, Suite 450
Street Suite Number

Cincinnati OH 45202
City State Zip(+4)

Telephone Number (513) 651-4100

AGENT CHANGE OF NAME OR ADDRESS - Based on your initial Registration Statement or last Updated Registration Statement, state any changes in your name or address.

(If none, check here)

Name of Legislative Agent _____

Address _____
Street Suite Number

City State Zip(+4)

Telephone Number (_____) _____

3FEB'21AKS:25
3FEB'21AKS:25

CLERK OF COUNCIL
CLERK OF COUNCIL

Reporting Period: Statement filed for period covering (check one and fill in year).

January 1 through June 30, _____
 July 1 through December 31, 2020

(Report due on or before July 31)
(Report due on or before Jan. 31)

2021-2022

Please check ALL that apply

- Updated Registration
- Amended Statement
- Change of Address
- Termination(s) of Engagement

Clerk of Council
 801 Plum Street, Room 308
 Cincinnati, Ohio 45202
 (513) 382-8246

LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT

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A. GENERAL INFORMATION

Full Name of Legislative Agent: Gehring, III H Onesch

Occupation: President & CEO, Government Strategies Group

Business Address: 700 Walnut Street, Suite 450

Cincinnati, OH 45202

Telephone Number: (513) 681-4100

Updated Registration Statement, state any changes in your name or address. **AGENT CHANGE OF NAME OR ADDRESS - Based on your initial Registration Statement or last**

(If none, check here X)

Name of Legislative Agent: _____

Address: _____

City: _____ State: _____

Telephone Number: _____

Reporting Period: Statement filed for period covering (check one and fill in year):

January 1 through June 30 _____ (Report due on or before July 31)

July 1 through December 31, 2020 _____ (Report due on or before Jan. 31)

B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION

AMENDED STATEMENT - Is this an Amended Statement (i.e., any change in an amount or a filing pursuant to a dispute resolution decision of the OCCl.

____ YES X NO

If yes, you are required to complete only the portion(s) you have amended.

TERMINATIONS - Are you still engaged by all of the employers listed on page 1 of this form?

X YES ____ NO

If no, please list the name of the Employers by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
Charles Street Development	July 1, 2020
_____	_____
_____	_____
_____	_____

ORDINANCES AND RESOLUTIONS - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

<u>See attachment</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ADDITIONAL TYPES OF LEGISLATION - Since your Initial Registration Statement or last Updated Registration Statement for all Employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here ____)

B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION

AMENDED STATEMENT - Is this an Amended Statement (i.e., any change in an amount or a filing pursuant to a dispute resolution decision of the OCC)?

YES NO

If yes, you are required to complete only the portion(s) you have amended.

TERMINATIONS - Are you still engaged by all of the employers listed on page 1 of this form?

YES NO

If no, please list the name of the Employer by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
Charles Street Development	July 1, 2020

ORDINANCES AND RESOLUTIONS - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

See attachment			

ADDITIONAL TYPES OF LEGISLATION - Since your Initial Registration Statement or last updated Registration Statement for all employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here _____)

C. DEFINITIONS

"Staff" means any city employee whose official duties are to formulate policy and who exercises administrative or supervisory authority or who authorizes the expenditure of city funds. "Staff" is limited to employees who are required to file a Financial Disclosure Statement under Article XXVI of the Administrative Code.

"Legislation" means ordinances, resolutions, amendments, nominations, and any other matter pending before the Council. See the definition of "legislation" under Section 112-1-L, Cincinnati Municipal Code.

"Financial Transaction" See definition in Section 112-1-F, Cincinnati Municipal Code.

D. FINANCIAL TRANSACTIONS

If the Legislative Agent, or a member of his or her immediate family had, during this reporting period, a financial transaction* (which is not being disputed under Section 112-19, Cincinnati Municipal Code,) with or for the benefit of a member of the Council, appointee of the Council, City Manager, the Director of a department created under the Administrative Code, or any member of the staff* of such public officer or employee, then the following information is required with respect to each such financial transaction:

- a. Name of the public officer, employee, or staff member: _____
- b. Brief description of the purpose and nature of the transaction: _____

- c. Date the transaction was made or entered into: _____
- d. Other pertinent details: _____

(Attach an additional sheet for each public officer, employee, or staff member.)

(If none, check here X)

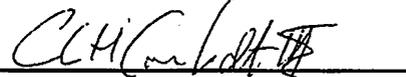
NOTE: If the Legislative Agent is required to disclose a financial transaction described in this Paragraph F, then the Legislative Agent shall deliver a copy of such paragraph which contains such information to the public officer(s) of employee(s) identified therein, at least ten (10) days before this form is filed with the Clerk of Council.

If the foregoing provision is applicable, indicate the date that such information was delivered:

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFIES THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Charles H. Gerhardt, III



1/31/2021

Type or Print Name of Legislative Agent

Signature of Legislative Agent

Date

Charles H. Gerhardt
Legislative Agent Updated Registration Statement
July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinances/resolutions)
Anderson Birkla Investment Partners	Activities related to real-estate holdings and development in the city. No legislation.
Arena Management Holdings	Activities related to Heritage Bank Arena. No legislation.
Bethany House Services	Activities related to City funding and family homelessness. No legislation.
Caracole	Activity related to Human Services funding, HIV/AIDS prevention programming, and affordable housing. No legislation.
Center for Chemical Addictions Treatment	Activities related to addiction treatment services and city operating budget. No legislation.
Children's Home of Cincinnati	Activity related to workforce development. No legislation.
Cincinnati Bell	Activity related to public utilities and COVID-19. No legislation.
Cincinnati Bulk Terminals	Activities related barge operation on riverfront. No legislation.
Cincinnati Center City Development Corporation (3CDC)	Activities related to 3CDC development. 202001376, 202001359, 20201358, 20201357.
Cincinnati Children's Hospital Medical Center	Activities related to Children's Hospital and COVID-19. No legislation.
Cincinnati Museum Center	Activities related to Cincinnati Museum Center and the Freedom Center. No legislation.
Cincinnati Works	Activities related to employment services, City funding, including operating budget and Hand Up Initiative and Child Poverty Collaborative. No legislation.
Contemporary Arts Center	Activities related to arts funding. No legislation
Duke Energy	Activities related to Duke operations in the City of Cincinnati. Items 202001299, 202000910.
Film Cincinnati	Activity related to major motion pictures and city operating budget. No legislation.
First Step Home	Activities related to expansion / renovation at the treatment campus and city operating budget. No legislation.
Futbol Club Cincinnati	Activities related to Major League Soccer expansion in Cincinnati. Items 202001483, 202001057.
LADD, Inc.	Activity related to smart technology and independent living. No legislation.
Lighthouse Youth Services	Activity related to homeless youth and the city operating budget. No legislation.
Metro	Activities related to SORTA public transportation services and operating budget. No legislation.
MORTAR	Activities related to City funding to support minority entrepreneurship. No legislation.
Norton Outdoor Advertising	Activity related to billboards. No legislation.
Prus Construction	Activities related to development and construction in the city. No legislation.
Terrex Development and Construction	Activities related to Terrex development projects. Item 202001386.
The Guild	Activity related to economic development and short term rentals. No legislation.
The Health Collaborative	Activity related to COVID-19 data. No legislation.
Nicol Investment	Activity related to development at The Banks. Item 202002309.

Charles H. Edwards
Legislative Agent Updated Legislation Statement
July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinance/resolution)
Medical Investment	Activity related to development at The Green, Item 202001309.
The Health Collaborative	Activity related to COVID-19 data. No legislation.
The Guild	Activity related to economic development and short term rentals. No legislation.
Construction	Activities related to future development projects. Item 202001389.
Peris Construction	Activities related to development and construction in the city. No legislation.
Thomson Outdoor Advertising	Activity related to billboard. No legislation.
MORBAR	Activities related to City funding to support minority and entrepreneurship. No legislation.
Metro	legislation.
Activities related to SORTA public transportation services and operating budget. No	
LightHouse Youth Services	Activity related to homeless youth and the city operating budget. No legislation.
LAND, Inc	Activity related to smart technology and independent living. No legislation.
Football Club Cincinnati	202001057
Activities related to Major League Soccer expansion in Cincinnati. Item 202001483.	
First Step Home	operating budget. No legislation.
Activities related to expansion / renovation of the treatment campus and city	
Film Cincinnati	Activity related to major motion pictures and city operating budget. No legislation.
Duke Energy	202000919
Activities related to Duke operations in the City of Cincinnati. Item 202001199.	
Contemporary Arts Center	Activities related to art funding. No legislation.
Cincinnati Works	and Hand Up Initiative and Child Poverty Collaborative. No legislation.
Activities related to employment services. City funding, including operating budget	
Cincinnati Museum Center	legislation.
Activities related to Cincinnati Museum Center and the Freedom Center. No	
Medical Center	Activities related to Children's Hospital and COVID-19. No legislation.
(3CDC)	20201857
Development Corporation	Activities related to 3CDC development. 202001876, 202001858, 20201358.
Cincinnati Center City	
Cincinnati Bank Terminals	Activities related to bank operation on riverfront. No legislation.
Cincinnati Bell	Activity related to public utilities and COVID-19. No legislation.
Children's Home of Cincinnati	Activity related to workforce development. No legislation.
treatment	legislation.
Center for Chemical Addictions	Activities related to addiction treatment services and city operating budget. No
Caracole	affordable housing. No legislation.
Activity related to human services funding, HIV/AIDS prevention programming, and	
Bethany House Services	Activity related to City funding and family homelessness. No legislation.
Avon Management Holdings	Activity related to Heritage Bank Avon. No legislation.
Partners	Activities related to real estate holdings and development in the city. No legislation.
Anderson Bank Investment	

202100610

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

Please check ALL that apply

- Termination(s) of Engagement
- Change of Address
- Amended Statement
- updated registration*

LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT

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A. GENERAL INFORMATION

Full Name of Legislative Agent Alison C Trianfo
(First) (Middle) (Last)

Occupation Operations Manager, Government Strategies Group

Business Address 700 Walnut Street, Suite 450
Street Suite Number

Cincinnati OH 45202
City State Zip(+4)

Telephone Number (513) 651-4100

AGENT CHANGE OF NAME OR ADDRESS - Based on your initial Registration Statement or last Updated Registration Statement, state any changes in your name or address.

(If none, check here)

Name of Legislative Agent _____

Address _____
Street Suite Number

City State Zip(+4)

Telephone Number (_____) _____

Reporting Period: Statement filed for period covering (check one and fill in year).

- January 1 through June 30, _____ (Report due on or before July 31)
- July 1 through December 31, 2020 (Report due on or before Jan. 31)

B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION

AMENDED STATEMENT - Is this an Amended Statement (i.e., any change in an amount or a filing pursuant to a dispute resolution decision of the OCCl.

____ YES X NO

If yes, you are required to complete only the portion(s) you have amended.

TERMINATIONS - Are you still engaged by all of the employers listed on page 1 of this form?

X YES ____ NO

If no, please list the name of the Employers by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
Charles Street Development Corporation	July 1, 2020
_____	_____
_____	_____
_____	_____

ORDINANCES AND RESOLUTIONS - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

<u>See attachment</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ADDITIONAL TYPES OF LEGISLATION - Since your Initial Registration Statement or last Updated Registration Statement for all Employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here ____)

C. DEFINITIONS

"Staff" means any city employee whose official duties are to formulate policy and who exercises administrative or supervisory authority or who authorizes the expenditure of city funds. "Staff" is limited to employees who are required to file a Financial Disclosure Statement under Article XXVI of the Administrative Code.

"Legislation" means ordinances, resolutions, amendments, nominations, and any other matter pending before the Council. See the definition of "legislation" under Section 112-1-L, Cincinnati Municipal Code.

"Financial Transaction" See definition in Section 112-1-F, Cincinnati Municipal Code.

D. FINANCIAL TRANSACTIONS

If the Legislative Agent, or a member of his or her immediate family had, during this reporting period, a financial transaction* (which is not being disputed under Section 112-19, Cincinnati Municipal Code,) with or for the benefit of a member of the Council, appointee of the Council, City Manager, the Director of a department created under the Administrative Code, or any member of the staff* of such public officer or employee, then the following information is required with respect to each such financial transaction:

- a. Name of the public officer, employee, or staff member: _____
- b. Brief description of the purpose and nature of the transaction: _____

- c. Date the transaction was made or entered into: _____
- d. Other pertinent details: _____

(Attach an additional sheet for each public officer, employee, or staff member.)

(If none, check here)

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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Alison C. Trianfo

Type or Print Name of Legislative Agent



Signature of Legislative Agent

1/31/2021

Date

Ali Trianfo
Legislative Agent Updated Registration Statement
July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinances/resolutions)
Bethany House Services	Activities related to City funding and family homelessness. No legislation.
Caracole, Inc.	Activity related to Human Services funding, HIV/AIDS prevention programming, and affordable housing. No legislation.
Charles Street Development Corporation	No activity. See attached termination.
LADD, Inc.	Activities related to housing for people living with developmental disabilities. No legislation.
MORTAR	Activities related to City funding to support minority entrepreneurship. No legislation.
The Guild	Activity related to economic development and short term rentals. No legislation.
The Health Collaborative	Activity related to COVID-19 data. No legislation.

202100611

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

Please check ALL that apply

- Termination(s) of Engagement
- Change of Address
- Amended Statement
- Updated Registration

LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT

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A. GENERAL INFORMATION

Full Name of Legislative Agent James T Benedict
(First) (Middle) (Last)

Occupation Vice President, Government Strategies Group

Business Address 700 Walnut Street, Suite 450
Street Suite Number

Cincinnati OH 45202
City State Zip(+4)

Telephone Number (513) 651-4100

AGENT CHANGE OF NAME OR ADDRESS - Based on your initial Registration Statement or last Updated Registration Statement, state any changes in your name or address.

(If none, check here)

8FEB'21AM9:25

Name of Legislative Agent _____

Address _____
Street Suite Number

City State Zip(+4)

Telephone Number (_____) _____

CLERK OF COUNCIL

Reporting Period: Statement filed for period covering (check one and fill in year).

- January 1 through June 30, _____ (Report due on or before July 31)
- July 1 through December 31, 2020 (Report due on or before Jan. 31)

B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION

AMENDED STATEMENT - Is this an Amended Statement (i.e., any change in an amount or a filing pursuant to a dispute resolution decision of the OCCl.

____ YES X NO

If yes, you are required to complete only the portion(s) you have amended.

TERMINATIONS - Are you still engaged by all of the employers listed on page 1 of this form?

X YES ____ NO

If no, please list the name of the Employers by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
Charles Street Development	July 1, 2020
_____	_____
_____	_____
_____	_____

ORDINANCES AND RESOLUTIONS - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

<u>See attachment</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ADDITIONAL TYPES OF LEGISLATION - Since your Initial Registration Statement or last Updated Registration Statement for all Employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here ____)

C. DEFINITIONS

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"Financial Transaction" See definition in Section 112-1-F, Cincinnati Municipal Code.

D. FINANCIAL TRANSACTIONS

If the Legislative Agent, or a member of his or her immediate family had, during this reporting period, a financial transaction* (which is not being disputed under Section 112-19, Cincinnati Municipal Code,) with or for the benefit of a member of the Council, appointee of the Council, City Manager, the Director of a department created under the Administrative Code, or any member of the staff* of such public officer or employee, then the following information is required with respect to each such financial transaction:

- a. Name of the public officer, employee, or staff member: _____
- b. Brief description of the purpose and nature of the transaction: _____

- c. Date the transaction was made or entered into: _____
- d. Other pertinent details: _____

(Attach an additional sheet for each public officer, employee, or staff member.)

(If none, check here X)

NOTE: If the Legislative Agent is required to disclose a financial transaction described in this Paragraph F, then the Legislative Agent shall deliver a copy of such paragraph which contains such information to the public officer(s) of employee(s) identified therein, at least ten (10) days before this form is filed with the Clerk of Council.

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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

James T. Benedict



1/31/2021

Type or Print Name of Legislative Agent

Signature of Legislative Agent

Date

James T. Benedict
Legislative Agent Updated Registration Statement
July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinances/resolutions)
Anderson Birkla Investment Partners	Activities related to real-estate holdings and development in the city. No legislation.
Arena Management Holdings	Activities related to Heritage Bank Arena. No legislation.
Bethany House Services	Activities related to City funding and family homelessness. No legislation.
Center for Chemical Addictions Treatment	Activities related to addiction treatment services and city operating budget. No legislation.
Charles Street Development	No activity. See attached termination.
Children's Home of Cincinnati	Activity related to workforce development. No legislation.
Cincinnati Bell	Activity related to public utilities and COVID-19. No legislation.
Cincinnati Bulk Terminals	Activities related barge operation on riverfront. No legislation.
Cincinnati Center City Development Corporation (3CDC)	Activities related to 3CDC development. 202001376, 202001359, 20201358, 20201357.
Cincinnati Children's Hospital Medical Center	Activities related to Children's Hospital and COVID-19. No legislation.
Cincinnati Museum Center	Activities related to Cincinnati Museum Center and the Freedom Center. No legislation.
Cincinnati Works	Activities related to employment services, City funding, including operating budget and Hand Up Initiative and Child Poverty Collaborative. No legislation.
Duke Energy	Activities related to Duke operations in the City of Cincinnati. Items 202001299, 202000910.
Film Cincinnati	Activity related to major motion pictures and city operating budget. No legislation.
First Step Home	Activities related to expansion / renovation at the treatment campus and city operating budget. No legislation.
Futbol Club Cincinnati	Activities related to Major League Soccer expansion in Cincinnati. Items 202001483, 202001057.
LADD, Inc.	Activity related to smart technology and independent living. No legislation.
Lighthouse Youth Services	Activity related to homeless youth and the city operating budget. No legislation.
Metro	Activities related to SORTA public transportation services and operating budget. No legislation.
MORTAR	Activities related to City funding to support minority entrepreneurship. No legislation.
Nicol Investment	Activity related to development at The Banks. Item 202002309.
Norton Outdoor Advertising	Activity related to billboards. No legislation.
Prus Construction	Activities related to development and construction in the city. No legislation.
TEAM, Inc.	Activity related to economic development. No legislation.
Terrex Development and	Activities related to Terrex development projects. Item 202001386.
The Guild	Activity related to economic development and short term rentals. No legislation.
The Health Collaborative	Activity related to COVID-19 data. No legislation.

James T. Benedict
 Legislative Agent Updated Registration Statement
 July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinance/resolution)
The Health Collaborative	Activity related to COVID-19 data. No legislation.
The Guild	Activity related to economic development and short term rentals. No legislation.
Texas Development and	Activity related to Texas development project. Item 202001386.
TEAM, Inc.	Activity related to economic development. No legislation.
Park Construction	Activities related to development and construction in the city. No legislation.
Morton Outdoor Advertising	Activity related to billboards. No legislation.
Micol Investment	Activity related to development at The Banks. Item 202002309.
MORTAR	Activities related to City funding to support minority entrepreneurship. No legislation.
Metrol	legislation. Activities related to SORTA public transportation services and operating budget. No legislation.
LightHouse Youth Services	Activity related to homeless youth and the city operating budget. No legislation.
ARBY, Inc.	Activity related to smart technology and independent living. No legislation.
Football Club Cincinnati	202001027. Activities related to Major League Soccer expansion in Cincinnati. Item 202001483.
First Step Home	operating budget. No legislation. Activities related to expansion / renovation at the treatment campus and city.
Film Cincinnati	Activity related to major motion picture and city operating budget. No legislation.
Duke Energy	202000810. Activities related to Duke operations in the City of Cincinnati. Item 202001599.
Cincinnati Works	and Hand Up initiative and Child Poverty Collaborative. No legislation. Activities related to employment services, city funding, including operating budget.
Cincinnati Museum Center	legislation. Activities related to Cincinnati Museum Center and the Freedom Center. No
Medical Center	Activities related to Children's Hospital and COVID-19. No legislation.
Cincinnati Children's Hospital Corporation (CCHC)	20201327. Activities related to CCHC development. 202001376, 202001359, 202001328.
Cincinnati Bulk Terminals	Activities related to barge operation on riverfront. No legislation.
Cincinnati Bell	Activity related to public utilities and COVID-19. No legislation.
Children's Home of Cincinnati	Activity related to workforce development. No legislation.
Charles Street Development	No activity. See attached termination.
Treatment	legislation.
Center for Chemical Addictions	Activities related to addiction treatment services and city operating budget. No
Bethany Horse Services	Activity related to city funding and family homelessness. No legislation.
Arena Management Holdings	Activities related to Heritage Bank Arena. No legislation.
Anderson Child Investment Partners	Activities related to real-estate holdings and development in the city. No legislation.

