



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson David Mann
Vice Chair Chris Seelbach
Councilmember Steve Goodin
Councilmember Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Greg Landsman
Councilmember Betsy Sundermann
Councilmember Wendell Young

Monday, February 8, 2021

1:00 PM

Council Chambers, Room 300

ROLL CALL

PRESENTATIONS

Cincinnati Fire Department Budget

AGENDA

- 1.** [202100563](#) PRESENTATION submitted by Paula Boggs Muething, City Manager, dated 2/8/2021, regarding Fire Department FY 2022-2023 Biennial Operating Budget needs.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Presentation](#)
- 2.** [202100463](#) REPORT, dated 2/3/2021, submitted by Paula Boggs Muething, City Manager, regarding Transit Corridor Zoning Study Plan. (SEE REFERENCE DOC #202002127)

Sponsors: City Manager

Attachments: [Report](#)

3. [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.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
4. [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.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
5. [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.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
[Attachment A](#)

6. [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.

Sponsors: City Manager

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

7. [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.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
[Attachments and Exhibits](#)

8. [202100278](#) MOTION, submitted by Councilmember Sundermann and Keating, WE MOVE that the Administration prioritize in the FY22 budget funding for 40 recruits for Fire Recruit Class #118 to ensure that start date is no later than July 1, 2021, and for 40 recruits for Fire Recruit Class #119 to target a start date of April 1, 2022. WE FURTHER MOVE that the Administration continue to pursue SAFER grant funding opportunities when available to assist in offsetting the cost of these recruit classes. (STATEMENT ATTACHED)
- Sponsors:** Sundermann and Keating
- Attachments:** [Motion](#)
9. [202002226](#) ORDINANCE EMERGENCY, dated 12/10/2020, submitted by Councilmember Greg Landsman, from Andrew W. Garth, Interim City Solicitor, ESTABLISHING and City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.
- Sponsors:** Landsman
- Attachments:** [Transmittal](#)
[Emergency Ordinance](#)
[Attachment](#)
10. [202100291](#) MOTION, submitted by Councilmember Landsman, WE MOVE that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it's the policy of Council that the Balanced Development scorecard policy applies.
- Sponsors:** Landsman
- Attachments:** [Motion CRAs and the New Scorecard \(2\)](#)
11. [202100597](#) COMMUNICATION, dated 02/05/2021, submitted by Councilmember Landsman, regarding "Balanced Development Scorecard Packet",
- Sponsors:** Landsman
- Attachments:** [Communication](#)

ADJOURNMENT

February 8, 2021

To: Budget and Finance Committee
From: Paula Boggs Muething, City Manager
Subject: Presentation – Fire Department FY 2022-2023 Biennial Operating Budget Needs

202100563

Attached is the Fire Department's FY 2022-2023 Biennial Operating Budget needs presentation for the Budget and Finance Committee meeting on February 8, 2021.

cc: Christopher A. Bigham, Assistant City Manager



Cincinnati Fire Department Budget Presentation

Budget & Finance Committee

February 8, 2021

Fire Department Budget History

General Fund Operating Budget FY 2017 – FY 2021

	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personnel Compensation	70,222,660	71,992,880	75,341,820	77,031,720	77,656,940
Fringe Benefits	29,942,070	30,099,400	33,192,170	35,160,470	33,573,350
Non-Personnel Expenses	8,857,710	9,308,370	8,947,460	9,014,110	10,084,180
Total	\$ 109,022,440	\$ 111,400,650	\$ 117,481,450	\$ 121,206,300	\$ 121,314,470

Fire Department Significant Issues

Staffing

- Budget authorized sworn strength: 859.0 FTE
- Current sworn strength: 805.0 FTE
- Increased overtime/backfill due to attrition and COVID-19
- Increased attrition (trending 200% higher than budgeted)
- Increased lump sum payments due to higher-than-expected attrition
- Increased sick leave due to COVID-19
- FY 2019 SAFER Grant not awarded
- Next recruit class scheduled for early FY 2022 pending City Council approval

Fire Department Significant Issues

Non-Personnel

- Approved FY 2021 Budget Update includes \$536,000 in non-personnel resources for next anticipated recruit class
- Increased costs associated with PPE and medical supplies due to COVID-19
- Potential needs may arise in automotive maintenance and repairs

Fire Department Significant Issues

Misc.

- IAFF Contract Negotiations Underway (expired December 2020)
- Increased Holiday Sellback Usage
- Increased Sick Sellback Usage

QUESTIONS?

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 sightly 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.

