



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda - Final-revised

### Public Safety & Governance

*Councilmember Scotty Johnson, Chair*  
*Vice Mayor Jan-Michele Kearney, Vice Chair*  
*Councilmember Mark Jeffreys*  
*Councilmember Liz Keating*  
*Councilmember Jeff Cramerding*

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Tuesday, October 18, 2022

9:30 AM

Council Chambers, Room 300

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#### PUBLIC HEARING

#### PRESENTATIONS

Update of Criminal Housing Docket  
Erica Faaborg, Deputy City Solicitor

#### AGENDA

Begin Public Hearing

1. [202201775](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 9/14/2022, MODIFYING Chapter 311 of the Cincinnati Municipal Code, "City of Cincinnati Income Tax," by ENACTING new Sections 311-9-L2, "Lottery Sports Gaming," 311-9-S7, "Sports Gaming," 311-9-S8, "Sports Gaming Facility," 311-9-T9, "Type B Sports Gaming Proprietor," and by AMENDING Section 311-31, "Collection at Source; Casino and VLT," for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023. (PUBLIC HEARING WILL BE HELD ON 10/18/2022)

**Sponsors:** City Manager

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

End Public Hearing

2. [202201914](#) MOTION, dated 10/05/2022, submitted by Vice Mayor Kearney and Councilmember Johnson, WE MOVE that the administration prepare a REPORT on the Hamilton County Court's "Housing Docket" to determine if disparate treatment exists for property owners according to the demographic factors of race, gender, age or zip code. The REPORT is to include available data from the past five (5) years on race, gender, age, address, and zip code for the following: 1. Citations issued by the City's Department of Building & Inspections for housing code violations. 2. Housing code violations penalties added to the property owner's property tax. 3. Housing code violation penalties that resulted in foreclosure. 4. Housing code violation cases referred to the Hamilton County Court's "Housing Docket". 5. Actions taken on defendant-property owners in the Hamilton County Court on the "housing docket" involving any of the following: a. Issuance of electronic monitoring devices ("ankle bracelets"). b. Jail time. c. Transfer of title from the defendant-property owner to another owner or entity 1) The name of the entity that acquired title. 2) The status of the property: vacant land, occupied dwelling, vacant dwelling, other. 6. Any other information that the administration deems pertinent in determining whether property owners are treated disparately according to race, gender, age, address, or zip code. WE MOVE that the administration give an update on the status of the REPORT at the October 18, 2022 Public Safety and Governance Committee, present data gathered to date (e.g., information that the City has on citations as listed in Items 1, 2 and 3 above, and suggest a time frame for the completed report. (STATEMENT ATTACHED)

**Sponsors:** Kearney and Johnson

**Attachments:** [Motion](#)

3. [202201892](#) MOTION, submitted by Councilmembers Keating and Johnson, WE MOVE that the administration provide a report before the end of 2022 providing an update of the partnership between the City of Cincinnati and University of Cincinnati. The last presentation was May 17, 2022, since that date, a new school year has begun with record enrollment and a new City Manager is in place. (BALANCE ON FILE IN THE CLERK'S OFFICE).

**Sponsors:** Keating and Johnson

**Attachments:** [Motion](#)

4. [202201875](#) ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, MODIFYING the salary range schedule for the classification of Sign Painter by amending Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code, in order to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

**Sponsors:** City Manager

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

5. [202201925](#) ORDINANCE (B VERSION) submitted by Sheryl M. M. Long, City Manager, on 10/18/2022, MODIFYING Chapter 311 of the Cincinnati Municipal Code, "City of Cincinnati Income Tax," by ENACTING new Sections 311-9-L2, "Lottery Sports Gaming," 311-9-S7, "Sports Gaming," 311-9-S8, "Sports Gaming Facility," 311-9-T9, "Type B Sports Gaming Proprietor," and by AMENDING Section 311-31, "Collection at Source; Casino and VLT," for the purpose of requiring type b sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

**Sponsors:** City Manager

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

ADJOURNMENT

September 14, 2022

To: Mayor and Members of Council 202201775  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Modifying Chapter 311 “City of Cincinnati Income Tax”

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Transmitted herewith is an ordinance captioned as follows:

**MODIFYING** Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by ENACTING new Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” 311-9-T9, “Type B Sports Gaming Proprietor,” and by AMENDING Section 311-31, “Collection at Source; Casino and VLT,” for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

Ohio HB 29, passed by the Ohio Legislature in December 2021, legalized and regulated sports gaming in Ohio starting January 1, 2023. The three types of sports gaming authorized include on-line sports gaming-mobile applications (type A), sports gaming facilities operated within casinos or professional sports arenas (type B), and lottery sports gaming machines located mostly at bars and restaurants (type C). Gambling and sports winnings are currently subject to local tax in accordance with Section 311-9-1(d). This ordinance will require proprietors of sports gaming facilities within the city on or after January 1, 2023, to withhold and remit local income tax on type B winnings if the winnings exceed the federal income tax reporting threshold of \$600.