202100612

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

Please check ALL that apply

- Termination(s) of Engagement
- Change of Address
- Amended Statement
- Updated Registration

LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT

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A. GENERAL INFORMATION

Full Name of Legislative Agent Alana M Tucker
(First) (Middle) (Last)

Occupation Senior Associate, Government Strategies Group

Business Address 700 Walnut Street, Suite 450
Street Suite Number

Cincinnati OH 45202
City State Zip(+4)

Telephone Number (513) 651-4100

AGENT CHANGE OF NAME OR ADDRESS - Based on your initial Registration Statement or last Updated Registration Statement, state any changes in your name or address.

(If none, check here)

Name of Legislative Agent _____

Address _____
Street Suite Number

City State Zip(+4)

Telephone Number (_____) _____

8FEB'21AM9:19

CLERK OF COUNCIL

Reporting Period: Statement filed for period covering (check one and fill in year).

- January 1 through June 30, _____ (Report due on or before July 31)
- July 1 through December 31, 2020 (Report due on or before Jan. 31)

B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION

AMENDED STATEMENT - Is this an Amended Statement (i.e., any change in an amount or a filing pursuant to a dispute resolution decision of the OCCl.

____ YES X NO

If yes, you are required to complete only the portion(s) you have amended.

TERMINATIONS - Are you still engaged by all of the employers listed on page 1 of this form?

X YES ____ NO

If no, please list the name of the Employers by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
_____	_____
_____	_____
_____	_____

ORDINANCES AND RESOLUTIONS - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

<u>See attachment</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ADDITIONAL TYPES OF LEGISLATION - Since your Initial Registration Statement or last Updated Registration Statement for all Employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here ____)

C. DEFINITIONS

"Staff" means any city employee whose official duties are to formulate policy and who exercises administrative or supervisory authority or who authorizes the expenditure of city funds. "Staff" is limited to employees who are required to file a Financial Disclosure Statement under Article XXVI of the Administrative Code.

"Legislation" means ordinances, resolutions, amendments, nominations, and any other matter pending before the Council. See the definition of "legislation" under Section 112-1-L, Cincinnati Municipal Code.

"Financial Transaction" See definition in Section 112-1-F, Cincinnati Municipal Code.

D. FINANCIAL TRANSACTIONS

If the Legislative Agent, or a member of his or her immediate family had, during this reporting period, a financial transaction* (which is not being disputed under Section 112-19, Cincinnati Municipal Code,) with or for the benefit of a member of the Council, appointee of the Council, City Manager, the Director of a department created under the Administrative Code, or any member of the staff* of such public officer or employee, then the following information is required with respect to each such financial transaction:

- a. Name of the public officer, employee, or staff member: _____
- b. Brief description of the purpose and nature of the transaction: _____

- c. Date the transaction was made or entered into: _____
- d. Other pertinent details: _____

(Attach an additional sheet for each public officer, employee, or staff member.)

(If none, check here X)

NOTE: If the Legislative Agent is required to disclose a financial transaction described in this Paragraph F, then the Legislative Agent shall deliver a copy of such paragraph which contains such information to the public officer(s) of employee(s) identified therein, at least ten (10) days before this form is filed with the Clerk of Council.

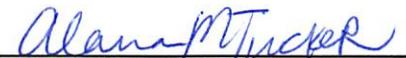
If the foregoing provision is applicable, indicate the date that such information was delivered:

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFIES THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Alana M. Tucker

Type or Print Name of Legislative Agent


Signature of Legislative Agent

1/31/2021

Date

Alana Tucker
Legislative Agent Updated Registration Statement
July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinances/resolutions)
Contemporary Arts Center	Activities related to arts funding. No legislation
First Step Home	Activities related to expansion / renovation at the treatment campus and city operating budget. No legislation.
Metro	Activities related to SORTA public transportation services and operating budget. No legislation.
Playhouse in the Park	Activities related to arts funding and lease extension. No legislation.

202100613

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

Please check ALL that apply

- Termination(s) of Engagement
- Change of Address
- Amended Statement

Updated registration

LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council by the last day of January and July, annually. Please read instructions and review Sections 112-1 to 112-17, Cincinnati Municipal Code, prior to filing. **There is no fee for this filing.** Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days (the form may be obtained from the Clerk.) **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.** Other related prohibitions and penalties are contained in Section 112-99 of the Cincinnati Municipal Code.

A. GENERAL INFORMATION

Full Name of Legislative Agent Anne Sesler
(First) (Middle) (Last)

Occupation Senior Advisor, Government Strategies Group

Business Address 700 Walnut Street, Suite 450
Street Suite Number

Cincinnati OH 45202
City State Zip(+4)

Telephone Number (513) 651-4100

AGENT CHANGE OF NAME OR ADDRESS - Based on your initial Registration Statement or last Updated Registration Statement, state any changes in your name or address.

(If none, check here)

Name of Legislative Agent _____

Address _____
Street Suite Number

City State Zip(+4)

Telephone Number (_____) _____

8FEB'21AM9:19
CLERK OF COUNCIL

Reporting Period: Statement filed for period covering (check one and fill in year).

- January 1 through June 30, _____ (Report due on or before July 31)
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B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION

AMENDED STATEMENT - Is this an Amended Statement (i.e., any change in an amount or a filing pursuant to a dispute resolution decision of the OCCl.

____ YES X NO

If yes, you are required to complete only the portion(s) you have amended.

TERMINATIONS - Are you still engaged by all of the employers listed on page 1 of this form?

X YES ____ NO

If no, please list the name of the Employers by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
_____	_____
_____	_____
_____	_____

ORDINANCES AND RESOLUTIONS - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

<u>See attachment</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

ADDITIONAL TYPES OF LEGISLATION - Since your Initial Registration Statement or last Updated Registration Statement for all Employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here ____)

C. DEFINITIONS

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"Financial Transaction" See definition in Section 112-1-F, Cincinnati Municipal Code.

D. FINANCIAL TRANSACTIONS

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- c. Date the transaction was made or entered into: _____
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(Attach an additional sheet for each public officer, employee, or staff member.)

(If none, check here)

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If the foregoing provision is applicable, indicate the date that such information was delivered:

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFIES THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Anne Sesler

Anne Sesler

1/31/2021

Type or Print Name of Legislative Agent

Signature of Legislative Agent

Date

Anne Sesler
Legislative Agent Updated Registration Statement
July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinances/resolutions)
Caracole, Inc.	Activity related to Human Services funding and HIV/AIDS prevention programming. No legislation.
MORTAR	Activities related to City funding to support minority entrepreneurship. No legislation.
LADD, Inc.	No legislation.
The Health Collaborative	Activity related to COVID-19 data. No legislation.
Bethany House Services	Activities related to City funding and family homelessness. No legislation.

202100614

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

Please check ALL that apply

- Termination(s) of Engagement
- Change of Address
- Amended Statement
- Updated Registration

LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council by the last day of January and July, annually. Please read instructions and review Sections 112-1 to 112-17, Cincinnati Municipal Code, prior to filing. **There is no fee for this filing.** Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days (the form may be obtained from the Clerk.) **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.** Other related prohibitions and penalties are contained in Section 112-99 of the Cincinnati Municipal Code.

A. GENERAL INFORMATION

Full Name of Legislative Agent J. Douglas Moormann
(First) (Middle) (Last)

Occupation Vice President, Development Strategies Group

Business Address 700 Walnut Street, Suite 450
Street Suite Number

Cincinnati OH 45202
City State Zip(+4)

Telephone Number (513) 651-4100

AGENT CHANGE OF NAME OR ADDRESS - Based on your initial Registration Statement or last Updated Registration Statement, state any changes in your name or address.

(If none, check here)

Name of Legislative Agent _____

Address _____
Street Suite Number

City State Zip(+4)

Telephone Number (_____) _____

8FEB'21AM9:19

CLERK OF COUNCIL

Reporting Period: Statement filed for period covering (check one and fill in year).

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____ YES X NO

If yes, you are required to complete only the portion(s) you have amended.

TERMINATIONS - Are you still engaged by all of the employers listed on page 1 of this form?

X YES ____ NO

If no, please list the name of the Employers by whom you are no longer engaged and the date of termination. (Attach additional sheets if necessary.)

Employer Name	Date of Termination
Charles Street Development	July 1, 2020
Campus Management	July 1, 2020
Penrose	July 1, 2020

ORDINANCES AND RESOLUTIONS - List the specific ordinance(s) and resolution(s) on which you actively advocated during this reporting period.

See attachment _____ _____ _____

_____ _____ _____ _____

_____ _____ _____ _____

ADDITIONAL TYPES OF LEGISLATION - Since your Initial Registration Statement or last Updated Registration Statement for all Employers listed on this form, give a brief description of each of the additional types of legislation to which any of your engagements relate.

(If none, check here ____)

C. DEFINITIONS

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- c. Date the transaction was made or entered into: _____
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(Attach an additional sheet for each public officer, employee, or staff member.)

(If none, check here X)

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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

J. Douglas Moormann



1/31/2021

Type or Print Name of Legislative Agent

Signature of Legislative Agent

Date

J. Douglas Moormann
Legislative Agent Updated Registration Statement
July 1, 2020 - December 31, 2020

Client	Ordinances, Resolutions and Activities (if no ordinances/resolutions)
Anderson Birkla Investment Partners	Activities related to potential real estate development. No legislation.
Campus Management	Activities related to real estate development. Item 201901820. See attached termination form.
Charles Street Development	Activities related to real estate development. No legislation. See attached termination form.
Hills Properties	Activity related to the development of the Graphite Oakley apartment complex. Items 202001999 and 202000898.
Kroger	Issues related to business expansion and location work. No legislation.
Local Oakley	Activity related to development of the Local Oakley project (formerly CasatFab). Item 202000898.
Neyer Properties	Issues related to Keystone Parke, the Baldwin Property, Riverside Yards, Uptown/MLK, and Shillito West. Item 202000809.
NuovoRE	Activity related to redevelopment of the Gwynne Building. Item 202001691.
Oswald Company	Activities related to real estate development. No legislation.
Pearl Capital	Issues related to Provident Bank Building. No legislation.
Pennrose	Activities related to real estate development. No legislation. See attached termination form.
Protective Insurance	Activity related to economic development incentives for job creation. No legislation.
Prus Construction	Activities related to real estate development and project labor agreements. No legislation.
TEAM, Inc.	Activity related to economic development incentives for job creation. Item 20202115
Terrex Development and Construction	Activities related to Terrex development projects. No legislation.

FINANCIAL DISCLOSURE STATEMENT

202100615

Name: Merz III, Richard J.

Last First Middle

Home Address:

Street City State County Zip

Department/Job Title: Parks, Division Manager

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted] _____

- 2. List all name under which you or members of your immediate family do business.

[Redacted] _____

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

none _____

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists should not list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: PatientPoint LLC., [Redacted]

2/10/21

Source: _____

Source: _____

- 5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

None.

- 6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

ATTESTATION

I acknowledge that I have a continuing duty to supplement the information provided herein as any material changes may occur, and that I am under an obligation to advise my superior(s) or areas where the potential for conflict of interest may arise in the performance of my responsibilities.

I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: Richard J. Myer 2/3/2021
Date

FINANCIAL DISCLOSURE STATEMENT

202100614

Name: Mackenzie Jennifer Bush
Last First Middle

Home Address: [Redacted]
Street City State County Zip

Department/Job Title: Department of Economic Inclusion/Interim Director

1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted]
[Redacted]

2. List all name under which you or members of your immediate family do business.

None

3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

None

4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists should not list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: Western Kentucky University - [Redacted]
[Redacted]

FINANCIAL DISCLOSURE STATEMENT

202100617

Name: Bigham Christopher Andrew
Last First Middle

Home Address: 
Street City State County Zip

Department/Job Title: Assistant City Manager

1. List the names of members of your immediate family including your spouse and any dependent children.



2. List all name under which you or members of your immediate family do business.

N/A

3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A

4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

Although you are required to list each source of income, you are not required to disclose any dollar amounts. If you received income from a business or profession, name only the source of income, such as the name of the business and not individual accounts, clients, or customers for the business or profession. Attorneys, doctors and psychologists **should not** list their clients or patients. For each source of income listed, give a brief description of the nature of the income (e.g. investment, law practice).

Source: University of Cincinnati, 

UC Child Care Center Inc., 

712001206

Source: _____

Source: _____

- 5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

N/A

- 6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

None

ATTESTATION

I acknowledge that I have a continuing duty to supplement the information provided herein as any material changes may occur, and that I am under an obligation to advise my superior(s) or areas where the potential for conflict of interest may arise in the performance of my responsibilities.

I further acknowledge that a false filing of this statement may be grounds for removal from my office or dismissal from my employment.

I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature:  _____

2/3/21

Date

FINANCIAL DISCLOSURE STATEMENT

202100619

Name: Allison, Deborah W

Last First Middle

Home Address:

[Redacted]

Street City State County Zip

Department/Job Title: Finance / Finance Manager

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted] [Redacted]
[Redacted]

- 2. List all name under which you or members of your immediate family do business.

N/A

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

N/A

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: Freking, Myers & Reul law practice

Source: _____

Source: _____

5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

Freking, Myers & Reul

6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

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I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: Debrah Allie

2/2/21

Date

FINANCIAL DISCLOSURE STATEMENT

202100619

Name: Nussman, Beverly Marie

Last First Middle

Home Address:

[Redacted]

Street City State County Zip

Department/Job Title: City Manager-Retirement/Finance Manager

- 1. List the names of members of your immediate family including your spouse and any dependent children.

[Redacted]

[Redacted]

- 2. List all name under which you or members of your immediate family do business.

not applicable

- 3. List the names of any person or organizations, other than the City, for whom you do work as an employee.

not applicable

- 4. List each source from which your spouse or any dependent child received income of more than \$5,000 during the previous calendar year, with the exception of your City employment. Sources of income which are reportable for Ohio and/or federal income tax purposes should be included whether such income is derived from outside employment, business operations, or investment.

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Source: Spouse-City of Cincinnati

1/12/2021

Source: _____

Source: _____

- 5. List the name of each corporation incorporated or authorized to do business in Cincinnati, Ohio and each business trust, partnership, or association transacting business in Cincinnati, Ohio in which you, your spouse, or any dependent family member had an interest of more than 5% during the preceding calendar year, or in which you, your spouse, or dependent family member holds an office or has a fiduciary relationship (regardless of monetary investment). This section does not require disclosure of information concerning deposits or withdrawable share accounts in banks, savings and loans, credit unions, or other similar financial institutions.

not applicable

- 6. List all interest in real estate located in Cincinnati, Ohio to which you hold legal title or in which, your spouse, or any dependent family member has any beneficial interest other than your personal primary residence. List by address or other description and include the nature of the interest held.

not applicable

ATTESTATION

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I swear or affirm that this statement and any attachments thereto, have been prepared or carefully reviewed by me and constitute a complete, truthful, and correct disclosure of all information required therein.

Signature: Beverly Nussman Jan 19, 2021

Date

February 3, 2021

TO: Mayor and Members of City Council
FROM: Paula Boggs Muething, City Manager
SUBJECT: Transit Corridor Zoning Study Plan

202100463

REFERENCE DOCUMENT # 202002127

Background

On November 12, 2020, City Council adopted Motion 20200217. City Council moved that the Administration conduct a zoning study on the high-frequency and 24-hour transit corridors proposed by Reinvesting Metro specifically focused on updating zoning regulations to provide flexibility on density and parking requirements in order to increase neighborhood investment. The motion requested that the Administration provide a report to Council within 60 days. Given the scope of the request, the zoning study requires a process that extends beyond the 60-day timeframe. This report aims to outline the process that the Administration will undertake in the coming months to conduct the zoning study.

Process

- Evaluate existing zoning districts, land uses, and regulations around transit corridor study areas
- Conduct case study research on peer cities' approaches to transit-oriented development and zoning policies with support from the Bloomberg Philanthropies' American Cities Climate Challenge including national partners Urban Land Institute (ULI), and North American City Transit Officials (NACTO)
- Hold targeted engagement sessions with stakeholders including, but not limited to, Metro/SORTA, Cincinnati Chamber USA, community councils, developers, City departments, and other partners as outlined in the Motion's attachment
- Host public engagement sessions open to all community members and stakeholders
- Develop recommendations

Deliverables

- A study of existing zoning and land uses surrounding the identified transit corridor areas
- Case studies of peer cities' transit-oriented development policies
- Report of community and stakeholder feedback
- A recommendation on or proposal for text amendments to the Zoning Code or application of existing overlay districts to targeted areas.

Next Steps

The Department of City Planning will lead the process as outlined with the assistance of the Department of Community and Economic Development, Department of Transportation and Engineering, and Office of Environment and Sustainability. The Administration will provide Council with the referenced deliverables.

CC: Katherine Keough-Jurs, AICP, Director, Department of City Planning
Markiea Carter, Director, Department of Community and Economic Development
John Brazina, Director, Department of Transportation and Engineering
Michael Forrester, Director, Office of Environment and Sustainability

February 3, 2021

To: Mayor and Members of City Council 202100466
From: Paula Boggs Muething, City Manager
Subject: Ordinance – Reconstruction of the Reeves Driving Range

Attached is an Ordinance captioned:

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.

This Ordinance establishes new capital improvement program project account no. 980x195x211920 “Reeves Driving Range Reconstruction”. The Ordinance also authorizes the City Manager to transfer and appropriate the sum of \$775,000 from the unappropriated surplus of Municipal Golf Fund 105 to the newly established capital improvement program project account No. 980x195x211920 “Reeves Driving Range Reconstruction” for the Cincinnati Recreation Commission (CRC) for the purpose of the reconstruction of the Reeves Driving Range.

The CRC recently received an insurance settlement in the amount of \$511,384 (amount is less the deductible and non-golf related expenses) from a claim submitted in March 2019 after the driving range was damaged by a storm. These insurance funds, along with funds from the unappropriated surplus of Fund 105, will be used for the completion of the project.

This Ordinance is in accordance with the “Live” goal to “Build a robust public life,” as described on page 149 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director



Attachment

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.

WHEREAS, the City-owned and -operated Reeves Driving Range golf facility was damaged in a storm; and

WHEREAS, the Cincinnati Recreation Commission (“CRC”) recently received a net insurance settlement (less the deductible and non-golf related expenses) in the amount of \$511,384 from a claim submitted in March 2019 which will be used to fund part of the cost to reconstruct the Reeves Driving Range; and

WHEREAS, the transfer and appropriation of the sum of \$775,000 from the unappropriated surplus of Municipal Golf Fund 105 to newly established capital improvement program project account no. 980x195x211920, “Reeves Driving Range Reconstruction,” will provide funding to the Cincinnati Recreation Commission for the purpose of reconstructing the Reeves Driving Range; and

WHEREAS, Municipal Golf Activities Fund 105 receives no tax dollars and is 100% self-sufficient; and

WHEREAS, this ordinance is in accordance with the “Live” goal to “Build a robust public life,” as described on page 149 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x195x211920, “Reeves Driving Range Reconstruction,” for the purpose of providing funding to the Cincinnati Recreation Commission (“CRC”) to reconstruct the Reeves Driving Range.

Section 2. That the transfer and appropriation of the sum of \$775,000 from the unappropriated surplus of Municipal Golf Activities Fund 105 to the newly established capital improvement program project account no. 980x195x211920, “Reeves Driving Range

Reconstruction,” is hereby authorized for the purpose of providing resources to CRC to reconstruct the Reeves Driving Range.

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

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

February 3, 2021

To: Mayor and Members of City Council 202100467
From: Paula Boggs Muething, City Manager
Subject: Emergency Ordinance – Nuveen Asset Management, LLC Moral Obligation

Attached is an Emergency Ordinance captioned:

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.