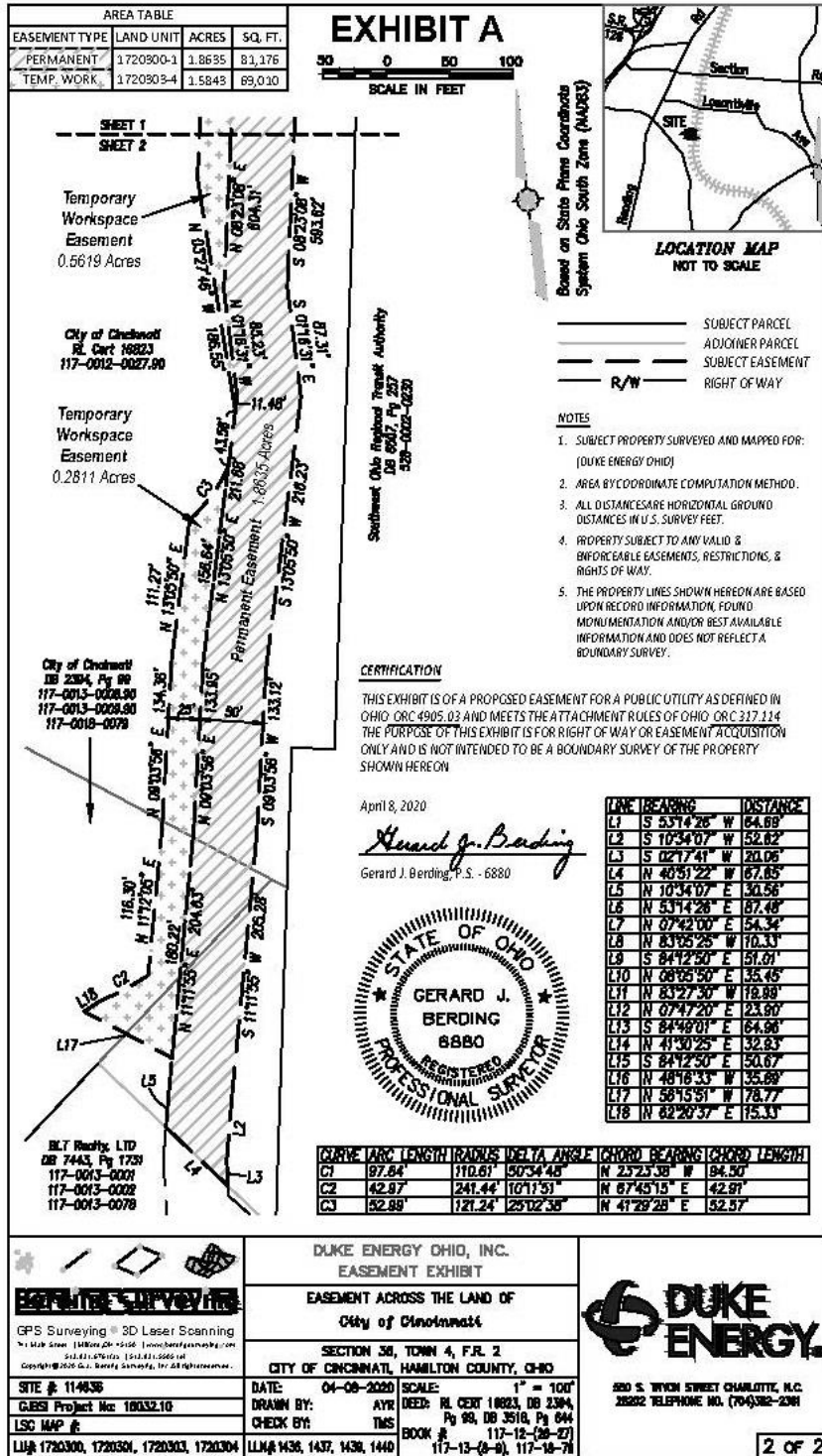
Notary Public
My commission expires: _____

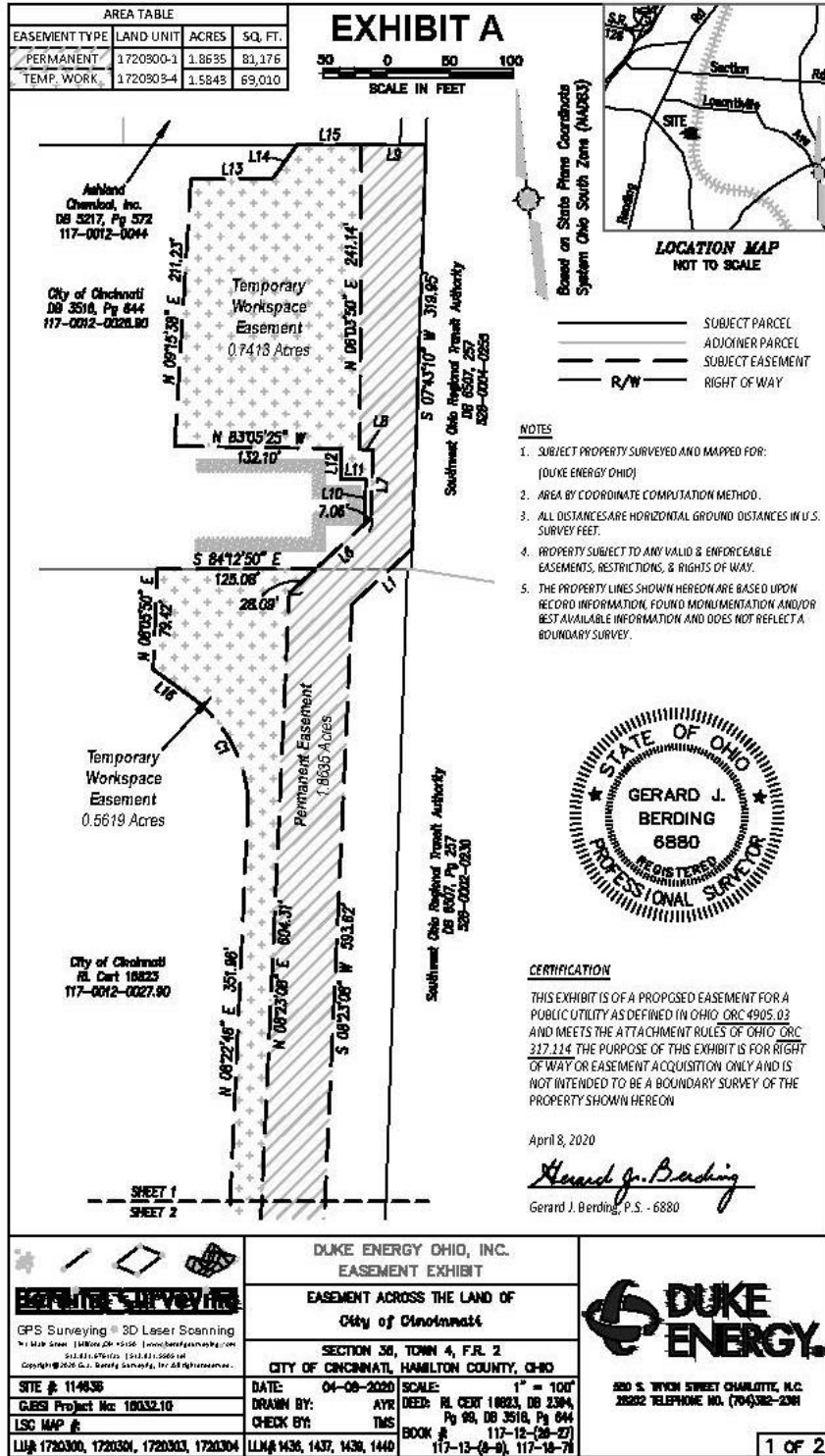
This instrument prepared by:

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

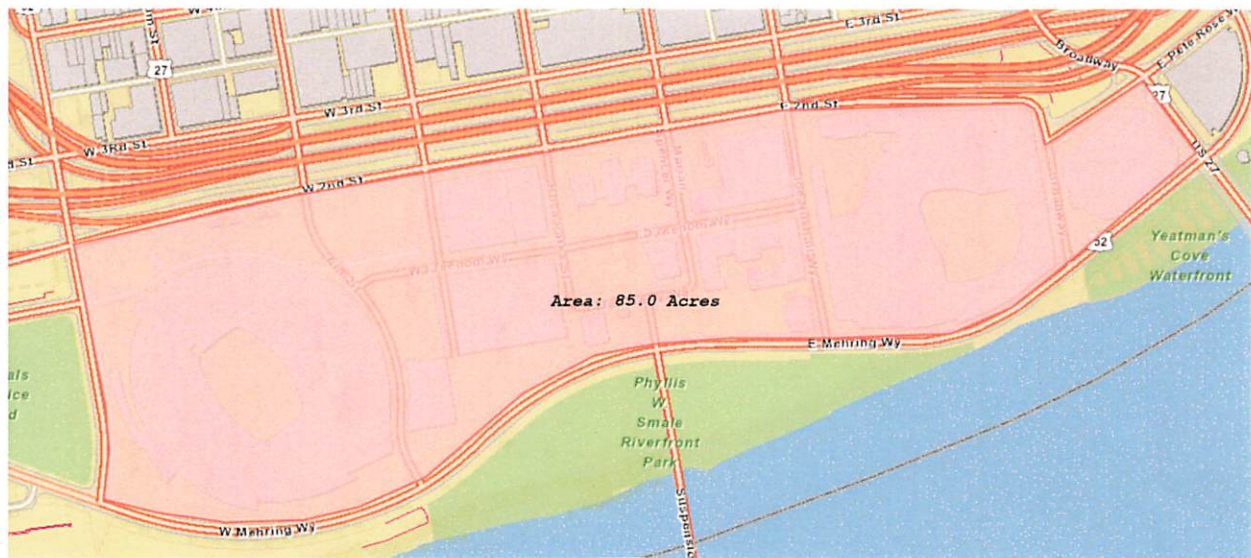
Attest: _____
Clerk

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


YOU ARE NOW IN THE
DORA
DESIGNATED | OUTDOOR | REFRESHMENT | AREA

Welcome to The Banks
DORA GUIDELINES

In effect Daily from 11a.m. - 1a.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



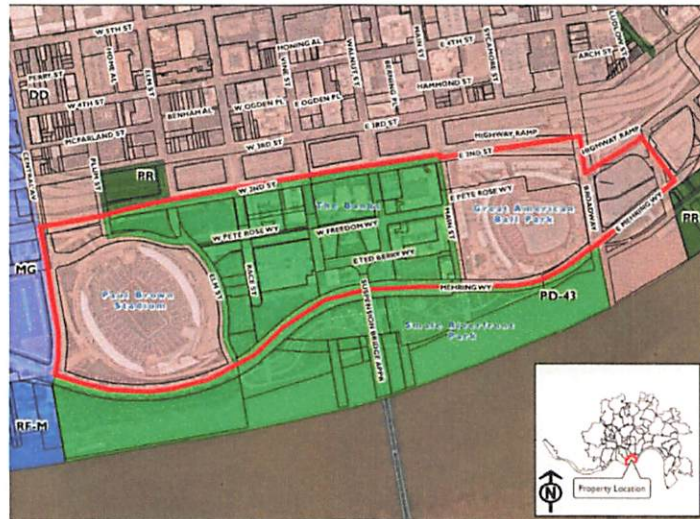
Exhibit C



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,

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".