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

Attachment

# City of Cincinnati

KKF

EESW

## An Ordinance No. \_\_\_\_\_

- 2022

**MODIFYING** Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by **ENACTING** new Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” 311-9-T9, and “Type B Sports Gaming Proprietor,” and by **AMENDING** Section 311-31, “Collection at Source; Casino and VLT,” for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

WHEREAS, the Ohio General Assembly amended Ohio Revised Code Section 718.031 so municipalities must require proprietors of sports gaming facilities to withhold local income tax on “Type B” winnings if they exceed the federal income tax reporting threshold of \$600; and

WHEREAS, amendments to the Cincinnati Municipal Code are required in order to carry out the purpose of the recently amended Ohio Revised Code Section 718.031; now, therefore,

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

Section 1. That Chapter 311-9 of the Cincinnati Municipal Code is hereby amended by enacting Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” and 311-9-T9, “Type B Sports Gaming Proprietor,” as follows:

**Sec. 311-9-L2. – Lottery Sports Gaming.**

“Lottery sports gaming” has the same meaning as in Section 3770.23 of the Ohio Revised Code or a successor statute or section.

**Sec. 311-9-S7. - Sports Gaming.**

“Sports gaming” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

**Sec. 311-9-S8. - Sports Gaming Facility.**

“Sports gaming facility” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

**Sec. 311-9-T9. – Type B Sports Gaming Proprietor.**

“Type B sports gaming proprietor” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Section 2. That Section 311-31 of the Cincinnati Municipal Code is hereby amended as follows:

**Sec. 311-31. – Collection at Source; Casino, and VLT, and Sports Gaming Proprietors.**

(a) For tax years beginning on or after January 1, 2016, a casino facility or a casino operator, as defined in section 311-9-C3 of this chapter, or a lottery sales agent conducting video lottery ~~terminal~~ sales on behalf of the state shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code.

(b) For tax years beginning on or after January 1, 2023, a type B sports gaming proprietor offering sports gaming at a sports gaming facility, or a video lottery terminal sales agent conducting lottery sports gaming offered in a video lottery terminal facility, shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code. “Type B sports gaming proprietor.” “sports gaming.” “sports gaming facility.” “video lottery terminal sales agent.” “lottery sports gaming.” and “video lottery terminal.” are as defined in Section 311-9 of this chapter.

~~(b)~~ (c) Amounts deducted and withheld on behalf of the Municipality shall be allowed as a credit against payment of the tax imposed by the Municipality and shall be treated as taxes paid for purposes of Section 311-33 of this chapter for the person for whom the amount is deducted and withheld.

~~(e)~~ (d) The tax commissioner shall prescribe the forms of the receipts and returns required under this section.

Section 3. That existing Section 311-31, “Collection at Source; Casino and VLT,” of the Cincinnati Municipal Code is hereby repealed.

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

Passed: \_\_\_\_\_, 2022

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

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

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.



**Jan-Michele Lemon Kearney**  
*Vice Mayor*

October 5, 2022

## MOTION

WE MOVE that the administration prepare a REPORT on the Hamilton County Court's "Housing Docket" to determine if disparate treatment exists for property owners according to the demographic factors of race, gender, age, or zip code. The REPORT is to include available data from the past five (5) years on race, gender, age, address, and zip code for the following:

1. Citations issued by the City's Department of Building & Inspections for housing code violations
2. Housing code violation penalties added to the property owner's property tax
3. Housing code violation penalties that resulted in foreclosure
4. Housing code violation cases referred to the Hamilton County Court's "Housing Docket"
5. Actions taken on defendant-property owners in the Hamilton County Court on the "housing docket" involving any of the following:
  - a. Issuance of electronic monitoring devices ("ankle bracelets")
  - b. Jail time
  - c. Transfer of title from the defendant-property owner to another owner or entity
    - 1) The name of the entity that acquired title
    - 2) The status of the property: vacant land, occupied dwelling, vacant dwelling, other
6. Any other information that the administration deems pertinent in determining whether property owners are treated disparately according to race, gender, age, address, or zip code.