Approval of this Emergency Ordinance authorizes the payment of \$90,398.36 as a moral obligation to Nuveen Asset Management, LLC for investment management and investment advisory services provided to the City of Cincinnati. Due to COVID-19 and working remotely, the contract expiration date was overlooked thus the contract was not renewed, but Nuveen continued to provide necessary services to the City, which necessitates a moral obligation payment.

This Emergency Ordinance also authorizes the Finance Director to make a payment of \$90,398.36 from the Finance Department's non-personnel operating budget account no. 151x134x0000x7289, to Nuveen Asset Management, LLC as a moral obligation of the City of Cincinnati, for investment management and investment advisory services. Sufficient funds are available for this expense.

The reason for the emergency is the immediate need for the Finance Department to certify the required funds to pay Nuveen Asset Management, LLC for the past three quarters of investment management services.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

LES

- 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.

WHEREAS, in May 2014, the City of Cincinnati Finance Department engaged Nuveen Asset Management, LLC (“Nuveen”) to supervise and direct the investment and reinvestment of the assets of the City; and

WHEREAS, the contract with Nuveen expired on April 30, 2020; and

WHEREAS, due to COVID-19 and working remotely, the contract expiration date was overlooked and the contract was not renewed, but Nuveen continued to provide necessary services to the City; and

WHEREAS, the City Manager has approved continuing to have a contract with Nuveen for investment services, and a new contract with Nuveen is anticipated to be executed shortly; and

WHEREAS, sufficient funds are available from the Finance Department's non-personnel operating budget account no. 151x134x0000x7289 to pay for the services provided by Nuveen; and

WHEREAS, City Council desires to provide payment for such services in the amount of \$90,398.36; 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 \$90,398.36 from the Finance Department's non-personnel operating budget account no. 151x134x0000x7289 to Nuveen Asset Management, LLC as a moral obligation of the City of Cincinnati, for payment of charges owed for investment management and investment advisory services provided to the City of Cincinnati.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the Finance Department to certify the required funds to pay Nuveen Asset Management LLC for the past three quarters of investment management services.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

City of Cincinnati



Interdepartmental
Correspondence Sheet

February 3, 2021

To: Mayor and Members of Council 202100468

From: Paula Boggs Muething, City Manager

Subject: Ordinance – Execute a Grant of Easement in favor of Duke Energy Ohio, Inc., for the property located at 2026 Seymour Ave.

Transmitted herewith is an ordinance captioned as follows:

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.

This ordinance would authorize 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, Ohio. Duke Energy Ohio, Inc. is requesting an easement for the purposes of relocating a gas line, which would run through city property at the Roselawn Sports Complex. This property includes the Reds Urban Youth Academy softball field. The will gas line will be installed near the CRC maintenance barn, then along outside of the baseball fields and through the UYA softball outfield. The Cincinnati Recreation Commission is working with the Reds to coordinate the efforts with Duke Energy Ohio, Inc. Any restoration work will be addressed by Duke Energy. The approval of this easement does not impede any operations or patron safety. Duke is expected to be onsite installing the gas line no more than two weeks.

cc: Daniel E. Betts, Director of Cincinnati Recreation Commission

D.E.

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc., granting a pipeline easement over a portion of City-owned property generally located at 2026 Seymour Avenue in the Roselawn neighborhood of Cincinnati.

WHEREAS, the City of Cincinnati owns certain real property commonly known as the Roselawn Playground and generally located at 2026 Seymour Avenue in the Roselawn neighborhood (the “Property”), which Property is under the management of the Cincinnati Recreation Commission (“CRC”); and

WHEREAS, Duke Energy Ohio, Inc. (“Grantee”) has requested easements over the Property to construct, reconstruct, operate, use, patrol, maintain, repair, replace, relocate, add to, modify, and remove an underground pipeline or lines for the underground transportation of gas, which easements are more particularly depicted in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference; and

WHEREAS, the City Manager, in consultation with CRC, has determined that the grant of the easements to Grantee is not adverse to the City’s retained interest in the Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the encumbrance of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the fair market value of the easements, as determined by appraisal by the City’s Real Estate Services Division, is \$109,901, which Grantee has agreed to pay; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved granting the easements at its meeting on January 15, 2021; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement* in favor of Duke Energy Ohio, Inc. (“Grantee”), pursuant to which the City will grant to Grantee easements over a portion of City-owned property located at 2026 Seymour Avenue in Cincinnati (the “Property”), in substantially the form attached hereto as Attachment A and incorporated

herein by reference, to construct, reconstruct, operate, use, patrol, maintain, repair, replace, relocate, add to, modify, and remove an underground pipeline or lines for the underground transportation of gas.

Section 2. That the grant of the easements to Grantee is not adverse to the City's retained interests in the Property.

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

Section 4. That the fair market value of the easements, as determined by appraisal by the City's Real Estate Services Division, is \$109,901, which Grantee has agreed to pay.

Section 5. That the proceeds from the grant of the easements shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the *Grant of Easement*, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Recreation Permanent Improvement Fund 751.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including execution of all necessary real estate documents.

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

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

[SPACE ABOVE FOR RECORDER'S OFFICE]

Property: 1955 Losantiville Ave & 2026 Seymour Ave,
Auditor's Parcel Nos.:117-0012-0026-90,
117-0012-0027-90 (27-33-152 Cons.),
117-0013-0003-90 (3-4-5-6-8-9 Cons.)

GRANT OF EASEMENT

In consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the **CITY OF CINCINNATI**, an Ohio municipal corporation, with an address of 801 Plum Street, Cincinnati, OH 45202 ("**Grantor**"), hereby grants and conveys to **DUKE ENERGY OHIO, INC.**, an Ohio corporation, with a mailing address of 139 East Fourth Street, Cincinnati, OH 45202, its successors and assigns ("**Grantee**"), a perpetual, non-exclusive easement to construct, reconstruct, operate, use, patrol, maintain, repair, replace, relocate, add to, modify, and remove an underground pipe line or lines for the underground transportation of gas (the "**Easement**"), including but not limited to, all equipment such as underground ducts, conduits, wires, cables, manholes, pipes, grounding systems, above-ground pipeline markers, and all other appurtenances, fixtures, and equipment necessary or appropriate for the underground transportation of gas (collectively, the "**Facilities**") across a portion of the following described real estate (the "**Property**"):

Tract I

Situate in Section 36, Township 4, Range 2, City of Cincinnati, Hamilton County, State of Ohio; being an approximately 5 acre tract as recorded in **Deed Book 3518, Page 644** in the Office of the Recorder of Hamilton County, Ohio.

Tract II

Situate in Section 36, Township 4, Range 2, City of Cincinnati, Hamilton County, State of Ohio; being part of an approximately 10.351 acre tract as recorded in **Deed Book 2394, Page 100** in the Office of the Recorder of Hamilton County, Ohio.

Tract III

Situate in Section 36, Township 4, Range 2, City of Cincinnati, Hamilton County, State of Ohio; being a 32.903 acre tract as recorded in **Registered Land Certificate No. 16823** and also in **Registered Land Certificate No. 68217** in the Office of the Recorder of Hamilton County, Ohio.

The portion of the Property encumbered by the Easement is more particularly described and depicted on Exhibit A (*Survey Plat*) attached hereto and incorporated herein by reference (the “**Easement Area**”). The Easement Area is identified and labeled on Exhibit A as the “Permanent Easement”.

Grantor hereby grants and conveys to Grantee, its successors and assigns, a temporary construction easement on, over, under, and across those portions of the Property more particularly described and depicted on Exhibit A, including the right to access and re-access the temporary construction easement for uses associated with the initial establishment, construction, and installation of the Facilities (the “**Temporary Construction Easement**” or “**Temporary Construction Easement Area**”, as applicable, and together with the Easement Area, the “**Easement Areas**”). The Temporary Construction Easement Area is identified and labeled on Exhibit A as the “Temporary Workspace Easement”. The Temporary Construction Easement shall terminate automatically at such time that Grantee completes construction and installation of the Facilities and has completed any necessary work to restore or repair any and all physical damage to the surface or subsurface areas of the Temporary Construction Easement Area caused by Grantee, its employees, agents, contractors, or subcontractors in connection with the establishment, construction, and installation of the Facilities.

Cincinnati City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easements at its meeting on January 15, 2021. Cincinnati City Council authorized this *Grant of Easement* by Ordinance No. ____-2021, passed on _____, 2021.

The respective rights and duties of Grantor and Grantee under this Grant of Easement are as follows:

1. Access. Grantee shall have the right of ingress and egress over the Easement Areas and the Property using existing lanes, driveways and adjoining public roads where practical as determined by Grantee.
2. Clearing of Vegetation. Grantee shall have the right to cut down, clear, trim, remove, and otherwise control any trees, shrubs, overhanging branches and other vegetation (collectively, “**Vegetation**”) within the Easement Areas. Grantee shall also have the right to cut down, clear, trim, remove and otherwise control any Vegetation that is adjacent to the Easement Area but only to the extent such Vegetation may endanger the safe or reliable operation of the Facilities as reasonably determined by Grantee. Following Grantee’s removal of Vegetation, Grantee shall restore the surface of the Easement Areas and Property, as the case may be, to a safe and slightly condition. By way of example and not limitation, if Grantee cuts down trees, Grantee shall either completely remove the tree stumps or cut them off level to the ground, and if Grantee damages grassy areas, Grantee shall either re-sod or re-seed the damaged area.
3. Environmental Condition. To the best of Grantor’s actual knowledge without having performed any independent inquiry, investigation or environmental assessment, the Easement Area does not contain any hazardous or toxic materials or other environmental contamination.
4. No Obstructions or Excavation. Grantor shall not, without Grantee’s prior written consent, (a) place, or permit the placement of, any structures or other permanent obstructions within or adjacent to the Easement Area that may interfere with Grantee’s exercise of its rights hereunder; (b) excavate or place, or permit the excavation or placement of, any dirt or other similar material within the Easement Area; or (c) install, or permit the installation of, a pond, lake or similar containment vehicle within or adjacent to the Easement Area that would result in the retention of water within the Easement Area. Grantee shall have the right to remove any and all such unauthorized obstructions and, notwithstanding the

provisions of paragraph 6 (Repair of Damage) below, Grantee shall not be required to repair any damage to the surface of the Easement Area or Property resulting therefrom.

5. Storing of Dirt. Grantee shall have the right to temporarily pile dirt and other material and to operate equipment upon the surface of the Easement Area, and also on the land immediately adjacent to the Easement Area not to exceed fifteen (15) feet in width on either side of the Easement Area, but only during those times when Grantee is constructing, reconstructing, maintaining, repairing, replacing, adding to, modifying, or removing the Facilities.
6. Repair of Damage. Grantee, at its expense, shall promptly repair any and all physical damage to the surface area of the Easement Area and any and all damage to the Property resulting from Grantee's exercise of its rights hereunder, including without limitation damage caused by Grantee's employees, agents, contractors and subcontractors. In making such repairs, Grantee shall restore the affected area to a safe and sightly condition and otherwise to a condition that is reasonably close to the condition that the affected area was in immediately prior to the damage. If Grantee does not, in the opinion of Grantor, satisfactorily repair any such damage, Grantor may, within ninety (90) days of discovering such damage, file a claim for such damage with Grantee (a) at 139 East Fourth Street, Cincinnati, OH 45202, Attn: Land Services, or (b) by contacting an authorized Right of Way Services representative of Grantee. Grantee shall not be expected to respond to claims filed thereafter.
7. Grantor's Reserved Rights. Grantor shall have the right to use the Easement Area in any manner that is not inconsistent with the rights granted herein to Grantee. Grantor's and Grantee's use of the Easement Area shall comply with all applicable laws and codes.
8. Authority to Grant Easement. Grantor represents that it has the necessary authority and title to the Property to grant this easement to Grantee.
9. Easement to Run with the Land. The provisions hereof shall be deemed to "run with the land" and shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns. Upon any transfer of the fee simple interest in the Property, the transferor of such interest shall be relieved of all liability and obligations hereunder thereafter accruing, and the transferee shall be deemed to have assumed all such liability and obligations.

The rights herein granted to Grantee are subject to any and all existing easements, restrictions and other matters of record affecting the Property.

[*Grantor's Signature page follows*]

IN WITNESS WHEREOF, Grantor has caused this Grant of Easement to be signed by its duly authorized representative(s), effective the ____ day of _____, 2021.

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of the City of Cincinnati, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereby.

Notary Public
My commission expires: _____

Approved By:

Daniel E. Betts, Director
Cincinnati Recreation Commission

Approved as to Form:

Assistant City Solicitor

[*Grantee Signature Page Follows*]

ACKNOWLEDGED AND ACCEPTED BY:
DUKE ENERGY OHIO, INC.,
an Ohio corporation

By: _____

Printed name: _____

Title: _____

Date: _____, 2021

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021 by _____, the _____ of Duke Energy Ohio, Inc., an Ohio corporation, on behalf of the corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereby.

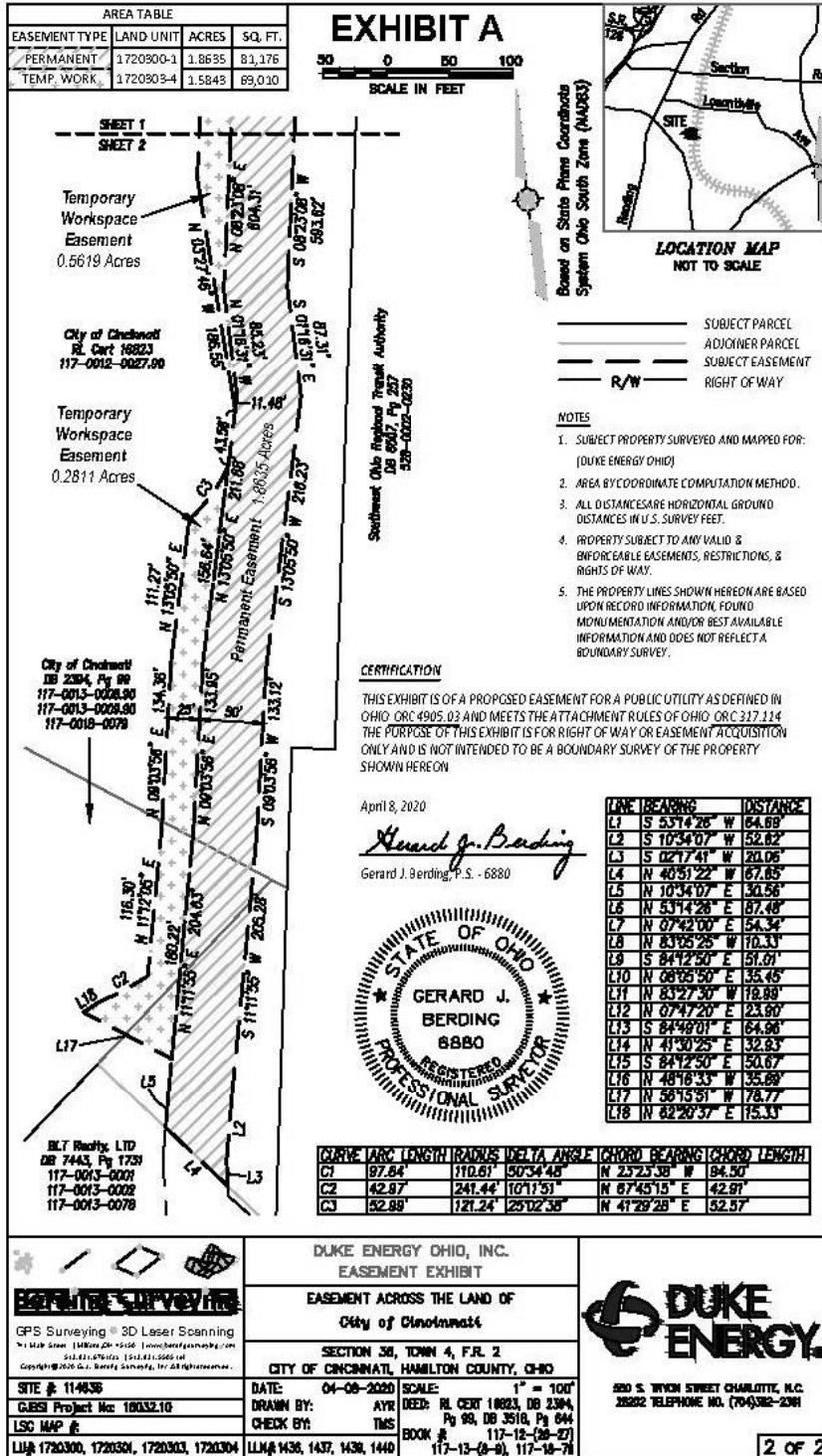
Notary Public
My commission expires: _____

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street
Cincinnati, OH 45202

For Grantee's Internal Use:
Line Name/No: C350
R/W Tract No: 1436.00
Job Control# _____
LU# 1720300
Prep/Chk: RB/ Exec/Rec: _____
Dwg/Fac Ref.: _____
Prepared Date: 4/13/2020

EXHIBIT A
to Grant of Easement
Survey Plat



February 3, 2021

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

202100562

Subject: Emergency Ordinance – E. Freedom Way Public Improvements TIF Project

Attached is an Emergency Ordinance captioned:

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.

Approval of this Emergency Ordinance creates a new project account and appropriates \$150,000 from the Downtown South/Riverfront Equivalent Fund 481 to such account for the purpose of providing resources for public improvements related to the closure of the easternmost block of East Freedom Way for the creation of a pedestrian plaza. Such public improvements include, but are 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. The goal of this closure and investment is to foster investment and increase neighborhood vitality—including increased patronage of businesses located at The Banks.

The City is working in partnership with The Banks Community Authority (BCA) on this project to close the easternmost block of Freedom Way to create a pedestrian plaza. Additionally, the City is working with the BCA to establish a designated

outdoor refreshment area (DORA) at The Banks. The BCA will manage and operate both the DORA and the proposed pedestrian plaza.

The overall project budget for creation of the pedestrian plaza is currently estimated at \$750,000. If this legislation is approved, the City's contribution will be \$150,000, and the remainder will be contributed either from private sources or the BCA.

The City Administration presented the proposed closure of the portion of East Freedom Way and the DORA proposal to the Board of the Downtown Residents Council on January 11, 2021 and received their support. A letter of support has been submitted to the Cincinnati Planning Commission for the proposed closure. At the time of presentation, no City funding was expected to be needed for the conversion of East Freedom Way to a pedestrian plaza. However, following that meeting the City received word from the BCA that \$150,000 would be needed to fund public infrastructure associated with the closure. Once that was known, the City Administration provided an update and details of the proposed appropriation and expenditures to the Downtown Residents Council and, as of this writing, has offered to present additional details on the proposed expenditure to the Downtown Residents Council at their first meeting in early February.

This Emergency Ordinance is in accordance with the "Live" goal to "Build a robust public life" and strategy to "Develop and maintain inviting and engaging public spaces that encourage social interaction between different types of people" as described on pages 149-152 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide necessary financing in order to immediately begin construction to meet the April 1, 2021 construction deadline.

The Administration recommends passage of this Emergency Ordinance.

cc: Christopher A. Bigham, Assistant City Manager
Karen Alder, Finance Director

Attachment



EMERGENCY

CMZ

- 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.

WHEREAS, pedestrian access and walkability are important components of a thriving neighborhood and foster economic development; and

WHEREAS, the E. Freedom Way Public Improvements are in accordance with the “Live” goal to “Build a robust public life” and strategy to “Develop and maintain inviting and engaging public spaces that encourage social interaction between different types of people” as described on pages 149-152 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the new capital improvement program project account no. 980x164x211638, “E. Freedom Way Public Improvements – TIF,” is hereby established 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.

Section 2. That the transfer and appropriation of the sum 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,” to provide 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 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 (collectively, the “E. Freedom Way Public Improvements”), is hereby authorized.

Section 3. That Council hereby declares that the E. Freedom Way Public Improvements constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 2-Downtown South/Riverfront TIF District Incentive District, subject to compliance with ORC Sections 5709.40 through 5709.43.