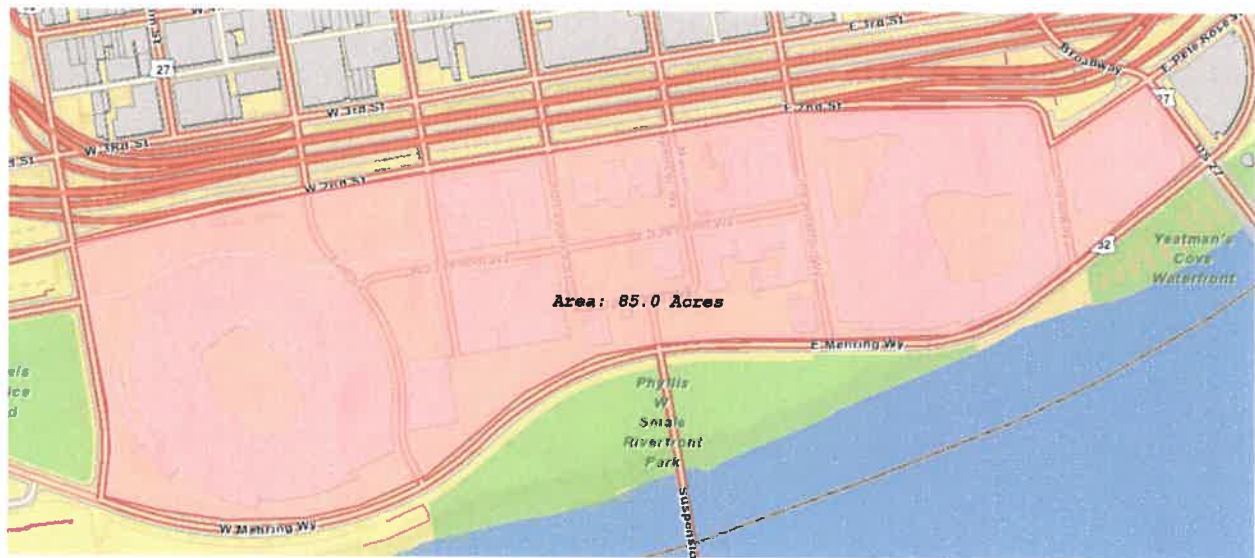
Mark E. Nicol
Nicol Investment Company

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

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

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.

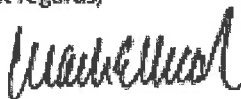
The Banks was created as a Designated Entertainment District, and we have long supported various initiatives that help fulfill that vision. Importantly, we believe a DORA district will be an impactful economic development initiative for all Banks stakeholders.

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



Betsy Sundermann
Cincinnati City Councilmember

MOTION

January 15, 2021

WE MOVE that the Administration prioritize in the FY22 budget funding for 40 recruits for Fire Recruit Class #118 to ensure the start date is no later than July 1, 2021, and for 40 recruits for Fire Recruit Class #119 to target a start date of April 1, 2022.

WE FURTHER MOVE that the Administration continue to pursue SAFER grant funding opportunities when available to assist in offsetting the cost of these recruit classes.

Betsy Sundermann

Liz Keating

STATEMENT

The citizens of Cincinnati have consistently placed public safety as a very high priority in their expectations for city services. Adequate funding for fire and police protection is critical to providing these services. Currently, the budget for fire personnel and department expenses is being heavily challenged by COVID-19 and attrition.

For the twelve months ending FY20, the Cincinnati Fire Department overtime costs were \$3,437,641.67. Yet, for the six-plus months ending 01.05.2021 (FY21), YTD overtime costs have totaled \$5,583,965.56. The Finance and Budget Monitoring Report for the Period Ending October 31, 2020 showed Cincinnati Fire Department projecting an additional budget need of up to \$8.8 million by fiscal year end.

(continued)

The COVID-19 pandemic has necessitated the use of additional overtime to meet staffing and service requirements. Sick leave has increased due to COVID-19 diagnoses, exposure, or mandatory quarantine periods required while waiting for test results. COVID-19 related sick leave has been further exacerbated by the close living and working conditions of sworn staff in fire houses.

For the identified needs that are directly related to COVID-19, the Administration will seek additional federal or state CARES dollars to help offset the overage.

Additionally, attrition in the first quarter of FY21 has trended 200% higher than expected due to unanticipated separations. Several separations are attributed to medic unit staff burnout, which has increased since the start of COVID-19. Attrition tends to accelerate in the first quarter and then curtails in quarters two through four. If attrition trends do not curtail, the department will require additional overtime to backfill vacant positions.

The Approved FY21 Budget Update assumes a starting sworn strength of 826.0 FTE with an estimated annual attrition rate of 31.0 FTE. As of January 5, 2021, Fire currently has a sworn strength of 800.0 FTE. An additional 11.0 FTE are expected to retire before the fiscal year's end.

Moving forward, Fire anticipates 12.0 FTE to retire in FY22 and 31.0 FTE to retire in FY23. These figures do not include unanticipated retirements or other types of employment separation. As noted above, attrition has increased during COVID-19. These trends may continue in FY22. Additionally, the department has noticed that sworn personnel enrolled in the Deferred Retirement Option Plan (DROP) do not stay the entire eight years of the program, further increasing unanticipated attrition.

The trajectory of overtime costs due to COVID-19 and attrition requires the city to prioritize its recruit classes planned for the FY22 budget. Depending on CARES funds that come available in the near future, funding for a Recruit Class #118 of 40 recruits should be prioritized in the FY22 budget so that the recruit class can be started no later than July 1, 2021, earlier if possible. Additionally, funding for a Recruit Class #119 of 40 recruits should be targeted in the FY22 budget for an April 1, 2022 start date to help cover for the anticipated attrition.