WE MOVE that the administration give an update on the status of the REPORT at the October 18, 2022 Public Safety and Governance Committee, present data gathered to date (e.g., information that the City has on citations as listed in Items 1,2 and 3 above), and suggest a time frame for the completed report.

Jan-Michele Lemon Kearney

Scotty Johnson



## **STATEMENT**

**Members of City Council have received ongoing complaints from African American residents who allege disparate treatment involving housing code violations, including losing their property in foreclosure or in “Housing Court” (the Hamilton County Court’s housing docket scheduled weekly for Tuesday at 9 a.m.). Some of the allegations are that defendant-property owners are given the choice between jail time and surrendering title to their property, ordered to wear an EMU (“ankle bracelet”), or ordered to surrender title to their property. The report requested by this Motion is an attempt to gather pertinent data on the impact of the policies and practices concerning housing code violations.**

# CAL - Public Safety & Governance Committee

J-MCK

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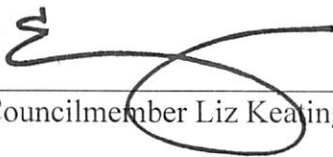
**Liz Keating**  
Councilmember

## MOTION

**WE MOVE** that the administration provide a report before the end of 2022 providing an update of the partnership between the City of Cincinnati and University of Cincinnati. The last presentation was May 17, 2022, since that date, a new school year has begun with record enrollment and a new City Manager is in place. The report shall include the following updates:

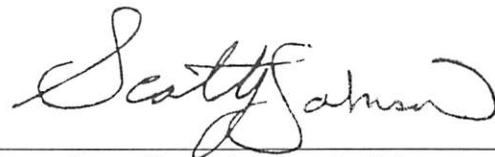
- Current status of the Memorandum of Understanding (MOU) between the Cincinnati Police Department (CPD) and University of Cincinnati Police Division (UCPD) and long-term goals for the partnership
- Current status of crime data in the CSR (Concentration of Student Residents) Area around the university campus and ongoing efforts to reduce these numbers
- Current status of staffing levels within University of Cincinnati Police Division and efforts to increase those levels
- Current status of student housing and the impact on neighborhoods surrounding the university campus
- Current status of overall efforts to improve safety and quality of life for students and neighborhood residents surrounding the university campus, including crime reduction, pedestrian safety efforts, litter and illegal dumping control, and others.

**WE FURTHER MOVE** that the administration, CPD, and UCPD present the report at a Public Safety and Governance Committee meeting before the end of 2022.



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Councilmember Liz Keating



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Councilmember Scotty Johnson

JAD DW



WG CAL

October 5, 2022

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

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

202201875

**Subject: Emergency Ordinance: Modifying the Salary Range for the classification of Sign Painter**

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Attached is an Emergency Ordinance captioned:

**MODIFYING** the salary range schedule for the classification of Sign Painter by amending Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code, in order to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

Classification	Minimum (Annual)	Maximum (Annual)
Sign Painter	\$ 62,764.86	<del>62,764.86</del> \$76,409.02

The Human Resources Director has approved to modify the salary schedule for the employment classification of Sign Painter. The Department of Human Resources has done due diligence and conducted appropriate internal comparisons to ensure that the new salary range is consistent with the scope of services and the level of responsibility of the position, with factors considered throughout the evaluation process including liability, scope of responsibility, judgment and independent action, and accountability. The modification of the classification is necessary to fit the needs of the City, and consistent with the organizational changes described herein.

The Administration recommends passage of this Emergency Ordinance.

cc: Edward G. Ramsey, Human Resources Director  
 Latisha Hazell, Human Resources Deputy Director

**EMERGENCY**

**KKF**

**-2022**

**MODIFYING** the salary range schedule for the classification of Sign Painter by amending Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code, in order to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

WHEREAS, the Human Resources Department is recommending a modification to the current salary range for the classification of Sign Painter following the approval of a classification study by the Civil Service Commission and salary negotiations with the union pursuant to Article 36 of the AFSCME collective bargaining agreement; and

WHEREAS, the Human Resources Department completed its due diligence and conducted appropriate internal comparisons to ensure that the new classification and salary range are consistent with the scope of services and the level of responsibility of the position of Sign Painter, taking into consideration such factors as scope of responsibility, judgment and independent action, and accountability; now, therefore,

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

Section 1. That existing Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code is hereby amended as shown below:

<b>Classification</b>	<b>Minimum Annual</b>	<b>Maximum Annual</b>
<b>Sign Painter 620 Division 1</b>	\$62,764.86	<del>\$62,764.86</del> \$76,409.02