Section 4. That expenditures from capital improvement program project account no. 980x164x211638, “E. Freedom Way Public Improvements – TIF,” are hereby declared to serve a public purpose because the projects will foster local improvements and investment and increase neighborhood vitality.

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

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide necessary financing in order to immediately begin construction to meet the April 1, 2021 construction deadline.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____

Clerk

February 3, 2021
202100574

To: Mayor and Members of City Council

From: Paula Boggs Muething, City Manager

Subject: **REPEAL AND REPLACE ORDINANCE APPROVING
APPLICATION FOR THE CREATION OF A DESIGNATED
OUTDOOR REFRESHMENT AREA**

Attached is an Emergency Ordinance captioned as follows:

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.

PURPOSE OF ORDINANCE

The purpose of this ordinance is to remedy a procedural issue with Ordinance No. 23-2021 passed by City Council on January 21, 2021 regarding an application for the creation of a designated outdoor refreshment area at The Banks. Ohio Revised Code 4301.82 requires the application for a designated outdoor refreshment area to be on file at the Clerk’s office for a period of thirty days following initial publication of notice prior to approval by a legislative authority. As notice for the DORA at The Banks was originally published on December 29, 2020, the January 21st ordinance did not fulfill the timing requirements. Therefore, this ordinance repeals and replaces the prior ordinance with a duplicate version. The only change from the original ordinance is to update the application address information for Qualified Permit Holders, which was requested by the Ohio Department of Commerce Liquor Division. The transmittal for Ordinance No. 23-2021 is attached as Attachment A for reference.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Copy: Markiea L. Carter, Interim Director, Department of Community & Economic Development

Attachment A: Transmittal for Ordinance No. 23-2021

[Attached]

December 16, 2020

To: Mayor and Members of City Council 202002309
From: Paula Boggs Muething, City Manager
Subject: **APPLICATION FOR THE CREATION OF A DESIGNATED
OUTDOOR REFRESHMENT AREA AT THE BANKS**

Attached is an Emergency Ordinance captioned as follows:

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

SUMMARY AND BACKGROUND

Ohio Revised Code (“**ORC**”) 4301.82, initially enacted in 2015, allows the executive officer of a municipal corporation to submit an application to its legislative authority for establishment of a designated outdoor refreshment area (“**DORA**”). In 2015, City Council enacted Chapter 838 of the Cincinnati Municipal Code (“**CMC**”), “Outdoor Refreshment Areas,” to provide for the creation of DORAs within the City of Cincinnati.

This submitted legislation contains an application for the creation of a DORA at The Banks covering the area depicted in Attachment A, encompassing the Banks development, Great American Ball Park, Paul Brown Stadium, the National Underground Railroad Freedom Center, the Heritage Bank Center, and the soon to be completed Andrew J. Brady Icon Music Center.

PROJECT DESCRIPTION

Approval of this DORA will allow participating bars, restaurants, and other vendors to sell alcoholic beverages in designated plastic cups, plastic bottles, or other plastic containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around outside within the DORA area and with that beverage. The designated plastic cups (or other plastic containers) will be sold by brick and mortar establishments and may

also be sold by other approved outdoor vendors, such as for special events. All vendors must still maintain required liquor permits to sell alcohol in accordance with state law. All property owners and establishments have the option of opting-out of participating in the DORA. In accordance with state law, patrons may only leave establishments with alcoholic beverages in the designated plastic cups, plastic bottles, or other approved plastic containers. Further, no outside alcoholic drinks are permitted—meaning only alcoholic drinks that are purchased in the designated plastic cup, plastic bottle, or other plastic containers and from a properly permitted vendor may be enjoyed outside in the DORA.

The DORA is being launched in partnership with the Banks Community Authority, a new community authority created by City Council under Resolution 49-2018, passed September 6, 2018 pursuant to ORC Chapter 349 (the “BCA”). The BCA, which was created to drive increased patronage and investment at the Banks, will contract with the City to provide operational and management services for the DORA. This will entail overseeing the production; distribution; and sale of designated plastic cups, plastic bottles, or other approved plastic containers and also will include provision of security and sanitation services to ensure a safe and clean public space. At this time, the BCA already provides a host of services and amenities to enhance the area and will generate revenues for operating through the sale of the designated cups. Therefore, by contracting with the BCA for operational and management services of the DORA, the City will be able to operate the DORA safely, efficiently, and without any ongoing increased financial commitment by the City.

APPROVAL PROCESS, PUBLIC NOTICE, AND COMMUNITY ENGAGEMENT

In accordance with state and local law, this application is being introduced to City Council for consideration, and the City Administration will be publishing public notice of this application. Under state law, City Council is required to then approve or disapprove of the application no less than thirty days and no more than sixty days from publication of notice. The City Administration has been deeply engaged with stakeholders at the Banks in assembling the proposed application and will continue that engagement process with community groups and stakeholders prior to seeking Council approval on this application in early 2021.

PROJECT RATIONALE

The goal of the DORA is to further enhance the City’s riverfront area as a destination for urban living, tourism, work, and entertainment. By building off the synergy created by a thriving urban neighborhood adjacent to Paul Brown Stadium, Great American Ballpark, the Heritage Center, the National Underground Railroad Freedom Center, the brand new Andrew J. Brady Icon Music Center, and a world-class City Park, the DORA is intended to not only support existing businesses in the DORA but to attract additional business and investment to the area.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

Copy: Markiea L. Carter, Interim Director, Department of Community & Economic
Development

Attachment A: Proposed DORA at The Banks Boundary



EMERGENCY

City of Cincinnati

TJL *AWB*

An Ordinance No. _____ - 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.

WHEREAS, the City Council enacted Ordinance No. 23-2021 on January 21, 2021, prior to the conclusion of the 30-day public notice period mandated by Ohio Revised Code (“R.C.”) Section 4301.82; and

WHEREAS, the Council has determined that it is appropriate to repeal the entirety of Ordinance No. 23-2021 and to enact this ordinance in replacement thereof, such public notice period having concluded; and

WHEREAS, pursuant to R.C. Section 4301.82, municipal corporations are authorized, upon application by their executive officers, to designate certain areas within their borders as designated outdoor refreshment areas (“DORAs”); and

WHEREAS, in furtherance of this state authorization, the Council enacted Chapter 838 of the Cincinnati Municipal Code (“CMC”), “Outdoor Refreshment Areas,” to provide for the creation of DORAs within the City; and

WHEREAS, the City Manager has submitted a proper application pursuant to R.C. Section 4301.82 and CMC Chapter 838 requesting the creation of a DORA within the area commonly known as The Banks (the “Application”) to be known as the “DORA at The Banks,” and Council has received the Application; and

WHEREAS, notice of the Application was published once in a newspaper of general circulation within the City, which notice indicated that the Application is on file with the Clerk of Council and is available for inspection; and

WHEREAS, the Application demonstrates that the creation of the proposed DORA will strengthen the Central Business District and encourage further economic growth at The Banks; and

WHEREAS, Council deems it necessary and advisable to create the DORA at The Banks to aid in the attraction and retention of new patrons and visitors to the establishments at The Banks and to encourage economic growth within the district; and

WHEREAS, the Mayor and Council have reviewed the Application and determined that the creation and designation of the DORA at The Banks conforms to the applicable requirements of R.C. Section 4301.82 and CMC Chapter 838; and

WHEREAS, it is in the public interest of the City to approve the Application and create the DORA at The Banks; and

WHEREAS, the proper operation and management of the DORA at The Banks is also in the interests of the City and the health, safety, and public welfare of its residents and is in accordance with the provisions of applicable federal, state, and local laws and requirements; and

WHEREAS, accordingly, the City desires to enter into one or more agreements necessary to provide for and obtain operational and management services for the DORA at The Banks, subject to any and all terms and conditions that the City Manager or his or her designee finds appropriate; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati:

Section 1. That Ordinance No. 23-2021, passed by Council on January 21, 2021, is hereby repealed.

Section 2. That Council hereby approves the City Manager’s application for the creation of a designated outdoor refreshment area (“DORA”), attached hereto as Attachment A and incorporated herein by reference (“Application”), upon finding that the Application contains all information required by Ohio Revised Code (“R.C.”) Section 4301.82 and Cincinnati Municipal Code (“CMC”) Section 838.03, and upon further finding that the Application meets the requirements of those sections in all respects, including the requirement that the proposed DORA contain no fewer than four qualified permit holders and the requirement that the Application provide evidence that the uses of land within the proposed DORA are in accordance with the City’s master zoning plan.

Section 3. That, accordingly, Council designates the area depicted on page 1 of the Application and incorporated herein by reference as a DORA for the purposes of R.C. Sections 4301.62 and 4301.82, and CMC Chapter 838, which DORA shall be known as the “DORA at The

Banks,” and which DORA shall contain all of the street addresses and parcels listed on Exhibit A of the Application, incorporated herein by reference.

Section 4. That the DORA shall be identified by signage sufficient to define its boundaries and to put the public on notice of the special laws, rules, and regulations governing it, which signage shall be comprised of no less than 30 signs placed strategically, spaced no more than 1,000 feet apart along the DORA’s border, and made conspicuous to drivers and pedestrians.

Section 5. That the DORA’s hours of operation shall be fixed at 11:00AM to 1:00AM the following day, Monday through Sunday; provided that the City Manager, or his or her designee, may, upon due and proper notice to permit holders within the district, temporarily suspend the DORA’s operations as necessary to provide for the public health, safety, or welfare.

Section 6. That Council finds the initial estimated number of personnel needed to ensure public safety within the DORA is forty patrol officers and supervisors, which personnel consists of existing patrols that service the area and which personnel is estimated to include at least one patrol officer dedicated to patrolling the DORA during its hours of operation; provided, however, that this estimate shall not in any way limit the City Manager’s authority to authorize personnel levels that deviate from this estimate as necessary to meet actual operational and public safety needs.

Section 7. That Council adopts the sanitation plan set forth on page 2 of the Application and incorporated herein by reference to maintain the appearance and public health of the area, and Council finds that the initial estimated number of personnel need to implement the sanitation plan is one staff member per truck per day with one to two truck runs required per day; provided, however, that the City Manager may adjust the sanitation plan and authorize personnel levels that

deviate from the staffing estimate to meet actual operational needs and to provide for the public health, safety, and welfare.

Section 8. That all beer and intoxicating liquor served within the DORA for off-premises consumption within the DORA may only be served in official plastic bottles or other plastic containers approved by the City Manager or his or her designee and provided by qualified permit holders. No other container may be used to serve beer or intoxicating liquor for off-premises consumption within the DORA, unless previously approved in writing by the City Manager or his or her designee.

Section 9. That the City Manager or his or her designee is authorized to take all necessary and proper actions to ensure the DORA is operated and maintained in a clean and safe manner and with regard for the health, safety, and welfare of businesses, residents, visitors, and other persons who are impacted by the operation and maintenance of the DORA, which authorization specifically includes but is not limited to:

- a. taking all necessary and proper actions to install the signage authorized by Section 4 of this Ordinance; and
- b. taking all necessary and proper actions to enforce the hours of operation established by Section 5 of this Ordinance; and
- c. taking all necessary and proper actions to provide for public safety within the DORA as provided in Section 6 of this Ordinance; and
- d. taking all necessary and proper actions to implement the sanitation plan established by Section 7 of this Ordinance; and
- e. establishing additional rules and regulations for the operation of the DORA as deemed necessary for public health, safety, or operational purposes; and
- f. subject to any and all terms and conditions that the City Manager or his or her designee finds appropriate, executing any and all agreements or documentation as are necessary to provide for and obtain operational and management services for the DORA at The Banks and to accept donations of monies, goods, or in-kind services used to provide such services, which agreements may include, but are not limited to, one or more

agreements with the Banks Community Authority for the provision of operational or management services within the area.

Section 10. That, pursuant to CMC Section 838.05(A) and R.C. Section 4301.82(I)(1), within five years following the effective date of this Ordinance, Council shall review the operations of the DORA to determine whether to permit its ongoing operation, under either the same or modified requirements, or whether to dissolve it in accordance with CMC Section 838.05(A) and R.C. Section 4301.82(I)(1).

Section 11. That the Clerk of Council is hereby instructed forthwith to provide notice of the creation of the DORA at The Banks, as required by R.C. Section 4301.82(C), to the Ohio Division of Liquor Control and the Investigative Unit of the Department of Public Safety.

Section 12. That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the terms of this ordinance.

Section 13. 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 create the “DORA at The Banks” in order for qualified license holders and businesses to prepare for the operational and maintenance needs of the new designated outdoor refreshment area.

Passed: _____, 2021

Mayor

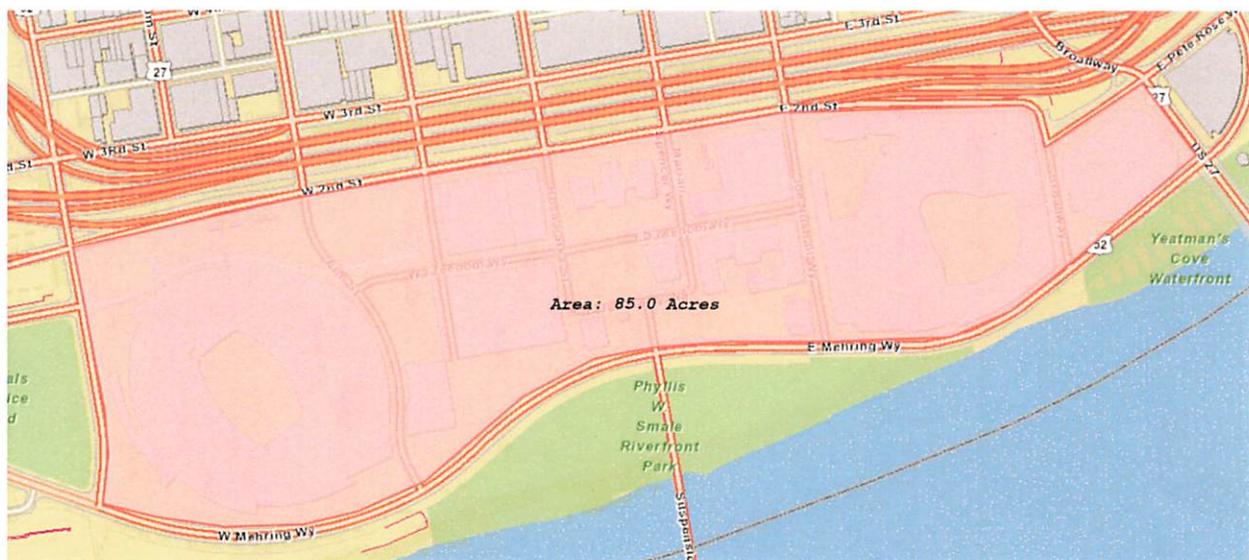
Attest: _____
Clerk

ATTACHMENT A

APPLICATION FOR ESTABLISHMENT OF A DESIGNATED OUTDOOR REFRESHMENT AREA

Pursuant to Section 4301.82 of the Ohio Revised Code (“ORC”), Paula Boggs Muething, the City Manager and chief executive officer of the City of Cincinnati, respectfully submits this application to City Council for designation and approval of the area depicted and described below as an outdoor refreshment area (referred to herein as the “DORA”), with such area generally encompassing the neighborhood known as The Banks and also including Great American Ball Park, Paul Brown Stadium, National Underground Railroad Freedom Center, the Heritage Bank Center, and the soon to be completed Andrew J. Brady Icon Music Center.

Boundaries of the DORA:



The DORA will cover the above-depicted approximately 85 acre area, described more particularly as follows: Beginning in the southeast corner of the intersection of Central Avenue and West Second Street, then proceeding east along the southern edge of Second Street to the intersection of Second Street and Joe Nuxhall Way; then proceeding east along Johnny Bench Way to the intersection with East Pete Rose Way; then proceeding further east along the southern edge of East Pete Rose Way and adjacent to the Heritage Bank Center to the intersection with Route 27; then proceeding south to the intersection with Route 52 (also known as Mehring Way); then proceeding west along Route 52 to the intersection of Central Avenue; then north to the intersection of West Second Street and Central Avenue, the place of beginning. Notwithstanding the forgoing, the exact operational boundaries of the DORA may be adjusted or more specifically delineated in the City Manager’s discretion in order to accommodate existing improvements or for health, safety, or other reasonable operational purposes.

A list of all parcels and street addresses included in the DORA are listed below in Exhibit A.

Overview of DORA and Operations

The goal of the DORA is to further enhance the City's riverfront area as a destination for urban living, tourism, work, and entertainment. By building off the synergy created by a thriving urban neighborhood adjacent to Paul Brown Stadium, Great American Ballpark, the Heritage Center, the National Underground Railroad Freedom Center, the brand new Andrew J. Brady Icon Music Center, and a world-class City Park, the DORA is intended to not only support existing businesses in the DORA but to attract additional business and investment to the area.

Approval of the DORA will allow participating bars, restaurants, and other vendors to sell alcoholic beverages in designated plastic cups, plastic bottles, or other plastic containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around outside within the DORA area and with that beverage. The designated plastic cups (or other plastic containers) will be sold by brick and mortar establishments and may also be sold by other approved outdoor vendors, such as for special events. All vendors must still maintain required liquor permits to sell alcohol in accordance with state law. All property owners and establishments have the option of opting-out of participating in the DORA. In accordance with state law, patrons may only leave establishments with alcoholic beverages in the designated plastic cups, plastic bottles, or other approved plastic container. Further, no outside alcoholic drinks are permitted—meaning only alcoholic drinks that are purchased in the designated plastic cup, plastic bottle, or other plastic containers and from a properly permitted vendor in the DORA may be enjoyed outside. Signage, as further described below, will inform patrons of the rules and boundaries of the DORA.

The DORA is being launched in partnership with the Banks Community Authority, a new community authority created by City Council under Resolution 49-2018, passed September 6, 2018 pursuant to ORC Chapter 349 (the "BCA"). The BCA, which was created to drive increased patronage and investment at the Banks, will contract with the City to provide operational and management services for the DORA. This will entail overseeing the production; distribution; and sale of designated plastic cups, plastic bottles, or other approved plastic containers and also include provision of security and sanitation services to ensure a safe and clean public space.

The BCA is governed by a board of trustees comprised of private and public stakeholders and was designed as a financially self-sustaining organization to fund marketing efforts and placemaking initiatives that both drive traffic to the Banks and enhance the vibrancy of the area. Currently, the BCA is primarily funded by a small surcharge on food and beverage purchases made at the Banks. The BCA's DORA operations will be in-part financed through these existing resources and from revenue collected through the sale of the designated plastic containers. At this time, the BCA already provides a host of services and amenities to enhance the area; therefore, by contracting with the BCA for operational and management services of the DORA, the City will be able to operate the DORA safely, efficiently, and without any ongoing increased financial commitment by the City.

Public Health and Safety

The City of Cincinnati and the BCA are committed to ensuring the health and safety of patrons of the DORA and cleanliness of the area; therefore, in the contract between the City and the BCA for operation of the DORA, the BCA will agree to provide any additional security or sanitary services needed in excess of the current city-provided police and sanitation services.

The City currently has forty patrol officers on staff in the Central Business District, and on any given shift, there are 2 sergeants and 6-9 police officers on duty. Additionally, there are up to four daily additional officers patrolling the Central Business District, including the Banks, by bike. Finally, there is a Cincinnati Police Department substation located on E. Freedom Way within the DORA. This level of staffing is believed to be adequate to ensure public safety in the DORA; however, during the opening months of the DORA in the spring and summer of 2021 the BCA will be providing increased police visibility during peak operating evening hours. These services will be provided by the BCA through the hiring of off-duty Cincinnati police officers, similar to a special event detail. Further, the City and BCA will continually assess the public safety needs on an ongoing basis, and the BCA will agree to provide additional security detail as deemed necessary in the City's reasonable discretion.