Even though it will take time to get recruits trained and on the job, the rebuilding of the sworn strength of the Cincinnati Fire Department will address both the attrition and overtime crises our city and budget are facing.



Betsy Sundermann
Cincinnati City Councilmember

MOTION

January 15, 2021

WE MOVE that the Administration prioritize in the FY22 budget funding for 40 recruits for Fire Recruit Class #118 to ensure the start date is no later than July 1, 2021, and for 40 recruits for Fire Recruit Class #119 to target a start date of April 1, 2022.

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Betsy Sundermann



Liz Keating

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(continued)

20200226

Date: December 10, 2020

To: Councilmember Greg Landsman
From: Andrew W. Garth, Interim City Solicitor *AWG*
Subject: **Emergency Ordinance – Balanced Development Project Scorecard**

Transmitted herewith is an emergency ordinance captioned as follows:

ESTABLISHING a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

AWG/SSB/(lnk)
Attachment
320756

City of Cincinnati

SSB

AWB

An Ordinance No. _____

- 2020

ESTABLISHING a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

WHEREAS, City Council has the authority to declare up to 100% of the increase in the assessed value of improvements to be exempt from real property taxation by means of (i) project-based tax increment financing incentives pursuant to Ohio Revised Code (“ORC”) Sections 5709.40(B) and 5709.41; and (ii) “Community Reinvestment Area” incentives pursuant to ORC Sections 3735.65 through 3735.70; and

WHEREAS, Motion No. 201901811, as adopted by this Council on December 11, 2019, recommended updates to how the City Administration evaluates the public benefits created by projects receiving real property tax incentives pursuant to the aforementioned ORC provisions, with a focus on prioritizing projects that create good, local jobs; preserve and/or create affordable housing; minimize displacement of residents and businesses; and/or commit to project-specific inclusion goals; and

WHEREAS, to incentivize balanced development throughout the City of Cincinnati as recommended in the aforementioned Motion, City Council desires to adopt a *Project Scorecard*, a copy of which is attached hereto as Attachment A, to assist City Council in evaluating development projects when qualifying real property tax exemptions or abatements are recommended; now, therefore,

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

Section 1. That City Council adopts the *Project Scorecard* attached to this ordinance as Attachment A, which establishes a City Council policy relating to qualifying real property tax abatements and exemptions.

Section 2. That Council intends that the *Project Scorecard* be prepared by the Administration as a policy tool to be utilized for evaluating the public benefits associated with economic and community development projects for which (a) the total estimated costs of the project exceed \$5,000,000, and (b) the proposed City assistance includes a real property tax incentive authorized pursuant to Ohio Revised Code (“ORC”) Section 5709.40(B), ORC Section 5709.41, or ORC Sections 3735.65 through 3735.70 with a present value exceeding \$3,000,000.

Council desires that the Administration present project-based scorecard information for Council consideration as part of the Administration’s recommendation to Council. Council intends that the Administration have latitude to create additional criteria and update the *Project Scorecard* as appropriate to ensure the City’s tax incentives support the City’s residents and neighborhoods while attracting local investment. City Council further acknowledges that the *Project Scorecard* process is a policy tool to guide City Council decision making and does not diminish the Administration’s executive authority under the Charter of the City of Cincinnati, which authority includes the power to determine whether and on what terms to recommend development deals for Council consideration.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

PROJECT SCORECARD

Do total costs of the Project exceed \$5 million? Yes No

Does the present value of proposed City assistance exceed \$3 million? Yes No

CATEGORY	APPLICABLE?	EXCEEDS	MEETS
<p><u>BALANCED HOUSING PRODUCTION</u></p> <ul style="list-style-type: none"> Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions. Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions. Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions. Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>IMPROVEMENT OF VACANT, BLIGHTED AND/OR UNDERUTILIZED PROPERTIES</u></p> <ul style="list-style-type: none"> Project replaces a vacant and/or underutilized property and adds net-new housing units without displacing existing residents. Project activates a previously vacant building or property. Project eliminates a blighted parcel or parcels (as defined in Ohio Revised Code Section 1.08). Project enhances an underutilized site (i.e. vacant parcel or surface parking lot) and adds new amenities (like housing, office, commercial, community space, etc.) to the neighborhood. Project will involve remediation of a brownfield site or involves mitigation of previously existing site conditions that make redevelopment difficult. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT</u></p> <ul style="list-style-type: none"> Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver, Gold or Platinum or Living Building Challenge Net Zero or Petal (which must comply with the requirements of LBC). 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>VOLUNTARY TAX INCENTIVE CONTRIBUTION</u></p> <ul style="list-style-type: none"> Applicant has represented that it (i) will contribute at least 15% of the exempted value of the improvements either in support streetcar operations or to further 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