<b>Sign Painter 620 Division 1</b>	<b>Hourly</b>	<b>Annual</b>
Step 1 (Hourly)	<u>30.175412</u>	<u>\$62,764.86</u>
Step 2 (Hourly)	<u>31.181087</u>	<u>\$64,856.66</u>
Step 3 (Hourly)	<u>32.220276</u>	<u>\$67,018.17</u>
Step 4 (Hourly)	<u>33.294099</u>	<u>\$69,251.73</u>
Step 5 (Hourly)	<u>34.403709</u>	<u>\$71,559.71</u>
Step 6 (Hourly)	<u>35.550300</u>	<u>\$73,944.62</u>
Step 7 (Hourly)	<u>36.735104</u>	<u>\$76,409.02</u>

Section 2. That existing Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code is hereby repealed.

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 adjust the salary range of the Sign Painter classification to ensure that the new salary range is consistent with the level of responsibility of this classification and competitive with similar positions across internal and external job markets.

Passed: \_\_\_\_\_, 2022

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

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

\_\_\_\_\_  
New language is underscored. Deleted language is struck through.



October 18, 2022

202201925

To: Members of the Public Safety and Governance Committee  
From: Sheryl M. M. Long, City Manager  
Subject: Ordinance Modifying Chapter 311 “City of Cincinnati Income Tax” (B Version)

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Attached is an Emergency Ordinance captioned:

**MODIFYING** Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by ENACTING new Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” 311-9-T9, “Type B Sports Gaming Proprietor,” and by AMENDING Section 311-31, “Collection at Source; Casino and VLT,” for the purpose of requiring type b sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

This B version eliminates the reference to a specific dollar amount related to required withholding in the first whereas clause. This change is consistent with the Ohio Revised Code. There are no changes to the legislative sections of the ordinance.

The Administration recommends passage of this Emergency Ordinance.

c: Karen Alder, Finance Director

Attachment

**MODIFYING** Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by ENACTING new Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” and 311-9-T9, “Type B Sports Gaming Proprietor,” and by AMENDING Section 311-31, “Collection at Source; Casino and VLT,” for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

WHEREAS, the Ohio General Assembly amended Ohio Revised Code Section 718.031, mandating that municipalities require proprietors of sports gaming facilities to withhold certain local income tax on “Type B” winnings; and

WHEREAS, amendments to the Cincinnati Municipal Code are required in order to carry out the purpose of the recently amended Ohio Revised Code Section 718.031; now, therefore,

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

Section 1. That Chapter 311-9 of the Cincinnati Municipal Code is hereby amended by enacting Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” and 311-9-T9, “Type B Sports Gaming Proprietor,” as follows:

**Sec. 311-9-L2. - Lottery Sports Gaming.**

“Lottery sports gaming” has the same meaning as in Section 3770.23 of the Ohio Revised Code or a successor statute or section.

**Sec. 311-9-S7. - Sports Gaming.**

“Sports gaming” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

**Sec. 311-9-S8. - Sports Gaming Facility.**

“Sports gaming facility” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

**Sec. 311-9-T9. - Type B Sports Gaming Proprietor.**

“Type B sports gaming proprietor” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Section 2. That Section 311-31 of the Cincinnati Municipal Code is hereby amended as follows:

**Sec. 311-31. - Collection at Source; Casino, and VLT, and Sports Gaming Proprietors.**

(a) For tax years beginning on or after January 1, 2016, a casino facility or a casino operator, as defined in section 311-9-C3 of this chapter, or a lottery sales agent conducting video lottery ~~terminal~~terminal sales on behalf of the state shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code.

(b) For tax years beginning on or after January 1, 2023, a type B sports gaming proprietor offering sports gaming at a sports gaming facility, or a video lottery terminal sales agent conducting lottery sports gaming offered in a video lottery terminal facility, shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code. “Type B sports gaming proprietor,” “sports gaming,” “sports gaming facility,” “video lottery terminal sales agent,” “lottery sports gaming,” and “video lottery terminal,” are as defined in Section 311-9 of this chapter.

~~(b)~~ (c) Amounts deducted and withheld on behalf of the Municipality shall be allowed as a credit against payment of the tax imposed by the Municipality and shall be treated as taxes paid for purposes of Section 311-33 of this chapter for the person for whom the amount is deducted and withheld.

~~(e)~~ (d) The tax commissioner shall prescribe the forms of the receipts and returns required under this section.

Section 3. That existing Section 311-31, “Collection at Source; Casino and VLT,” of the Cincinnati Municipal Code is hereby repealed.

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

Passed: \_\_\_\_\_, 2022

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

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

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.