The City's Department of Public Services ("DPS") empties the public trash receptacles in the DORA daily and adds a secondary run during large events, such as game days. Each run requires one staff member per truck. There are multiple trash receptacles located on corners in the highest trafficked intersections/areas of the Banks. Additionally, the City currently provides daily street sweeping in the DORA. In addition to the City's sanitation services, through a shared services agreement, the BCA and the tenants at the Bank's provide supplementary cleaning services and have a single staff person on-site daily providing these services. Similar to the security needs, the City and BCA will continue with the current level of services, and the City believes the current DPS staffing levels and services in conjunction with the supplementary cleaning services are sufficient to adequately maintain the appearance and public health in the DORA. However, the City and BCA will continually assess the service levels and staffing needs and the BCA will provide any supplementary cleaning and sanitation services needed to keep the DORA area in a clean, safe, and sanitary state. The BCA will agree to increase staffing as needed to meet this standard.

Hours of Operation

The DORA will operate from 11:00 AM- 1:00 AM Monday through Sunday. Notwithstanding anything herein to the contrary, the City Manager will retain the discretion to temporarily suspend the operations of the DORA or alter operational parameters at his or her sole discretion if determined necessary for public health, safety, or welfare.

Signage

In accordance with ORC 4301.82(F), clearly marked signs will delineate all boundaries of the DORA. Additionally, signage will be placed within the DORA to notify patrons of the rules of operation. This signage will be a mix of “sidewalk tattoos,” which will be printed on the sidewalk and traditional signage. The sidewalk tattoos are semi-permanent adhesives that are placed on the sidewalk. Examples of existing sidewalk tattoos as well as proposed DORA sidewalk tattoo and signage designs are depicted in Exhibit B. The signage will be paid for and maintained by the BCA throughout the life of the DORA.

The proposed plan for signage is to include street signage and tattoos along the boundaries of the DORA, with traditional signage located at intersections and street tattoos in between intersections, with an estimated fifty signs needed to clearly demarcate the boundary for an average of one sign every 200 feet along the boundary. Additional signs will be added in the interior to demarcate operational boundaries, as determined necessary by the City Manager. Approximately twenty or more interior traditional signs notifying patrons of the DORA rules will be posted, generally with one sign on each block. The numbers of signs and spacing may be increased or decreased in the City Manager’s discretion, and the City and BCA will assess the need for changes to signage on an ongoing basis.

Additional Rules and Requirements

The City Manager may establish additional rules and regulations for operation of the DORA and will update such rules and regulations from time to time as deemed necessary for public health, safety, or operational purposes; provided however, such rules will always require that all alcoholic drinks served to be consumed outside of establishments within the DORA shall be served in a designated plastic cup, plastic bottle, or other plastic container.

Special Events

The DORA will provide additional flexibility for events at the Banks. The City Manager will work with the BCA to develop operational parameters for hosting special events within the DORA that balance interests of all stakeholders.

Nature of Establishments

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are a broad array of institutions, businesses, and uses—including two professional sports stadiums, a museum, an indoor arena, portions of Smale Riverfront Park, offices, retail, hotel, residences, and numerous drinking and dining establishments. There is no intention of changing the nature and types of establishments in the area. Instead, once operational, the DORA will support this existing eclectic mix of establishments by attracting additional customers, residents, and workers. A current list of existing establishments is below:

Name	Address	Street	Zip	Category	Qualified Permit Holder?
Great American Ball Park	100	Joe Nuxhall Way	45202	Entertainment & Sports Stadium	Yes
Galla Park	175	Joe Nuxhall Way	45202	Dining/Bars	Yes
The Holy Grail Tavern and Grille	161	Joe Nuxhall Way	45202	Dining/Bars	Yes
Joella's Hot Chicken	180	E Freedom Way	45202	Dining/Bars	Yes
Tin Roof	160	E Freedom Way	45202	Dining/Bars	Yes
Ruth's Chris Steak House	100	E Freedom Way	45202	Dining/Bars	Yes
Street Corner Market at the Banks	160	Marian Spencer Way	45202	Convenience Store	No
Planet Fitness	145	2nd Street	45202	Gym	No
Smothie King	155	2nd Street	45202	Dining/Bars	No
Condado Tacos	195	E Freedom Way	45202	Dining/Bars	Yes
The Stretch	191	E Freedom Way	45202	Dining/Bars	Yes
Jimmy John's	171	E Freedom Way	45202	Dining/Bars	No
BurgerFi	161	E Freedom Way	45202	Dining/Bars	Yes
Fishbowl at The Banks	141	E Freedom Way	45202	Dining/Bars	Yes
Jefferson Social	101	E Freedom Way	45202	Dining/Bars	Yes
AC Hotel	135	Joe Nuxhall Way	45202	Hotel	Yes
Moerlein Lagar House	115	Joe Nuxhall Way	45202	Dining/Bars	Yes
National Underground Railroad Freedom Cen	50	E Freedom Way	45202	Museum	Yes
Yard House	95	E Freedom Way	45202	Dining/Bars	Yes
Skystar Wheel	55	E Freedom Way	45202	Entertainment & Sports Stadium	No
Taste of Belgium - The Banks	16	W Freedom Way	45202	Dining/Bars	Yes
The Escape Game Cincinnati	28	W Freedom Way	45202	Entertainment & Sports Stadium	No
Pies & Pints - Cincinnati, OH (The Banks)	56	W Freedom Way	45202	Dining/Bars	Yes
GE Global Operations Center	191	Rosa Parks Street	45202	Business Office	No
Cincinnati Police Department - CBD	150	E Freedom Way	45202	Municipal Office	No
Radius at the Banks	44	W Freedom Way	45202	Residential	No
Current at the Banks	121	E Freedom Way	45202	Residential	No
Paul Brown Stadium	1	Paul Brown Stadium	45202	Entertainment & Sports Stadium	Yes
Heritage Bank Arena	100	Broadway Street	45202	Entertainment & Sports Stadium	Yes
The Andrew J Brady ICON Music Center	25	Race Street	45202	Entertainment & Sports Stadium	No

Qualified Permit Holders

As required by ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders of A-1, A-1-A, A-1c, A-2, A-2f, or D class liquor permits (excluding D-6 and D-8 class liquor permits) issued under ORC Chapter 4303.

To date at least 19 current qualified permit holders, as that term is defined in ORC 4301(A)(1), have been identified in the DORA, as follows:

#	Permit Holder	Doing Business As (DBA)	Permit Number	Permit Class(es)	Address
1	CINCINNATI SPORTSERVICE INC.	GREAT AMERICAN BALLPARK BAR 1 RIVERFRONT CLUB BAR 2 MACHINE RM	14941130002 149411320016	D1, D2, D3, D3A	100 Joe Nuxhall Way (Main Street)
2	PMG CINCINNATI INC.		6659955	D5J	175 Joe Nuxhall Way, 1 st FL
3	HOLY GRAIL BANKS LLC	HOLY GRAIL TAVERN & GRILLE	3948610 39486100003	D5J	161 Joe Nuxhall Way & Patio
4	JOELLAS CINCINNATI BANKS OH LLC	JOELLAS HOT CHICKEN	42940990005	D5J	180 E. Freedom Way 1 st FLR & Patio
5	TIN ROOF ACQUISITION COMPANY	THE TIN ROOF	8942924	D5J	160 E. Freedom Way
6	RCSH OPERATIONS LLC	RUTHS CHRIS STEAKHOUSE	72293500010	D5J	100 E. Freedom Way
7	CONDATOS TACOS 8 LLC		1657339	D5J	195 E. Freedom Way
8	4EG BANKS LLC	THE STRETCH	2852942	D5J	191 Freedom Way, Suite 170
9	MVPZ AND ME CINCINNATI LLC	BURGERFI	6256775	D5J	161 E. Freedom Way
10	OPEN BOTTLE MANAGEMENT GROUP LLC	FISHBOWL	6564313	D5J	141 E. Freedom Way, 1 st FL
11	JEFFERSON SOCIAL LLC	JEFFERSON SOCIAL	4264900	D5J	180 E. Freedom Way, 1 st FL & Patio
12	WHI CINCINNATI BANKS MANAGEMENT LLC	AC HOTEL AT THE BANKS	9556176	D5A	135 Joe Nuxhall Way
13	MLH CINCINNATI USA LLC		6071220 607122000003	A-1-A, A-1c	115 Joe Nuxhall Way;

					115 Joe Nuxhall Way & Outside Event Area
14	NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER		63155930005	D5H	50 E. Freedom Way
15	YARD HOUSE USA INC	YARD HOUSE 8344	9819569	D5J	95 E. Freedom Way
16	TASTE OF BELGIUM AT THE BANKS LLC	TASTE OF BELGIUM	8803125	D5J	16 W. Freedom Way
17	PIES & PINTS CINCINNATI LLC	PIES & PINTS	6919360	D5J	56 W. Freedom Way
18	ARAMARK AMERICAN FOOD SERVICES LLC	PAUL BROWN STADIUM LEVEL 600 W/S BAR 9	25262400009	D2, D3	200 W. Mehring Way & Patio
19	ARAMARK SPORTS AND ENTERTAINMENT SERVICES LLC		2526680035	D1, D2, D3	100 Broadway & Plaza

Land Use & Zoning

In accordance with ORC 4301.82(B)(4) and as depicted below, the uses of land within the DORA are zoned Downtown Development District (depicted in pink) and Planned Development District (depicted in green). The current mix of uses in the DORA, including restaurants, bars, museums, and entertainment and sports venues, are permitted uses in these zoning districts.

Attached as Exhibit C is a letter from Cincinnati's Department of City Planning confirming that the uses of land within the DORA are permitted and in accordance with Cincinnati's master zoning plan.



Community Support, Public Notice, and Legislative Approval Process

To date, there has been significant community support expressed for the DORA. Please see Exhibit D for submitted letters.

Following filing of this application with the Clerk of Council and in accordance with ORC 4301.82(C), the Clerk will publish public notice of this application in the Cincinnati Enquirer. The notice will indicate that the application is on file and available for inspection in the Clerk's Office. Additionally, the application will be available for review on Council Online. Further, the notice will indicate the date and time of the identified City Council committee hearing to which the authorizing legislation has been referred to provide for a public hearing on the proposal.

Exhibit A

Parcel IDs and Street Addresses:

PARCEL ID	ADDRESS	
083 0007 0001	150 PETE ROSE	WY
083 0007 0002	182 RACE	ST
083 0007 0009	PETE ROSE	WY
083 0007 0010	PETE ROSE	WY
083 0007 0014	50 FREEDOM	WY
083 0007 0015	VINE	ST
083 0007 0016	VINE	ST
083 0007 0027	173 MARIAN SPENCER	WY
083 0007 0029	140 MARIAN SPENCER	WY
083 0007 0030	193 FREEDOM	WY
082 0A02 0005	PETE ROSE	WY
083 0007 0031	95 FREEDOM	WY
083 0007 0032	55 FREEDOM	WY
083 0007 0033	25 FREEDOM	WY
083 0007 0036	99 THEODORE M BERRY	WY
083 0007 0037	199 SECOND	ST
083 0007 0038	180 MARIAN SPENCER	WY
083 0007 0039	124 MEHRING	WY
083 0007 0040	MAIN	ST
083 0007 0041	115 JOE NUXHALL	WY
083 0007 0046	THEODORE M BERRY	WY
083 0007 0047	WALNUT	ST
083 0007 0048	ROSA PARKS	ST
083 0007 0049	FREEDOM	WY
083 0007 0050	182 RACE	ST
083 0007 0051	FREEDOM	WY
083 0007 0052	FREEDOM	WY
083 0007 0053	MEHRING	WY
083 0007 0054	THEODORE M BERRY	WY
083 0007 0056	16 FREEDOM	WY
083 0007 0058	121 FREEDOM	WY
083 0007 0059	FREEDOM	WY
083 0007 0060	120 FREEDOM	WY
083 0007 0061	193 SECOND	ST
083 0007 0062	160 MARIAN SPENCER	WY
083 0007 0063	44 FREEDOM	WY
083 0007 0064	175 ROSA PARKS	ST
083 0007 0065	179 ROSA PARKS	ST
083 0007 0066	191 ROSA PARKS	ST
083 0007 0067	RACE	ST
083 0007 0069	RACE	ST

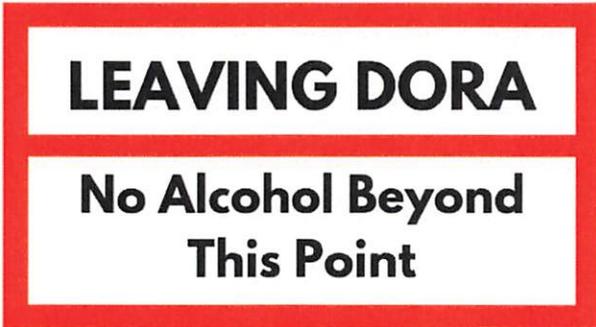
083	0007	0070		RACE	ST
083	0007	0071		RACE	ST
083	0007	0072			
083	0007	0073		FREEDOM	WY
083	0007	0076		RACE	ST
083	0007	0077		FREEDOM	WY
083	0007	0078		RACE	ST
083	0007	0080		RACE	ST
083	0007	0083	166	FREEDOM	WY
083	0007	0084			
084	0004	0019	404	FRONT	ST
083	0007	0085			
083	0007	0086			
083	0007	0087			
083	0007	0088			
083	0007	0089			
084	0004	0037	100	BROADWAY	
084	0004	0042		BROADWAY	
084	0004	0048		BROADWAY	
084	0004	0066	423	PETE ROSE	WY
083	0004	0135	149	BROADWAY	
083	0005	0001	202	MEHRING	WY
083	0005	0003		MEHRING	WY
082	0A02	0001	200	MEHRING	WY

Street Address Ranges:

Street Name	Range	Even/Odd
E. 2 nd Street	99-193	Odd
W. 2 nd Street	199	Odd
Elm Street	25	Odd
Joe Nuxhall Way (Main Street)	100-198	Even & Odd
E. Pete Rose Way	423	Odd
W. Pete Rose Way	102-151	Even & Odd
E. Mehring Way (Route 52)	8-398	Even
W. Mehring Way (Route 52)	12-202	Even
Central Avenue	2-198	Even
E. Freedom Way	25-195	Even & Odd
W. Freedom Way	3-102	Even & Odd
Broad Way	100-149	Even & Odd
Marion Spencer Way (Walnut Street)	140-180	Even
Race Street	24-182	Even & Odd
Rosa Parks Street (Vine Street)	175-191	Odd
Theodore M. Berry Way	99	Odd

Exhibit B

Example Signage



Sidewalk Tattoo Example



THANK YOU FOR VISITING. PLEASE DRINK RESPONSIBLY.



Traditional Signage Example



DESIGNATED | OUTDOOR | REFRESHMENT | AREA

WELCOME TO THE BANKS DORA GUIDELINES

- 1** *In effect Daily from 11a.m. - 1a.m.*
- 2** *DORA beverages may only be consumed in designated DORA cups.*
- 3** *Patrons must consume DORA beverages before entering another DORA establishment (empty DORA cups may enter).*
- 4** *DORA beverages may only be consumed inside the DORA District. Please observe posted boundaries.*
- 5** *Patrons are subject to open container alcohol laws outside the DORA district.*

PLEASE DRINK RESPONSIBLY.

THANK YOU FOR VISITING THE BANKS.

THEBANKSCINCY.COM



DESIGNATED | OUTDOOR | REFRESHMENT | AREA

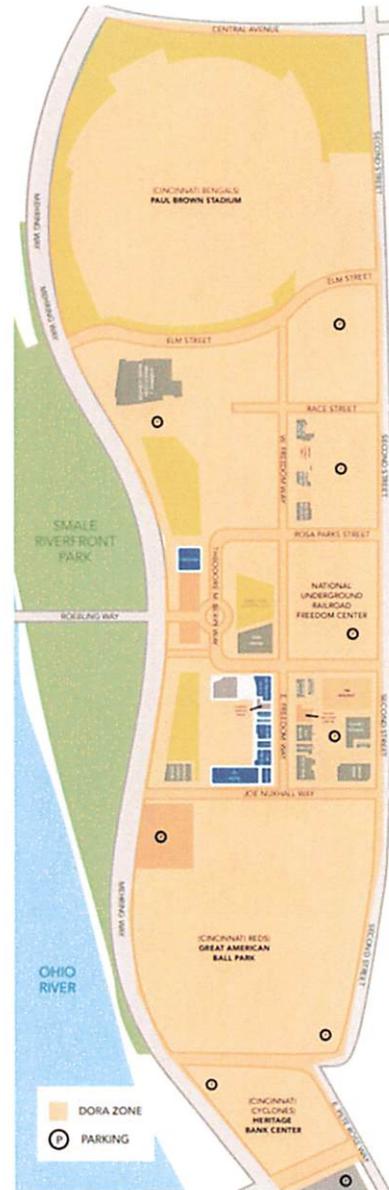


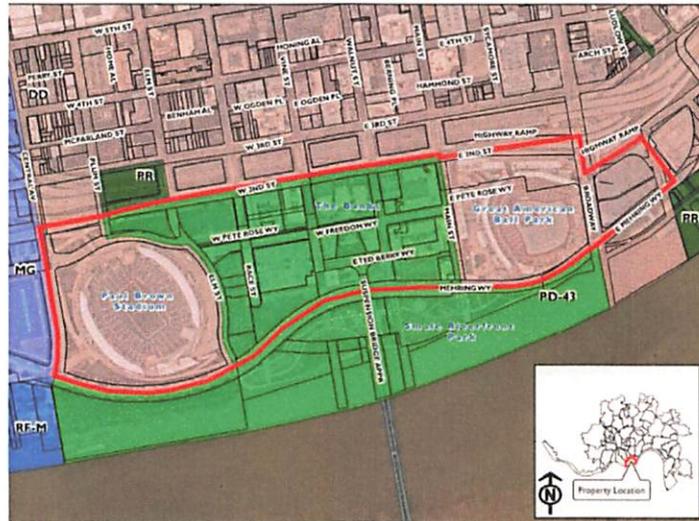
Exhibit C



Dear Ms. Boggs Muething,

This letter serves as a confirmation that the proposed Designated Outdoor Refreshment Area (DORA) as depicted below in the Central Business District is in accordance with the City's Comprehensive Plan, *Plan Cincinnati* (2012). Specifically, the DORA is in line with the Compete Initiative Area as it will cultivate our position as the most vibrant and economically healthiest part of our region. Additionally, the area that is within the DORA is zoned Downtown Development and Planned Development. Restaurants that serve alcohol, bars, and nightclubs (uses that would typically utilize a DORA license) are permitted uses in all of these zoning districts.

The Banks has always been envisioned to be a mixed-use entertainment center for Cincinnati. Instituting a DORA complements this vision and the work that has already been completed in the community. We anticipate that this DORA will foster continued investment in the area, and we look forward to helping see this project to its completion.



Sincerely,

Katherine Keough-Jurs, AICP
Director, Department of City Planning

Exhibit D

[Attached]



June 29, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Cincinnati City Council,

We are writing in collective support of the proposed Designated Outdoor Refreshment Area (DORA) at The Banks and ask you to support it with your vote of Yes.

A DORA District at The Banks will continue to enhance the vision of The Banks as a top visitor destination while creating a positive new experience, all year long.

Over the last year, we have studied other Ohio cities and their implementation of their DORA Districts. The response in these other communities has been overwhelmingly positive from both a guest experience and a business owner perspective. We are prepared to properly introduce and manage the DORA District at The Banks.

As we continue to recover from COVID-19, it's now more important than ever for our bars and restaurants to create new revenue opportunities so we can stay in business. We believe a DORA District will increase new economic opportunity to The Banks to better support our businesses.

Thank you for your support of the proposed DORA District at The Banks.

Sincerely,
Ruth's Chris Steakhouse
Galla Park
Holy Grail
Tin Roof
Upper Deck at AC Hotel
Jefferson Social
The Stretch
Jimmy Johns
Burger Fi
Moerlein Lager House
Yard House
Taste of Belgium
Pies & Pints
Fish Bowl
Street Corner Market
Condado Tacos
Smoothie King



July 13, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Members of Cincinnati City Council,

On behalf of the Cincinnati Bengals and Paul Brown Stadium, I am writing to voice our support of the proposed Designated Outdoor Refreshment Area (DORA) at The Banks.

It's an exciting time at The Banks. Our team is working toward a successful season with the beginning of the Joe Burrow Era to begin this fall, and the ICON Music Center is taking shape as our new neighbor. A DORA District will only add to the guest experience in a positive way.