neighborhood improvements in the neighborhood of the project and affordable housing city-wide and (ii) will execute an agreement with a third-party memorializing such contribution.			
<p><u>INCLUSION</u></p> <ul style="list-style-type: none"> • Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code. • Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City. • Applicant has participated, is participating, or will participate in the City’s program advancing minority development professionals. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>COMMUNITY OUTREACH</u></p> <ul style="list-style-type: none"> • Applicant has engaged all necessary stakeholders in the community (i.e. the applicable community council and the neighborhood CDC, if applicable). • In the interest of mitigating displacement directly associated with the Project, Applicant has engaged any and all tenants, businesses, and persons that as a direct result of the Project may be entitled to relocation benefits pursuant to Chapter 740 of the Cincinnati Municipal Code. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>LIVING WAGES</u></p> <ul style="list-style-type: none"> • Applicant has committed that all jobs created by the Project (during construction and after) will comply with the City’s Living Wage Policy. • Applicant has represented that it will engage a partner in the Labor community on construction of the Project to ensure good wages and career training. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>JOB CREATION AND RETENTION</u></p> <ul style="list-style-type: none"> • Project will create and/or retain significant jobs and payroll. • Project will create and/or retain small/neighborhood business jobs and payroll. • Project will create and/or retain more than 10 jobs per acre. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p><u>TRANSFORMATIVE PROJECT</u></p> <ul style="list-style-type: none"> • Project fills a neighborhood need and/or adds a new community asset (i.e. retail, commercial, grocery, housing). 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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This Project Scorecard is intended to be utilized as a starting point for discussions of certain public benefits created by applicable projects, and is not intended to prevent or discourage the City Administration from presenting projects for Council consideration that do not meet the criteria listed herein. Acknowledging that projects may have benefits that are not captured in the criteria set forth in this Project Scorecard, Council encourages the City Administration to bring forth all worthy projects.



Greg Landsman
Councilmember

January 25 2021

CRA's and the New Scorecard

MOTION

WE MOVE that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it's the policy of Council that the Balanced Development scorecard policy applies.

A handwritten signature in blue ink, consisting of a stylized 'G' and 'L' followed by a horizontal line.

Councilmember Greg Landsman



Greg Landsman
Councilmember

Balanced Development Scorecard Packet

The following is a packet containing all relevant documents relating to the Balanced Development Scorecard, including an Executive Summary, drafted Motions, Proposed Updates, and the Scorecard itself.



Greg Landsman
Councilmember

January 25, 2021

Executive Summary: Ushering in an Era of ‘Balanced Development’

These five ordinances and motions emerged from the Administration’s Balanced Development Report and Council’s motion on new laws and policies that will help to ensure that we continue to attract new investments and jobs while lifting up and protecting our residents and businesses.

Ordinance: New ‘Balanced Development’ Scorecard

This ordinance will establish a new ‘Balanced Development’ scorecard for commercial projects that seek support from the City of Cincinnati, including TIF funding and CRAs.

- **Local jobs and Good Wages:** projects will be asked to have a local partner and plan to hire locally, with measurable goals, to include both local workers and good wages the project’s pre-construction, construction, and post-construction opportunities.
- **Inclusion:** the new scorecard also incentivizes the inclusion of local businesses, MBEs, and minority developer partnerships.
- **Affordable Housing:** puts affordable housing projects at the front of the line for support.
- **Community Engagement and Anti-Displacement:** includes meaningful engagement with the community, including commitments to protect existing residents and businesses

Motion: CRAs and the New Scorecard

WE MOVE that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it’s the policy of Council that the Balanced Development scorecard policy applies.

Motion: Minority Real Estate Development Capacity Building Program

WE MOVE that the Administration draft legislation establishing a Minority Real Estate Development Capacity Building Program to support the mentorship of minority real estate



Greg Landsman

Councilmember

development professionals. This program should lift up and provide additional opportunities for minority developers, especially Black real estate professionals who have the potential to be leaders of new minority-led commercial development firms. This is part of the City’s larger “Balanced Development” efforts to ensure real inclusion of development efforts in Cincinnati.

The proposed program, requiring ~\$150,000 in funding, would extend opportunities for minority developers to actively participate in and shape an inclusive growth strategy for the City—one that integrates the new Balanced Development Scorecard proposed by my office.

The program would draw from similar successful efforts in Detroit, wherein they created an “Equitable Development Initiative.” Our efforts should build on best practice efforts such as this one, as well as others around the Country (spelled out in the Administration’s 2020 Balanced Development Report to Council).

New scorecard incentivizes participation in the program. The program should consider the Customized Development Academy offered by the National Development Council (NDC).

The NDC develops specific curriculum based on community needs and local policy objectives. Overall the program seeks to build capacity of traditionally underrepresented individuals in real estate development. Starting with a cohort of individuals with some real estate experience the program teaches participants commercial (including multi-family of 4+ units) Development Finance and development concepts.

This is done through a combination of classroom learning, case studies, topical “deep dives” using local speakers and possibly undertaking a capstone project. This work teaches critical skills and development principles, and connects participants with local experts on issues from environmental law, navigating local zoning and site plan processes, hiring an architect, raising equity and hiring construction professionals.

In Detroit, the Equitable Development Initiative was expanded to provide the proposed NDC training, technical assistance, mentorships, networking opportunities, and even extends into project financing. The initiative especially focuses on African-American Detroiters seeking to develop multi-family rental units, though some mixed-use developments and even a food hall concept make up part of the first cohort. There were 28 people in the inaugural class, which began in February 2018. It remains in its pilot two-year window. Just as it adjusted course to include a training component, Capital Impact plans to continue monitoring the project to see how it can be made better. But the impetus remains on creating a more equitable development and real estate industry throughout Detroit.



Greg Landsman
Councilmember

MOTION: Targeted Per-Property Waiver on Parking, Density for Affordable Housing Projects.

Similar to actions taken in Memphis and Minneapolis, according to the City's 2020 Balanced Development Report, WE MOVE that the City pursue zoning changes to allow for per-property waivers on parking minimums and density requirements for affordable housing projects.

MOTION: Debt-Forgiveness and Maintaining Affordability

WE MOVE that the Administration draft legislation, if necessary, to allow the Department of Community and Economic Development (DCED) to create a formal internal policy to best leverage the City's debt forgiveness capacity, in order to 1. Better preserve existing affordable housing, and 2. Help finance new affordable housing options in the City.



Greg Landsman
Councilmember

January 25 2021

Establishing a Minority Real Estate Development Program
MOTION

WE MOVE that the Administration draft legislation establishing a Minority Real Estate Development Capacity Building Program to support the mentorship of minority real estate development professionals. This program should lift up and provide additional opportunities for minority developers, especially Black real estate professionals who have the potential to be leaders of new minority-led commercial development firms. This is part of the City’s larger “Balanced Development” efforts to ensure real inclusion of development efforts in Cincinnati.

The proposed program, requiring ~\$150,000 in funding, would extend opportunities for minority developers to actively participate in and shape an inclusive growth strategy for the City—one that integrates the new Balanced Development Scorecard proposed by my office.

The program would draw from similar successful efforts in Detroit, wherein they created an “Equitable Development Initiative.” Our efforts should build on best practice efforts such as this one, as well as others around the Country (spelled out in the Administration’s 2020 Balanced Development Report to Council).

Councilmember Greg Landsman



Greg Landsman
Councilmember

January 25 2021

Debt Forgiveness and Affordable Housing
MOTION

WE MOVE that the Administration draft legislation, if necessary, to allow the Department of Community and Economic Development (DCED) to create a formal internal policy to best leverage the City's debt forgiveness capacity, in order to 1. Better preserve existing affordable housing, and 2. Help finance new affordable housing options in the City.

Councilmember Greg Landsman



Greg Landsman
Councilmember

January 25 2021

Parking and Density Policy Changes to Support Affordable Housing
MOTION

Similar to actions taken in Memphis and Minneapolis, according to the City's 2020 Balanced Development Report, **WE MOVE** that the City pursue zoning changes to allow for per-property waivers on parking minimums and density requirements for affordable housing projects.

Councilmember Greg Landsman



Greg Landsman
Councilmember

January 25 2021

CRA's and the New Scorecard

MOTION

WE MOVE that if there is a conflict between the ordinance containing the Balanced Development Scorecard policy passed in connection herewith and the existing commercial CRA policy in Ordinance No. 275-2017, it's the policy of Council that the Balanced Development scorecard policy applies.

Councilmember Greg Landsman



Greg Landsman
Councilmember

February 3rd 2021

Request of the Administration: The Balanced Development Scorecard

We've gotten good feedback on the Balanced Development Scorecard. Our goal is to make improvements to the Scorecard next week. That said, we hope that the Administration could respond to the questions/requests below at the upcoming B&F committee on 2/8:

1. Each bulleted item needs its own line for clarity purposes. Is this acceptable?
2. There is interest in actual scoring—assigning a numerical value or points—as opposed to the current language of “simply meets” or “exceeds.” This We ask the Administration to weigh-in on this, if not propose scoring options.
3. Is it possible for multiple people to review and score a project?
4. Can the Administration speak to “compliance” and how the City will ensure that commitments are monitored and kept?
5. Does the Administration take issue with language around historic preservation? If not, does the Administration recommend any specific language?
6. Does the Administration take issue with language being added to ensure that the scorecard is used and presented to Council with recommendations for *each relevant project*? If not, does the Administration have suggested language for an updated ordinance?
7. There are requests that we require specific *actions* regarding community engagement, such as giving early notice to a community. If that were to materialize, is that something the Administration should do or the developer?
8. There is interest in training on the scorecard, TIFs, CRAs, and VITCA. What does the Administration think? Should we add to the ordinance?
9. There has been a request that the Administration discuss with Council its work on the Balanced Development Report and its findings, as well as how development deals are evaluated and/or scored now.

Date: December 10, 2020

To: Councilmember Greg Landsman
From: Andrew W. Garth, Interim City Solicitor *AWG*
Subject: **Emergency Ordinance – Balanced Development Project Scorecard**

Transmitted herewith is an emergency ordinance captioned as follows:

ESTABLISHING a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

AWG/SSB/(lnk)
Attachment
320756

City of Cincinnati

SSB

AWB

An Ordinance No. _____

- 2020

ESTABLISHING a City Council policy for evaluating real property tax incentives authorized by the City of Cincinnati.

WHEREAS, City Council has the authority to declare up to 100% of the increase in the assessed value of improvements to be exempt from real property taxation by means of (i) project-based tax increment financing incentives pursuant to Ohio Revised Code (“ORC”) Sections 5709.40(B) and 5709.41; and (ii) “Community Reinvestment Area” incentives pursuant to ORC Sections 3735.65 through 3735.70; and

WHEREAS, Motion No. 201901811, as adopted by this Council on December 11, 2019, recommended updates to how the City Administration evaluates the public benefits created by projects receiving real property tax incentives pursuant to the aforementioned ORC provisions, with a focus on prioritizing projects that create good, local jobs; preserve and/or create affordable housing; minimize displacement of residents and businesses; and/or commit to project-specific inclusion goals; and

WHEREAS, to incentivize balanced development throughout the City of Cincinnati as recommended in the aforementioned Motion, City Council desires to adopt a *Project Scorecard*, a copy of which is attached hereto as Attachment A, to assist City Council in evaluating development projects when qualifying real property tax exemptions or abatements are recommended; now, therefore,

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

Section 1. That City Council adopts the *Project Scorecard* attached to this ordinance as Attachment A, which establishes a City Council policy relating to qualifying real property tax abatements and exemptions.