A DORA District at The Banks will provide a year-round opportunity for fans to enjoy the area, its restaurants and bars as well as other attractions. The Cincinnati Bengals are in full support of the economic benefits that a DORA District will bring to the businesses at The Banks all year long.

Thank you for your support of the proposed DORA District at The Banks.

Sincerely,

Katie Blackburn
Executive Vice President
Cincinnati Bengals

One Paul Brown Stadium Cincinnati, Ohio 45202 • 513 621-3550 phone • 513 621-3570 fax • www.bengals.com



CINCINNATI REDS™

Great American Ball Park, 100 Joe Nuxhall Way, Cincinnati, OH 45202-4109, Phone: 513.765.7000, Fax: 513.765.7342, www.reds.com

June 29, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Members of Cincinnati City Council,

On behalf of the Cincinnati Reds and Great American Ball Park, I am writing to share our support for the new Designated Outdoor Refreshment Area (DORA) at The Banks. The Cincinnati Reds were an early supporter of the initial legislation for the DORA District and we remain committed.

We believe the DORA District at The Banks will only enhance the guest experience while creating new revenue streams for the bar and restaurant establishments—year round.

We have carefully studied other DORA Districts in Ohio and have a collective understanding of how to properly manage and guide the District to provide a positive experience with economic benefits for the business owners at The Banks.

Thank you for your consideration and support of the proposed DORA District at The Banks.

Sincerely,



Phillip J. Castellini
President & Chief Operating Officer
Cincinnati Reds



June 30, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Members of Cincinnati City Council,

On behalf of the Heritage Bank Center and the Cincinnati Cyclones, I am writing to share our support of the proposed Designated Outdoor Refreshment Area (DORA) at The Banks.

A DORA District at The Banks will provide a year-round opportunity for our guests to enjoy the area, its restaurants and bars as well as other attractions. We have been working closely with The Banks during the planning process and are committed to making the District a success with its introduction and implementation.

The Cincinnati Cyclones and our host of concerts and events are in full support of the economic benefits that a DORA District will bring to the businesses at The Banks all year long.

Thank you for your support of the proposed DORA District at The Banks.

Sincerely,

Kristin Ropp
Vice President & General Manager
Heritage Bank Center, Cincinnati Cyclones, Cincinnati Cyclones Foundation

MEMI

MUSIC & EVENT MANAGEMENT INC.

June 26, 2020

Mayor Cranley, Councilmembers
Cincinnati City Hall
801 Plum St
Cincinnati, OH 45202

Dear Mayor Cranley and Councilmembers,

Music & Event Management, Inc. is pleased to bring the Andrew J Brady ICON Music Center to the Banks Entertainment District and to join the other businesses and stakeholders in the community in providing quality experiences for the Greater Cincinnati area.

MEMI, in partnership with its concession vendor, EVT Management Services, fully supports the implementation of a DORA to put the finishing touches on the Banks vision. The addition of the DORA will create new opportunities for advancing the activity and energy of the Banks and will help grow the levels of participation from the surrounding region.

As we continue to explore options for overcoming the challenges presented in this time of COVID-19 and beyond, neighborhood features like a DORA will allow the people of Greater Cincinnati to begin to re-engage and enjoy all that our community has to offer.

Sincerely,

Mike Smith
President
Music & Event Management, Inc.

Jennifer Cauhorn
General Manager
EVT Management Services, LLC



June 30, 2020

Mayor Cranley
City Councilmembers
City of Cincinnati
801 Plum Street
Cincinnati, OH 45202

RE: DORA District @ The Banks

Mayor Cranley and City Councilmembers:

As the largest private property owner at The Banks, Nicol Investment Company is pleased to support the establishment of a Designated Outdoor Refreshment Area (DORA) at The Banks.

Nicol has been involved with The Banks since 2013 as the owner of *Current at The Banks* (multifamily), *Radius at The Banks* (multifamily) and the majority of The Banks retail/restaurant square footage.

The Banks was created as a Designated Entertainment District, and we have long supported various initiatives that help fulfill that vision. Importantly, we believe a DORA district will be an impactful economic development initiative for all Banks stakeholders.

A DORA district at The Banks will not only offer a cohesive program knitting together various attractions, retailers and park space throughout the entire Banks footprint, it will add a unique vibrancy for the enjoyment of residents, retailers, office workers, and visitors.

We are fully supportive of the City of Cincinnati establishing its first DORA District at The Banks and look forward to working with our neighbors to successfully operate the District. We appreciate the City's support of this important initiative.

Thank you for your consideration.

Best regards,

A handwritten signature in black ink, appearing to read "Mark E. Nicol".

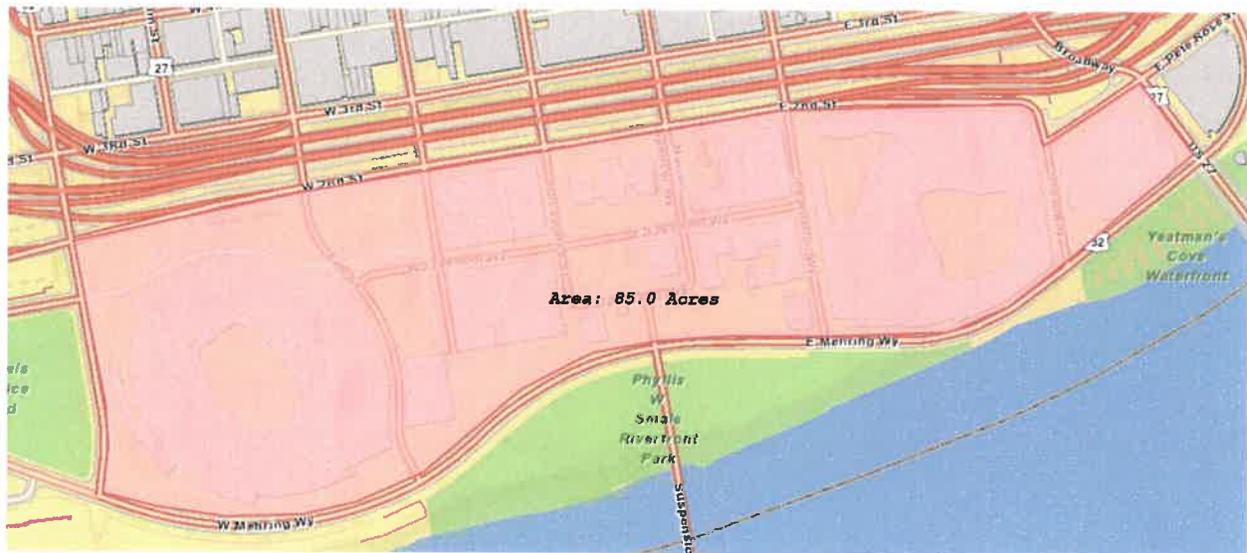
Mark E. Nicol
Nicol Investment Company

ATTACHMENT A

APPLICATION FOR ESTABLISHMENT OF A DESIGNATED OUTDOOR REFRESHMENT AREA

Pursuant to Section 4301.82 of the Ohio Revised Code (“ORC”), Paula Boggs Muething, the City Manager and chief executive officer of the City of Cincinnati, respectfully submits this application to City Council for designation and approval of the area depicted and described below as an outdoor refreshment area (referred to herein as the “DORA”), with such area generally encompassing the neighborhood known as The Banks and also including Great American Ball Park, Paul Brown Stadium, National Underground Railroad Freedom Center, the Heritage Bank Center, and the soon to be completed Andrew J. Brady Icon Music Center.

Boundaries of the DORA:



The DORA will cover the above-depicted approximately 85 acre area, described more particularly as follows: Beginning in the southeast corner of the intersection of Central Avenue and West Second Street, then proceeding east along the southern edge of Second Street to the intersection of Second Street and Joe Nuxhall Way; then proceeding east along Johnny Bench Way to the intersection with East Pete Rose Way; then proceeding further east along the southern edge of East Pete Rose Way and adjacent to the Heritage Bank Center to the intersection with Route 27; then proceeding south to the intersection with Route 52 (also known as Mehring Way); then proceeding west along Route 52 to the intersection of Central Avenue; then north to the intersection of West Second Street and Central Avenue, the place of beginning. Notwithstanding the forgoing, the exact operational boundaries of the DORA may be adjusted or more specifically delineated in the City Manager’s discretion in order to accommodate existing improvements or for health, safety, or other reasonable operational purposes.

A list of all parcels and street addresses included in the DORA are listed below in Exhibit A.

Overview of DORA and Operations

The goal of the DORA is to further enhance the City's riverfront area as a destination for urban living, tourism, work, and entertainment. By building off the synergy created by a thriving urban neighborhood adjacent to Paul Brown Stadium, Great American Ballpark, the Heritage Center, the National Underground Railroad Freedom Center, the brand new Andrew J. Brady Icon Music Center, and a world-class City Park, the DORA is intended to not only support existing businesses in the DORA but to attract additional business and investment to the area.

Approval of the DORA will allow participating bars, restaurants, and other vendors to sell alcoholic beverages in designated plastic cups, plastic bottles, or other plastic containers to patrons. Patrons will then be legally allowed to depart the establishment or site where the beverage was purchased and move freely around outside within the DORA area and with that beverage. The designated plastic cups (or other plastic containers) will be sold by brick and mortar establishments and may also be sold by other approved outdoor vendors, such as for special events. All vendors must still maintain required liquor permits to sell alcohol in accordance with state law. All property owners and establishments have the option of opting-out of participating in the DORA. In accordance with state law, patrons may only leave establishments with alcoholic beverages in the designated plastic cups, plastic bottles, or other approved plastic container. Further, no outside alcoholic drinks are permitted—meaning only alcoholic drinks that are purchased in the designated plastic cup, plastic bottle, or other plastic containers and from a properly permitted vendor in the DORA may be enjoyed outside. Signage, as further described below, will inform patrons of the rules and boundaries of the DORA.

The DORA is being launched in partnership with the Banks Community Authority, a new community authority created by City Council under Resolution 49-2018, passed September 6, 2018 pursuant to ORC Chapter 349 (the "BCA"). The BCA, which was created to drive increased patronage and investment at the Banks, will contract with the City to provide operational and management services for the DORA. This will entail overseeing the production; distribution; and sale of designated plastic cups, plastic bottles, or other approved plastic containers and also include provision of security and sanitation services to ensure a safe and clean public space.

The BCA is governed by a board of trustees comprised of private and public stakeholders and was designed as a financially self-sustaining organization to fund marketing efforts and placemaking initiatives that both drive traffic to the Banks and enhance the vibrancy of the area. Currently, the BCA is primarily funded by a small surcharge on food and beverage purchases made at the Banks. The BCA's DORA operations will be in-part financed through these existing resources and from revenue collected through the sale of the designated plastic containers. At this time, the BCA already provides a host of services and amenities to enhance the area; therefore, by contracting with the BCA for operational and management services of the DORA, the City will be able to operate the DORA safely, efficiently, and without any ongoing increased financial commitment by the City.

Public Health and Safety

The City of Cincinnati and the BCA are committed to ensuring the health and safety of patrons of the DORA and cleanliness of the area; therefore, in the contract between the City and the BCA for operation of the DORA, the BCA will agree to provide any additional security or sanitary services needed in excess of the current city-provided police and sanitation services.

The City currently has forty patrol officers on staff in the Central Business District, and on any given shift, there are 2 sergeants and 6-9 police officers on duty. Additionally, there are up to four daily additional officers patrolling the Central Business District, including the Banks, by bike. Finally, there is a Cincinnati Police Department substation located on E. Freedom Way within the DORA. This level of staffing is believed to be adequate to ensure public safety in the DORA; however, during the opening months of the DORA in the spring and summer of 2021 the BCA will be providing increased police visibility during peak operating evening hours. These services will be provided by the BCA through the hiring of off-duty Cincinnati police officers, similar to a special event detail. Further, the City and BCA will continually assess the public safety needs on an ongoing basis, and the BCA will agree to provide additional security detail as deemed necessary in the City's reasonable discretion.

The City's Department of Public Services ("DPS") empties the public trash receptacles in the DORA daily and adds a secondary run during large events, such as game days. Each run requires one staff member per truck. There are multiple trash receptacles located on corners in the highest trafficked intersections/areas of the Banks. Additionally, the City currently provides daily street sweeping in the DORA. In addition to the City's sanitation services, through a shared services agreement, the BCA and the tenants at the Bank's provide supplementary cleaning services and have a single staff person on-site daily providing these services. Similar to the security needs, the City and BCA will continue with the current level of services, and the City believes the current DPS staffing levels and services in conjunction with the supplementary cleaning services are sufficient to adequately maintain the appearance and public health in the DORA. However, the City and BCA will continually assess the service levels and staffing needs and the BCA will provide any supplementary cleaning and sanitation services needed to keep the DORA area in a clean, safe, and sanitary state. The BCA will agree to increase staffing as needed to meet this standard.

Hours of Operation

The DORA will operate from 11:00 AM- 1:00 AM Monday through Sunday. Notwithstanding anything herein to the contrary, the City Manager will retain the discretion to temporarily suspend the operations of the DORA or alter operational parameters at his or her sole discretion if determined necessary for public health, safety, or welfare.

Signage

In accordance with ORC 4301.82(F), clearly marked signs will delineate all boundaries of the DORA. Additionally, signage will be placed within the DORA to notify patrons of the rules of operation. This signage will be a mix of “sidewalk tattoos,” which will be printed on the sidewalk and traditional signage. The sidewalk tattoos are semi-permanent adhesives that are placed on the sidewalk. Examples of existing sidewalk tattoos as well as proposed DORA sidewalk tattoo and signage designs are depicted in Exhibit B. The signage will be paid for and maintained by the BCA throughout the life of the DORA.

The proposed plan for signage is to include street signage and tattoos along the boundaries of the DORA, with traditional signage located at intersections and street tattoos in between intersections, with an estimated fifty signs needed to clearly demarcate the boundary for an average of one sign every 200 feet along the boundary. Additional signs will be added in the interior to demarcate operational boundaries, as determined necessary by the City Manager. Approximately twenty or more interior traditional signs notifying patrons of the DORA rules will be posted, generally with one sign on each block. The numbers of signs and spacing may be increased or decreased in the City Manager’s discretion, and the City and BCA will assess the need for changes to signage on an ongoing basis.

Additional Rules and Requirements

The City Manager may establish additional rules and regulations for operation of the DORA and will update such rules and regulations from time to time as deemed necessary for public health, safety, or operational purposes; provided however, such rules will always require that all alcoholic drinks served to be consumed outside of establishments within the DORA shall be served in a designated plastic cup, plastic bottle, or other plastic container.

Special Events

The DORA will provide additional flexibility for events at the Banks. The City Manager will work with the BCA to develop operational parameters for hosting special events within the DORA that balance interests of all stakeholders.

Nature of Establishments

In accordance with ORC 4301.82(B)(2), the nature and types of establishments that will be located within the DORA are a broad array of institutions, businesses, and uses—including two professional sports stadiums, a museum, an indoor arena, portions of Smale Riverfront Park, offices, retail, hotel, residences, and numerous drinking and dining establishments. There is no intention of changing the nature and types of establishments in the area. Instead, once operational, the DORA will support this existing eclectic mix of establishments by attracting additional customers, residents, and workers. A current list of existing establishments is below:

Name	Address	Street	Zip	Category	Qualified Permit Holder?
Great American Ball Park	100	Joe Nuxhall Way	45202	Entertainment & Sports Stadium	Yes
Galla Park	175	Joe Nuxhall Way	45202	Dining/Bars	Yes
The Holy Grail Tavern and Grille	161	Joe Nuxhall Way	45202	Dining/Bars	Yes
Joella's Hot Chicken	180	E Freedom Way	45202	Dining/Bars	Yes
Tin Roof	160	E Freedom Way	45202	Dining/Bars	Yes
Ruth's Chris Steak House	100	E Freedom Way	45202	Dining/Bars	Yes
Street Corner Market at the Banks	160	Marian Spencer Way	45202	Convenience Store	No
Planet Fitness	145	2nd Street	45202	Gym	No
Smothie King	155	2nd Street	45202	Dining/Bars	No
Condado Tacos	195	E Freedom Way	45202	Dining/Bars	Yes
The Stretch	191	E Freedom Way	45202	Dining/Bars	Yes
Jimmy John's	171	E Freedom Way	45202	Dining/Bars	No
BurgerFi	161	E Freedom Way	45202	Dining/Bars	Yes
Fishbowl at The Banks	141	E Freedom Way	45202	Dining/Bars	Yes
Jefferson Social	101	E Freedom Way	45202	Dining/Bars	Yes
AC Hotel	135	Joe Nuxhall Way	45202	Hotel	Yes
Moerlein Lagar House	115	Joe Nuxhall Way	45202	Dining/Bars	Yes
National Underground Railroad Freedom Cen	50	E Freedom Way	45202	Museum	Yes
Yard House	95	E Freedom Way	45202	Dining/Bars	Yes
Skystar Wheel	55	E Freedom Way	45202	Entertainment & Sports Stadium	No
Taste of Belgium - The Banks	16	W Freedom Way	45202	Dining/Bars	Yes
The Escape Game Cincinnati	28	W Freedom Way	45202	Entertainment & Sports Stadium	No
Pies & Pints - Cincinnati, OH (The Banks)	56	W Freedom Way	45202	Dining/Bars	Yes
GE Global Operations Center	191	Rosa Parks Street	45202	Business Office	No
Cincinnati Police Department - CBD	150	E Freedom Way	45202	Municipal Office	No
Radius at the Banks	44	W Freedom Way	45202	Residential	No
Current at the Banks	121	E Freedom Way	45202	Residential	No
Paul Brown Stadium	1	Paul Brown Stadium	45202	Entertainment & Sports Stadium	Yes
Heritage Bank Arena	100	Broadway Street	45202	Entertainment & Sports Stadium	Yes
The Andrew J Brady ICON Music Center	25	Race Street	45202	Entertainment & Sports Stadium	No

Qualified Permit Holders

As required by ORC 4301.82(B)(3), the DORA will encompass not fewer than four qualified permit holders of A-1, A-1-A, A-1c, A-2, A-2f, or D class liquor permits (excluding D-6 and D-8 class liquor permits) issued under ORC Chapter 4303.

To date at least 19 current qualified permit holders, as that term is defined in ORC 4301(A)(1), have been identified in the DORA, as follows:

#	Permit Holder	Doing Business As (DBA)	Permit Number	Permit Class(es)	Address
1	CINCINNATI SPORTSERVICE INC.	GREAT AMERICAN BALLPARK BAR 1 RIVERFRONT CLUB BAR 2 MACHINE RM	14941130002 149411320016	D1, D2, D3, D3A	100 Joe Nuxhall Way (Main Street)
2	PMG CINCINNATI INC.		6659955	D5J	175 Joe Nuxhall Way, 1 st FL
3	HOLY GRAIL BANKS LLC	HOLY GRAIL TAVERN & GRILLE	3948610 39486100003	D5J	161 Joe Nuxhall Way & Patio
4	JOELLAS CINCINNATI BANKS OH LLC	JOELLAS HOT CHICKEN	42940990005	D5J	180 E. Freedom Way 1 st FLR & Patio
5	TIN ROOF ACQUISITION COMPANY	THE TIN ROOF	8942924	D5J	160 E. Freedom Way
6	RCSH OPERATIONS LLC	RUTHS CHRIS STEAKHOUSE	72293500010	D5J	100 E. Freedom Way
7	CONDATOS TACOS 8 LLC		1657339	D5J	195 E. Freedom Way
8	4EG BANKS LLC	THE STRETCH	2852942	D5J	191 Freedom Way, Suite 170
9	MVPZ AND ME CINCINNATI LLC	BURGERFI	6256775	D5J	161 E. Freedom Way
10	OPEN BOTTLE MANAGEMENT GROUP LLC	FISHBOWL	6564313	D5J	141 E. Freedom Way, 1 st FL
11	JEFFERSON SOCIAL LLC	JEFFERSON SOCIAL	4264900	D5J	180 E. Freedom Way, 1 st FL & Patio
12	WHI CINCINNATI BANKS MANAGEMENT LLC	AC HOTEL AT THE BANKS	9556176	D5A	135 Joe Nuxhall Way
13	MLH CINCINNATI USA LLC		6071220 607122000003	A-1-A, A-1c	115 Joe Nuxhall Way;

					115 Joe Nuxhall Way & Outside Event Area
14	NATIONAL UNDERGROUND RAILROAD FREEDOM CENTER		63155930005	D5H	50 E. Freedom Way
15	YARD HOUSE USA INC	YARD HOUSE 8344	9819569	D5J	95 E. Freedom Way
16	TASTE OF BELGIUM AT THE BANKS LLC	TASTE OF BELGIUM	8803125	D5J	16 W. Freedom Way
17	PIES & PINTS CINCINNATI LLC	PIES & PINTS	6919360	D5J	56 W. Freedom Way
18	ARAMARK AMERICAN FOOD SERVICES LLC	PAUL BROWN STADIUM LEVEL 600 W/S BAR 9	25262400009	D2, D3	200 W. Mehring Way & Patio
19	ARAMARK SPORTS AND ENTERTAINMENT SERVICES LLC		2526680035	D1, D2, D3	100 Broadway & Plaza

Land Use & Zoning

In accordance with ORC 4301.82(B)(4) and as depicted below, the uses of land within the DORA are zoned Downtown Development District (depicted in pink) and Planned Development District (depicted in green). The current mix of uses in the DORA, including restaurants, bars, museums, and entertainment and sports venues, are permitted uses in these zoning districts.