Section 2. That Council intends that the *Project Scorecard* be prepared by the Administration as a policy tool to be utilized for evaluating the public benefits associated with economic and community development projects for which (a) the total estimated costs of the project exceed \$5,000,000, and (b) the proposed City assistance includes a real property tax incentive authorized pursuant to Ohio Revised Code (“ORC”) Section 5709.40(B), ORC Section 5709.41, or ORC Sections 3735.65 through 3735.70 with a present value exceeding \$3,000,000.

Council desires that the Administration present project-based scorecard information for Council consideration as part of the Administration’s recommendation to Council. Council intends that the Administration have latitude to create additional criteria and update the *Project Scorecard* as appropriate to ensure the City’s tax incentives support the City’s residents and neighborhoods while attracting local investment. City Council further acknowledges that the *Project Scorecard* process is a policy tool to guide City Council decision making and does not diminish the Administration’s executive authority under the Charter of the City of Cincinnati, which authority includes the power to determine whether and on what terms to recommend development deals for Council consideration.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2020

John Cranley, Mayor

Attest: _____
Clerk

ATTACHMENT A

PROJECT SCORECARD

Do total costs of the Project exceed \$5 million? Yes No

Does the present value of proposed City assistance exceed \$3 million? Yes No

CATEGORY	APPLICABLE?	EXCEEDS	MEETS
<p><u>BALANCED HOUSING PRODUCTION</u></p> <ul style="list-style-type: none"> Project creates or preserves, low-income (51%-80% AMI) housing units and/or very low-income housing units (31%-50% AMI) to the extent financially feasible given project conditions. Project creates or preserves extremely low-income housing units (0%-30% AMI) to the extent financially feasible given project conditions. Project creates a mixture of extremely low (0%-30% AMI), very low (31%-50% AMI), and/or low-income (51%-80% AMI) housing units with workforce/middle housing units (81%-120% AMI) and/or market-rate units to the extent financially feasible given project conditions. Project creates additional market-rate or workforce/middle income (81%-120% AMI) housing units that promote a balanced, mixed-income neighborhood without displacing existing lower income residents. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>IMPROVEMENT OF VACANT, BLIGHTED AND/OR UNDERUTILIZED PROPERTIES</u></p> <ul style="list-style-type: none"> Project replaces a vacant and/or underutilized property and adds net-new housing units without displacing existing residents. Project activates a previously vacant building or property. Project eliminates a blighted parcel or parcels (as defined in Ohio Revised Code Section 1.08). Project enhances an underutilized site (i.e. vacant parcel or surface parking lot) and adds new amenities (like housing, office, commercial, community space, etc.) to the neighborhood. Project will involve remediation of a brownfield site or involves mitigation of previously existing site conditions that make redevelopment difficult. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>ENVIRONMENTALLY SUSTAINABLE DEVELOPMENT</u></p> <ul style="list-style-type: none"> Project will obtain requisite level of U.S. Green Building Council Leadership in Energy and Environmental Design Silver, Gold or Platinum or Living Building Challenge Net Zero or Petal (which must comply with the requirements of LBC). 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>VOLUNTARY TAX INCENTIVE CONTRIBUTION</u></p> <ul style="list-style-type: none"> Applicant has represented that it (i) will contribute at least 15% of the exempted value of the improvements either in support streetcar operations or to further 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>neighborhood improvements in the neighborhood of the project and affordable housing city-wide and (ii) will execute an agreement with a third-party memorializing such contribution.</p>			
<p><u>INCLUSION</u></p> <ul style="list-style-type: none"> • Applicant has committed to using good-faith efforts to achieve 17% MBE and 10% WBE utilization goals for construction contracts related to the Project consistent with Chapter 324 of the Cincinnati Municipal Code. • Applicant will (or will cause the end-user to) adopt hiring policies to ensure at least 25% of any new employees hired are residents of the City and such policies will give preference to residents of the City. • Applicant has participated, is participating, or will participate in the City’s program advancing minority development professionals. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>COMMUNITY OUTREACH</u></p> <ul style="list-style-type: none"> • Applicant has engaged all necessary stakeholders in the community (i.e. the applicable community council and the neighborhood CDC, if applicable). • In the interest of mitigating displacement directly associated with the Project, Applicant has engaged any and all tenants, businesses, and persons that as a direct result of the Project may be entitled to relocation benefits pursuant to Chapter 740 of the Cincinnati Municipal Code. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p><u>JOB CREATION AND RETENTION</u></p> <ul style="list-style-type: none"> • Project will create and/or retain significant jobs and payroll. • Project will create and/or retain small/neighborhood business jobs and payroll. • Project will create and/or retain more than 10 jobs per acre. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>PLACE-BASED INVESTMENT</u></p> <ul style="list-style-type: none"> • Project is located in a Federally designated NRSA and/or Opportunity Zone. • Project is located within 1/2 mile of a Neighborhood Business District. • Project is located along a transit corridor. • Project encourages traditional compact, walkable neighborhood development. • Project is placed within a federally designated Hub Zone. 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><u>TRANSFORMATIVE PROJECT</u></p> <ul style="list-style-type: none"> • Project fills a neighborhood need and/or adds a new community asset (i.e. retail, commercial, grocery, housing). 	Yes <input type="checkbox"/> No <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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