Attached as Exhibit C is a letter from Cincinnati's Department of City Planning confirming that the uses of land within the DORA are permitted and in accordance with Cincinnati's master zoning plan.



Community Support, Public Notice, and Legislative Approval Process

To date, there has been significant community support expressed for the DORA. Please see Exhibit D for submitted letters.

Following filing of this application with the Clerk of Council and in accordance with ORC 4301.82(C), the Clerk will publish public notice of this application in the Cincinnati Enquirer. The notice will indicate that the application is on file and available for inspection in the Clerk's Office. Additionally, the application will be available for review on Council Online. Further, the notice will indicate the date and time of the identified City Council committee hearing to which the authorizing legislation has been referred to provide for a public hearing on the proposal.

Exhibit A

Parcel IDs and Street Addresses:

PARCEL ID			ADDRESS		
083	0007	0001	150	PETE ROSE	WY
083	0007	0002	182	RACE	ST
083	0007	0009		PETE ROSE	WY
083	0007	0010		PETE ROSE	WY
083	0007	0014	50	FREEDOM	WY
083	0007	0015		VINE	ST
083	0007	0016		VINE	ST
083	0007	0027	173	MARIAN SPENCER	WY
083	0007	0029	140	MARIAN SPENCER	WY
083	0007	0030	193	FREEDOM	WY
082	0A02	0005		PETE ROSE	WY
083	0007	0031	95	FREEDOM	WY
083	0007	0032	55	FREEDOM	WY
083	0007	0033	25	FREEDOM	WY
083	0007	0036	99	THEODORE M BERRY	WY
083	0007	0037	199	SECOND	ST
083	0007	0038	180	MARIAN SPENCER	WY
083	0007	0039	124	MEHRING	WY
083	0007	0040		MAIN	ST
083	0007	0041	115	JOE NUXHALL	WY
083	0007	0046		THEODORE M BERRY	WY
083	0007	0047		WALNUT	ST
083	0007	0048		ROSA PARKS	ST
083	0007	0049		FREEDOM	WY
083	0007	0050	182	RACE	ST
083	0007	0051		FREEDOM	WY
083	0007	0052		FREEDOM	WY
083	0007	0053		MEHRING	WY
083	0007	0054		THEODORE M BERRY	WY
083	0007	0056	16	FREEDOM	WY
083	0007	0058	121	FREEDOM	WY
083	0007	0059		FREEDOM	WY
083	0007	0060	120	FREEDOM	WY
083	0007	0061	193	SECOND	ST
083	0007	0062	160	MARIAN SPENCER	WY
083	0007	0063	44	FREEDOM	WY
083	0007	0064	175	ROSA PARKS	ST
083	0007	0065	179	ROSA PARKS	ST
083	0007	0066	191	ROSA PARKS	ST
083	0007	0067		RACE	ST
083	0007	0069		RACE	ST

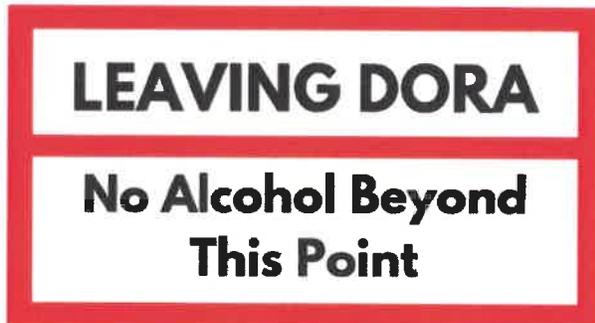
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083	0007	0071		RACE	ST
083	0007	0072			
083	0007	0073		FREEDOM	WY
083	0007	0076		RACE	ST
083	0007	0077		FREEDOM	WY
083	0007	0078		RACE	ST
083	0007	0080		RACE	ST
083	0007	0083	166	FREEDOM	WY
083	0007	0084			
084	0004	0019	404	FRONT	ST
083	0007	0085			
083	0007	0086			
083	0007	0087			
083	0007	0088			
083	0007	0089			
084	0004	0037	100	BROADWAY	
084	0004	0042		BROADWAY	
084	0004	0048		BROADWAY	
084	0004	0066	423	PETE ROSE	WY
083	0004	0135	149	BROADWAY	
083	0005	0001	202	MEHRING	WY
083	0005	0003		MEHRING	WY
082	0A02	0001	200	MEHRING	WY

Street Address Ranges:

Street Name	Range	Even/Odd
E. 2 nd Street	99-193	Odd
W. 2 nd Street	199	Odd
Elm Street	25	Odd
Joe Nuxhall Way (Main Street)	100-198	Even & Odd
E. Pete Rose Way	423	Odd
W. Pete Rose Way	102-151	Even & Odd
E. Mehring Way (Route 52)	8-398	Even
W. Mehring Way (Route 52)	12-202	Even
Central Avenue	2-198	Even
E. Freedom Way	25-195	Even & Odd
W. Freedom Way	3-102	Even & Odd
Broad Way	100-149	Even & Odd
Marion Spencer Way (Walnut Street)	140-180	Even
Race Street	24-182	Even & Odd
Rosa Parks Street (Vine Street)	175-191	Odd
Theodore M. Berry Way	99	Odd

Exhibit B

Example Signage



Sidewalk Tattoo Example

YOU ARE NOW IN THE

DORA

DESIGNATED | OUTDOOR | REFRESHMENT | AREA

Welcome to The Banks DORA GUIDELINES

In effect Daily from 11a.m. - 7a.m.

DORA beverages may only be consumed in designated DORA cups.

Patrons must consume DORA beverages before entering another DORA establishment (empty DORA cups may enter.)

DORA beverages may only be consumed inside the DORA District. Please observe posted boundaries.

Patrons are subject to open container alcohol laws outside the DORA district.



THANK YOU FOR VISITING. PLEASE DRINK RESPONSIBLY.



Traditional Signage Example



DESIGNATED | OUTDOOR | REFRESHMENT | AREA

WELCOME TO THE BANKS DORA GUIDELINES

- 1** *In effect Daily from 11a.m. - 1a.m.*
- 2** *DORA beverages may only be consumed in designated DORA cups.*
- 3** *Patrons must consume DORA beverages before entering another DORA establishment (empty DORA cups may enter).*
- 4** *DORA beverages may only be consumed inside the DORA District. Please observe posted boundaries.*
- 5** *Patrons are subject to open container alcohol laws outside the DORA district.*

PLEASE DRINK RESPONSIBLY.

THANK YOU
FOR VISITING THE BANKS.
THEBANKSCINCY.COM



DESIGNATED | OUTDOOR | REFRESHMENT | AREA



Exhibit C



Dear Ms. Boggs Muething,

This letter serves as a confirmation that the proposed Designated Outdoor Refreshment Area (DORA) as depicted below in the Central Business District is in accordance with the City's Comprehensive Plan, *Plan Cincinnati* (2012). Specifically, the DORA is in line with the Compete Initiative Area as it will cultivate our position as the most vibrant and economically healthiest part of our region. Additionally, the area that is within the DORA is zoned Downtown Development and Planned Development. Restaurants that serve alcohol, bars, and nightclubs (uses that would typically utilize a DORA license) are permitted uses in all of these zoning districts.

The Banks has always been envisioned to be a mixed-use entertainment center for Cincinnati. Instituting a DORA complements this vision and the work that has already been completed in the community. We anticipate that this DORA will foster continued investment in the area, and we look forward to helping see this project to its completion.



Sincerely,

A handwritten signature in black ink that reads "Katherine Keough-Jurs".

Katherine Keough-Jurs, AICP
Director, Department of City Planning

Exhibit D

[Attached]



June 29, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Cincinnati City Council,

We are writing in collective support of the proposed Designated Outdoor Refreshment Area (DORA) at The Banks and ask you to support it with your vote of Yes.

A DORA District at The Banks will continue to enhance the vision of The Banks as a top visitor destination while creating a positive new experience, all year long.

Over the last year, we have studied other Ohio cities and their implementation of their DORA Districts. The response in these other communities has been overwhelmingly positive from both a guest experience and a business owner perspective. We are prepared to properly introduce and manage the DORA District at The Banks.

As we continue to recover from COVID-19, it's now more important than ever for our bars and restaurants to create new revenue opportunities so we can stay in business. We believe a DORA District will increase new economic opportunity to The Banks to better support our businesses.

Thank you for your support of the proposed DORA District at The Banks.

Sincerely,
Ruth's Chris Steakhouse
Galla Park
Holy Grail
Tin Roof
Upper Deck at AC Hotel
Jefferson Social
The Stretch
Jimmy Johns
Burger Fi
Moerlein Lager House
Yard House
Taste of Belgium
Pies & Pints
Fish Bowl
Street Corner Market
Condado Tacos
Smoothie King



July 13, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Members of Cincinnati City Council,

On behalf of the Cincinnati Bengals and Paul Brown Stadium, I am writing to voice our support of the proposed Designated Outdoor Refreshment Area (DORA) at The Banks.

It's an exciting time at The Banks. Our team is working toward a successful season with the beginning of the Joe Burrow Era to begin this fall, and the iCON Music Center is taking shape as our new neighbor. A DORA District will only add to the guest experience in a positive way.

A DORA District at The Banks will provide a year-round opportunity for fans to enjoy the area, its restaurants and bars as well as other attractions. The Cincinnati Bengals are in full support of the economic benefits that a DORA District will bring to the businesses at The Banks all year long.

Thank you for your support of the proposed DORA District at The Banks.

Sincerely,

Katie Blackburn
Executive Vice President
Cincinnati Bengals

One Paul Brown Stadium Cincinnati, Ohio 45202 • 513 621-3550 phone • 513 621-3570 fax • www.bengals.com



CINCINNATI REDS™

Great American Ball Park, 100 Joe Nuxhall Way, Cincinnati, OH 45202-4109, Phone: 513.765.7000, Fax: 513.765.7342, www.reds.com

June 29, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Members of Cincinnati City Council,

On behalf of the Cincinnati Reds and Great American Ball Park, I am writing to share our support for the new Designated Outdoor Refreshment Area (DORA) at The Banks. The Cincinnati Reds were an early supporter of the initial legislation for the DORA District and we remain committed.

We believe the DORA District at The Banks will only enhance the guest experience while creating new revenue streams for the bar and restaurant establishments—year round.

We have carefully studied other DORA Districts in Ohio and have a collective understanding of how to properly manage and guide the District to provide a positive experience with economic benefits for the business owners at The Banks.

Thank you for your consideration and support of the proposed DORA District at The Banks.

Sincerely,



Phillip J. Castellini
President & Chief Operating Officer
Cincinnati Reds



June 30, 2020

Mayor John Cranley
Cincinnati City Council Members
Cincinnati City Hall
811 Plum Street
Cincinnati, OH 45202

Dear Mayor Cranley and Members of Cincinnati City Council,

On behalf of the Heritage Bank Center and the Cincinnati Cyclones, I am writing to share our support of the proposed Designated Outdoor Refreshment Area (DORA) at The Banks.

A DORA District at The Banks will provide a year-round opportunity for our guests to enjoy the area, its restaurants and bars as well as other attractions. We have been working closely with The Banks during the planning process and are committed to making the District a success with its introduction and implementation.

The Cincinnati Cyclones and our host of concerts and events are in full support of the economic benefits that a DORA District will bring to the businesses at The Banks all year long.

Thank you for your support of the proposed DORA District at The Banks.

Sincerely,

Kristin Ropp
Vice President & General Manager
Heritage Bank Center, Cincinnati Cyclones, Cincinnati Cyclones Foundation

MEMI

MUSIC & EVENT MANAGEMENT INC.

June 26, 2020

Mayor Cranley, Councilmembers
Cincinnati City Hall
801 Plum St
Cincinnati, OH 45202

Dear Mayor Cranley and Councilmembers,

Music & Event Management, Inc. is pleased to bring the Andrew J Brady ICON Music Center to the Banks Entertainment District and to join the other businesses and stakeholders in the community in providing quality experiences for the Greater Cincinnati area.

MEMI, in partnership with its concession vendor, EVT Management Services, fully supports the implementation of a DORA to put the finishing touches on the Banks vision. The addition of the DORA will create new opportunities for advancing the activity and energy of the Banks and will help grow the levels of participation from the surrounding region.

As we continue to explore options for overcoming the challenges presented in this time of COVID-19 and beyond, neighborhood features like a DORA will allow the people of Greater Cincinnati to begin to re-engage and enjoy all that our community has to offer.

Sincerely,

Mike Smith
President
Music & Event Management, Inc.

Jennifer Cauhorn
General Manager
EVT Management Services, LLC

NICOL INVESTMENT
COMPANY

June 30, 2020

Mayor Cranley
City Councilmembers
City of Cincinnati
801 Plum Street
Cincinnati, OH 45202

RE: DORA District @ The Banks

Mayor Cranley and City Councilmembers:

As the largest private property owner at The Banks, Nicol Investment Company is pleased to support the establishment of a Designated Outdoor Refreshment Area (DORA) at The Banks.

Nicol has been involved with The Banks since 2013 as the owner of *Current at The Banks* (multifamily), *Radius at The Banks* (multifamily) and the majority of The Banks retail/restaurant square footage.

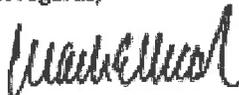
The Banks was created as a Designated Entertainment District, and we have long supported various initiatives that help fulfill that vision. Importantly, we believe a DORA district will be an impactful economic development initiative for all Banks stakeholders.

A DORA district at The Banks will not only offer a cohesive program knitting together various attractions, retailers and park space throughout the entire Banks footprint, it will add a unique vibrancy for the enjoyment of residents, retailers, office workers, and visitors.

We are fully supportive of the City of Cincinnati establishing its first DORA District at The Banks and look forward to working with our neighbors to successfully operate the District. We appreciate the City's support of this important initiative.

Thank you for your consideration.

Best regards,



Mark E. Nicol
Nicol Investment Company

202007233

Date: December 14, 2020

To: Vice Mayor Christopher Smitherman
From: Andrew W. Garth, Interim City Solicitor *AWG*
Subject: **Ordinance – Charter Amendment Successor Certificates and Special Prosecutor**

Transmitted herewith is an ordinance captioned as follows:

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.

AWG/CMZ/(lnk)
Attachment
328174

EMERGENCY

City of Cincinnati

CMZ
AWB

An Ordinance No. _____

- 2020

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.

WHEREAS, the City Charter currently provides that members of Council must file successor designation certificates to identify those members of Council who will choose the member's replacement in the event the member leaves Council; and

WHEREAS, it would benefit the stability of Council and the public's confidence in City Council to prohibit council members from revising their successor designation certificates subsequent to their indictment or the filing of a criminal complaint for a felony against them relating to official conduct; and

WHEREAS, Section 733.72 of the Ohio Revised Code provides for a process for removing members of the legislative authorities of municipalities who have been charged with receiving inappropriate compensation, having an inappropriate interest in a public contract, or committing misfeasance or malfeasance while in office; and

WHEREAS, Section 733.73 of the Ohio Revised Code requires the City Solicitor to prosecute the charges brought pursuant to Section 733.72, and use of a special prosecutor 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 would help prevent potential for appearance of a conflict; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of the qualified electors of the City of Cincinnati for their approval or disapproval at the primary election to be held May 4, 2021, an amendment to the Charter of the City of Cincinnati, to prohibit council members from revising their successor designation certificates subsequent to being indicted for a felony or subsequent to

the filing of a criminal complaint against them for charges relating to official conduct by amending Article II, Section 4b and repealing existing Section 4b of Article II; and to require the appointment of a special prosecutor in the event of an action under Ohio law to remove a member of Council by amending Article IV, Section 5 as follows:

ARTICLE II. - LEGISLATIVE POWER

Section 4b.

Before taking the oath of office each member-elect of council shall file with the council a successor designation certificate certifying the name of one or more fellow members of council to select a successor if his or her office as member of council becomes vacant for any reason.

Should a vacancy occur, the members of council certified by the former member are empowered to designate a successor within 60 days of the vacancy by a majority vote of their members or of those remaining thereof. The signed designation shall be filed with council within the 60-day period and shall be presented by council at its next regular meeting.

Should there be no valid and effective successor designation certificate for a vacant office, the council may fill the vacant office by a majority vote of the remaining members within 30 days of the vacancy. Should the certified members of council fail to designate a successor within 60 days of the vacancy, council may fill the vacant office by a majority vote of the remaining members within 30 days after the time allowed for the certified members' designation has expired. Should council fail to fill the vacancy within the time prescribed, the mayor shall appoint the successor without requiring the consent of council.

A person designated as a successor or named to fill the vacancy by action of council or the mayor shall, upon taking the oath of office, have the status of a member of council duly elected for the unexpired term.

Any member of council may amend his or her successor designation certificate at any regular meeting of the council, except no member of council may amend that member's successor designation certificate subsequent to an indictment of the member alleging a felony or subsequent to the filing of criminal charges against the member for a crime that relates to the member of council's conduct in the performance of council duties. A member of council duly designated or named by council or the mayor to fill a vacancy shall file a successor designation certificate as in the case of originally elected members and his or her name may be certified by other members.

ARTICLE IV. – EXECUTIVE AND ADMINISTRATIVE SERVICE

Section 5a.

The city manager shall appoint a city solicitor. No person shall be eligible to the office who is not an attorney at law, duly admitted to practice in this state. The solicitor shall serve the

mayor, council, officers and boards of the city as legal counsel and attorney, and shall represent the city in all proceedings in court. The solicitor shall act as prosecuting attorney in the municipal court. The solicitor shall perform all other duties now or hereafter imposed upon city solicitors by the laws of the state, unless otherwise provided by ordinance of the council, and such other duties as the council may impose upon the solicitor consistent with the office of city solicitor. The solicitor shall appoint his or her assistants and fix their salaries, but the maximum number of assistants and the total amounts of the assistants' salaries shall be fixed by council. The assistants shall hold their offices at the pleasure of the solicitor.

Section 5b.

If a complaint is filed pursuant to Ohio Revised Code Section 733.72 or its successor alleging that a member of council has been indicted for a felony or that a criminal complaint has been filed against a member for charges relating to official conduct, the city solicitor shall appoint a special prosecutor within ten business days of the Hamilton County probate judge's issuing a citation pursuant to the complaint. Council shall appropriate funds necessary to hire and pay the special prosecutor.

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

CHARTER AMENDMENT	
A majority vote is necessary for passage.	
YES	Shall the Charter of the City of Cincinnati be amended to prohibit council members from revising their successor designation certificates subsequent to being indicted for a felony or subsequent to the filing of criminal charges against them for conduct in the performance of council duties; and to require the City Solicitor appoint a special prosecutor to prosecute an action under Ohio Revised Code Section 733.72 or its successor 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 II, Section 4b and amending Article IV by enacting new Section 5b?
NO	

Section 3. That the Clerk of Council shall give notice of the proposed Charter Amendment in the manner provided by Sections 8 and 9 of Article XVIII of the Ohio Constitution and Section 731.211 (B) of the Ohio Revised Code.

Section 4. That the Clerk of Council is directed to certify and transmit to the Board of Elections of Hamilton County, Ohio, a copy of this ordinance and direct the said Board to submit the proposed Charter amendment to the electors of the City of Cincinnati as provided by law.

Section 5. That the Board of Elections of Hamilton County, Ohio, shall certify to the Council the result of the vote upon said amendment, and if said amendment is approved by a majority of the electors voting thereon, amended Section 4b of Article II and new Section 5b of Article IV shall be enacted and become a part of the Charter of the City of Cincinnati, and existing Section 4b shall be repealed.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate necessity to authorize the Clerk of Council to certify and transmit this ordinance to the Hamilton County Board of Elections at least sixty days prior to the May 4, 2021 primary election.

Passed _____, 2020

John Cranley, Mayor

Attest: _____
Clerk



202100217

Jan-Michele Lemon Kearney
Councilmember

MOTION

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.

Councilmember Jan-Michele Lemon Kearney

STATEMENT

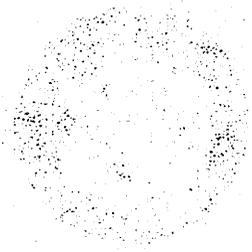
The Greater Cincinnati Foundation's All-In Cincinnati coalition aims to deepen, amplify, and multiply local and regional efforts to build equitable, thriving neighborhoods, and create a more vibrant place to live, work, and play for all in Greater Cincinnati.

Embracing equity means embracing the idea that a person's life chances aren't determined by race, ethnicity, gender, nativity, religion, sexual orientation, disability status, zip code or family income.

The Groundwater Presentation is a three-hour introduction to racial equity that uses stories and data to illustrate the structural and cross-sector nature of racism. By examining characteristics of modern-day racial inequity, trainers introduce participants to an analysis that most find immediately helpful and relevant.

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EMERGENCY

City of Cincinnati

ZDS/B

AWB

An Ordinance No. _____

- 2021

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.

WHEREAS, the Charter of the City of Cincinnati, Ohio does not provide its own process for the forfeiture of an elected position or the removal of an elected official; and

WHEREAS, Article II, Section 1 of the Charter incorporates Ohio laws that are consistent with the Charter; and

WHEREAS, Ohio state laws provide for several lengthy and complex processes to remove an elected official for misconduct in office, conviction of a felony, conflicts of interest, or malfeasance in office, or for the suspension of an elected official for similar offenses; and

WHEREAS, it would benefit the City and its residents to have a more efficient and expedient method for removing elected officials for conviction of certain crimes; and

WHEREAS, it would benefit the City and its residents and promote the public's confidence in the City's elected officials to require members of Council to receive ethics training within 60 days of taking office through a course approved by the Ohio Ethics Commission; and

WHEREAS, it would benefit the stability of Council and the public's confidence in the City's elected officials 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

WHEREAS, nothing in this ordinance is intended to abrogate or conflict with the City's duties and responsibilities under Ohio Revised Code 2744; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of the qualified electors of the City of Cincinnati for their approval or disapproval at the primary election to be held May 4, 2021, an amendment to the Charter of the City of Cincinnati, to provide for the following: a pre-conviction suspension of a member of council from office upon the filing of an indictment alleging a state or federal felony or upon the filing of criminal charges against the member for a crime involving moral turpitude as defined by Ohio Revised Code Section 4776.10 or a successor statute, to provide for the removal of a member of council upon conviction of or guilty plea to said crime; 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 as follows:

ARTICLE II. - LEGISLATIVE POWER.

Section 4b.

Before taking the oath of office each member-elect of council shall file with the council a successor designation certificate certifying the name of one or more fellow members of council to select a successor if his or her office as member of council becomes vacant for any reason.

Should a vacancy occur, the members of council certified by the former member are empowered to designate a successor within 60 days of the vacancy by a majority vote of their members or of those remaining thereof. The signed designation shall be filed with council within the 60-day period and shall be presented by council at its next regular meeting.

Should there be no valid and effective successor designation certificate for a vacant office, the council may fill the vacant office by a majority vote of the remaining members within 30 days of the vacancy. Should the certified members of council fail to designate a successor within 60 days of the vacancy, council may fill the vacant office by a majority vote of the remaining members within 30 days after the time allowed for the certified members' designation has expired. Should council fail to fill the vacancy within the time

prescribed, the mayor shall appoint the successor without requiring the consent of council.

A person designated as a successor or named to fill the vacancy by action of council or the mayor shall, upon taking the oath of office, have the status of a member of council duly elected for the unexpired term.

Any member of council may amend his or her successor designation certificate by written communication to the clerk, which amendment shall be added by the clerk of council to the agenda for the next at any regular meeting of the council and shall be adopted, filed, and effective as of the start of business of the same meeting of council. No member of council may amend the member's successor designation certificate subsequent to an indictment of the member alleging a state or federal felony or the filing of criminal charges against the member for a crime involving moral turpitude as defined by R.C. 4776.10 or a successor statute. A member of council duly designated or named by council or the mayor to fill a vacancy shall file a successor designation certificate as in the case of originally elected members and his or her name may be certified by other members. If a successor designation certificate is filed by a member of council who is filling a council vacancy based on suspension or removal of the prior officeholder, the new successor designation certificate shall supersede prior certificates and control in the event of another vacancy in the office.

Section 4c.

Council may suspend a member of council upon the vote of the majority of council if (i) a member of council is indicted for an alleged felony under state or federal law, or (ii) a member of council is charged with allegedly committing a crime involving moral turpitude as defined by R.C. 4776.10 or a successor statute. Upon notice of such indictment or charge, the member of council shall immediately notify the clerk of council and the city solicitor. Upon notice of such indictment or charge, the clerk of council shall place a council suspension motion for suspension of a council member on the agenda for the next regular or special council meeting occurring no sooner than two business days later. The suspension motion shall not be subject to mayoral referral or committee consideration. The clerk shall provide notice that the suspension motion will be on the agenda to the member of council whose suspension is being considered, and that member shall have an opportunity to be heard prior to the member's suspension. The member of council who is the subject of the suspension motion shall not vote on the suspension motion. In the event of a tie vote, the mayor shall cast a deciding vote to break the tie.

A suspended member of council shall not exercise any of the rights, powers, or responsibilities of the holder of that office during the period of the suspension. A suspended member of council shall not represent council to the public, shall not vote on any matters considered by the council or a council committee, and shall not introduce legislation to be considered by the council or a council committee. A suspended member of council shall not participate in the meetings of council or council committees other than as a private citizen.

A suspension of a member of council is a temporary vacancy of that office. This vacancy shall be filled on an interim basis according to the last successor designation certificate filed with council prior to the indictment or charge that initiated the suspension. The interim council member shall possess all of the rights, powers, and responsibilities of the holder of that office during the period of the suspension. The suspension shall continue until the earlier of: (i) the reinstatement of the suspended member of council as provided in the following paragraph of this section 4c; (ii) the expiration of the elected term of office of the suspended member of council; or (iii) the removal of the suspended member of council from office according to section 4d or as otherwise provided by law.

A suspended member of council shall be reinstated at the next regularly scheduled or special meeting of council following the dismissal or acquittal of the criminal charges that supported the suspension. A suspended member of council shall not be reinstated following the expiration of his or her elected term of office. A suspended member of council shall continue to receive a salary until the suspended member of council either resigns or pleads guilty to or is found guilty of the crime with which the suspended member of council was charged, whichever occurs first. The city may file a civil action in the appropriate court to recover salary paid to that former member of council from the date of the suspension to the earlier of either the date the former member of council resigns or the date the former member of council pleads guilty to or is found guilty of the crime with which the former member of council was charged.

Section 4d.

If a member of council, while on city council, is convicted of, or otherwise pleads guilty to, a felony under state or federal law, or a crime involving moral turpitude as defined by R.C. 4776.10 or a successor statute, the member shall immediately forfeit the member's position on council and is liable to pay back all compensation received from the city dating back to the date of suspension. Upon notice of such conviction, the member of council shall immediately notify the clerk of council and the city solicitor. Upon conviction, the member of council shall not participate in the meetings of council or council committees other than as a private citizen.

Upon notice of such conviction or plea, the clerk of council shall place a motion for removal of a council member on the agenda for the next council meeting occurring no sooner than two business days after the clerk receives notice of the conviction or plea. Council shall confirm the conviction or plea and remove the member of council by passing the removal motion by majority vote within ten business days following the member's conviction if the member has not resigned. The removal motion shall not be subject to mayoral referral or committee consideration. If council does not pass the removal motion within ten business days following notice of conviction or plea to the clerk of council, the member of council's removal shall be effective on the eleventh business day after notice of the conviction.

The removal of a member of council under this section shall not invalidate any legislative action of the member or of council prior to the removal of the member of council.

A member of council who is convicted of or pleads guilty to a misdemeanor crime involving moral turpitude as defined by R.C. 4776.10 or a successor statute and who is removed under this section shall be forever barred from serving as a member of council or mayor. A member of council whose conviction of a misdemeanor crime involving moral turpitude as defined by R.C. 4776.10 or a successor statute is overturned on appeal shall not be barred from serving as a member of council or mayor.

Section 4e.

Within 60 days of taking the oath of office, each member of council shall complete, and shall submit certification of completion to the clerk of council, an approved course covering Ohio ethics law for local government officials and employees, which is approved by the Ohio Ethics Commission. Failure to submit a certification within 60 days will result in suspension of a member of council's legislative privileges until the certification is submitted to the clerk of council.

In the event a course approved by the Ohio Ethics Commission covering Ohio ethics law for local government officials and employees is not available within 60 days of a member of council taking the oath of office, the city solicitor may provide alternative and equivalent training in order to meet the 60-day deadline. A member of council shall strive to notify the city solicitor and the clerk of council within 30 days of taking the oath of office if a course approved by the Ohio Ethics Commission is not anticipated to be available within 60 days of taking the oath of office.

For the purposes of this section, legislative privileges means the right to attend or participate in council or council committee meetings as a council member, the right to vote on or propose actions or agenda items to council or council committee meetings, and the right to be counted for purposes of establishing quorum for council or council committee meetings.

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

CHARTER AMENDMENT

A majority vote is necessary for passage.

YES	Shall the Charter of the City of Cincinnati be amended to provide for a pre-conviction suspension of a member of council if the member of council is indicted for allegedly committing a state or federal felony or a crime involving moral turpitude, where the suspended member of council shall be suspended from official duties but shall receive a salary during the suspension that may be recovered by the city upon the member's conviction, to also provide for the removal of a member of council upon a conviction of or guilty plea to said crime, 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?
NO	

Section 3. That the Clerk of Council shall give notice of the proposed Charter Amendment in the manner provided by Sections 8 and 9 of Article XVIII of the Ohio Constitution and Section 731.211 (B) of the Ohio Revised Code.

Section 4. That the Clerk of Council is directed to certify and transmit to the Board of Elections of Hamilton County, Ohio, a copy of this ordinance and direct the said Board to submit the proposed Charter amendment to the electors of the City of Cincinnati as provided by law.

Section 5. That the Board of Elections of Hamilton County, Ohio, shall certify to the Council the result of the vote upon said amendment, and if said amendment is approved by a majority of the electors voting thereon, amended Section 4b and new Sections 4c, 4d, and 4e of Article II shall be enacted and become a part of the Charter of the City of Cincinnati, and existing Section 4b shall be repealed.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate necessity to authorize the Clerk of Council to certify and transmit this ordinance to the Hamilton County Board of Elections at least sixty days prior to the May 4, 2021 primary election.

Passed _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.

Date: February 9, 2021

202100629

To: Councilmember Betsy Sundermann
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance –Charter Amendment Removal & Suspension of Councilmembers (B VERSION)**

Transmitted herewith is an emergency ordinance captioned as follows:

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.

AWG/ZDS/(lnk)
Attachment
321206-34

202100637

Date: February 10, 2021

To: Councilmember Betsy Sundermann
From: Andrew W. Garth, City Solicitor *AWG*
Subject: **Emergency Ordinance –Charter Amendment Removal & Suspension of Councilmembers (C VERSION)**

Transmitted herewith is an emergency ordinance captioned as follows:

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.

AWG/ZDS/(lnk)
Attachment
321206-37

EMERGENCY

City of Cincinnati

ZDS/C

AWB

An Ordinance No. _____

- 2021

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.

WHEREAS, the Charter of the City of Cincinnati, Ohio does not provide its own process for the forfeiture of an elected position or the removal of an elected official; and

WHEREAS, Article II, Section 1 of the Charter incorporates Ohio laws that are consistent with the Charter; and

WHEREAS, Ohio state laws provide for several lengthy and complex processes to remove an elected official for misconduct in office, conviction of a felony, conflicts of interest, or malfeasance in office, or for the suspension of an elected official for similar offenses; and

WHEREAS, it would benefit the City and its residents to have a more efficient and expedient method for removing elected officials for conviction of certain crimes; and

WHEREAS, it would benefit the City and its residents and promote the public's confidence in the City's elected officials to require members of Council to receive ethics training within 60 days of taking office through a course approved by the Ohio Ethics Commission; and

WHEREAS, it would benefit the stability of Council and the public's confidence in the City's elected officials to prohibit council members from revising their successor designation certificates subsequent to being indicted for a state or federal felony that relates to the member of council's conduct in the performance of council duties; and

WHEREAS, nothing in this ordinance is intended to abrogate or conflict with the City's duties and responsibilities under Ohio Revised Code 2744; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of the qualified electors of the City of Cincinnati for their approval or disapproval at the primary election to be held May 4, 2021, an amendment to the Charter of the City of Cincinnati, to provide for the following: a pre-conviction suspension of a member of council from office upon the filing of an indictment alleging a state or federal felony that relates to the member of council's conduct in the performance of council duties; to provide for the removal of a member of council upon conviction of or guilty plea to said crime; 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 that relates to the member of council's conduct in the performance of 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 as follows:

ARTICLE II. - LEGISLATIVE POWER.

Section 4b.

Before taking the oath of office each member-elect of council shall file with the council a successor designation certificate certifying the name of one or more fellow members of council to select a successor if his or her office as member of council becomes vacant for any reason.

Should a vacancy occur, the members of council certified by the former member are empowered to designate a successor within 60 days of the vacancy by a majority vote of their members or of those remaining thereof. The signed designation shall be filed with council within the 60-day period and shall be presented by council at its next regular meeting.

Should there be no valid and effective successor designation certificate for a vacant office, the council may fill the vacant office by a majority vote of the remaining members within 30 days of the vacancy. Should the certified members of council fail to designate a

successor within 60 days of the vacancy, council may fill the vacant office by a majority vote of the remaining members within 30 days after the time allowed for the certified members' designation has expired. Should council fail to fill the vacancy within the time prescribed, the mayor shall appoint the successor without requiring the consent of council.

A person designated as a successor or named to fill the vacancy by action of council or the mayor shall, upon taking the oath of office, have the status of a member of council duly elected for the unexpired term.

Any member of council may amend his or her successor designation certificate by written communication to the clerk, which amendment shall be added by the clerk of council to the agenda for the next at any regular meeting of the council and shall be adopted, filed, and effective as of the start of business of the same meeting of council. No member of council may amend the member's successor designation certificate subsequent to an indictment of the member alleging a state or federal felony that relates to the member of council's conduct in the performance of council duties. A member of council duly designated or named by council or the mayor to fill a vacancy shall file a successor designation certificate as in the case of originally elected members and his or her name may be certified by other members. If a successor designation certificate is filed by a member of council who is filling a council vacancy based on suspension or removal of the prior officeholder, the new successor designation certificate shall supersede prior certificates and control in the event of another vacancy in the office.

Section 4c.

Council may suspend a member of council upon the vote of seven members of council if a member of council is indicted for an alleged felony under state or federal law that relates to the member of council's conduct in the performance of council duties. Upon notice of such indictment or charge, the member of council shall immediately notify the clerk of council and the city solicitor. Upon notice of such indictment or charge, the clerk of council shall place a council suspension motion for suspension of a council member on the agenda for the next regular or special council meeting occurring no sooner than two business days later. The suspension motion shall not be subject to mayoral referral or committee consideration. The clerk shall provide notice that the suspension motion will be on the agenda to the member of council whose suspension is being considered, and that member shall have an opportunity to be heard prior to the member's suspension. The member of council who is the subject of the suspension motion shall not vote on the suspension motion.

A suspended member of council shall not exercise any of the rights, powers, or responsibilities of the holder of that office during the period of the suspension. A suspended member of council shall not represent council to the public, shall not vote on any matters considered by the council or a council committee, and shall not introduce legislation to be considered by the council or a council committee. A suspended member

of council shall not participate in the meetings of council or council committees other than as a private citizen.

A suspension of a member of council is a temporary vacancy of that office. This vacancy shall be filled on an interim basis according to the last successor designation certificate filed with council prior to the indictment or charge that initiated the suspension. The interim council member shall possess all of the rights, powers, and responsibilities of the holder of that office during the period of the suspension. The suspension shall continue until the earlier of: (i) the reinstatement of the suspended member of council as provided in the following paragraph of this section 4c; (ii) the expiration of the elected term of office of the suspended member of council; or (iii) the removal of the suspended member of council from office according to section 4d or as otherwise provided by law.

A suspended member of council shall be reinstated at the next regularly scheduled or special meeting of council following the dismissal of or acquittal on the criminal charges that supported the suspension. A suspended member of council shall not be reinstated following the expiration of his or her elected term of office. A suspended member of council shall continue to receive a salary until the suspended member of council either resigns or pleads guilty to or is found guilty of the crime with which the suspended member of council was charged, whichever occurs first. The city may file a civil action in the appropriate court to recover salary paid to that former member of council from the date of the suspension to the earlier of either the date the former member of council resigns or the date the former member of council pleads guilty to or is found guilty of the crime with which the former member of council was charged.

Section 4d.

If a member of council, while on city council, is convicted of, or otherwise pleads guilty to, a felony under state or federal law that relates to the member of council's conduct in the performance of council duties the member shall immediately forfeit the member's position on council and is liable to pay back all compensation received from the city dating back to the date of suspension. Upon notice of such conviction, the member of council shall immediately notify the clerk of council and the city solicitor. Upon conviction, the member of council shall not participate in the meetings of council or council committees other than as a private citizen.

Upon notice of such conviction or plea, the clerk of council shall place a motion for removal of a council member on the agenda for the next council meeting occurring no sooner than two business days after the clerk receives notice of the conviction or plea. Council shall confirm the conviction or plea and remove the member of council by passing the removal motion by majority vote within ten business days following the member's conviction if the member has not resigned. The removal motion shall not be subject to mayoral referral or committee consideration. If council does not pass the removal motion within ten business days following notice of conviction or plea to the clerk of council, the member of council's removal shall be effective on the eleventh business day after notice of the conviction.

The removal of a member of council under this section shall not invalidate any legislative action of the member or of council prior to the removal of the member of council.

Section 4e.

Within 60 days of taking the oath of office, each member of council shall complete, and shall submit certification of completion to the clerk of council, an approved course covering Ohio ethics law for local government officials and employees, which is approved by the Ohio Ethics Commission. Failure to submit a certification within 60 days will result in suspension of a member of council's legislative privileges until the certification is submitted to the clerk of council.

In the event a course approved by the Ohio Ethics Commission covering Ohio ethics law for local government officials and employees is not available within 60 days of a member of council taking the oath of office, the city solicitor may provide alternative and equivalent training in order to meet the 60-day deadline. A member of council shall strive to notify the city solicitor and the clerk of council within 30 days of taking the oath of office if a course approved by the Ohio Ethics Commission is not anticipated to be available within 60 days of taking the oath of office.

For the purposes of this section, legislative privileges means the right to attend or participate in council or council committee meetings as a council member, the right to vote on or propose actions or agenda items to council or council committee meetings, and the right to be counted for purposes of establishing quorum for council or council committee meetings.

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Passed _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.