

June 22, 2021

**To:** Mayor and Members of City Council  
**From:** Paula Boggs Muething, City Manager *LB for PBM* *202102353*  
**Subject:** Emergency Ordinance – Mural Installation at William Howard Taft Road and Woodburn Avenue in East Walnut Hills

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Transmitted is an Emergency Notwithstanding Ordinance captioned:

**AUTHORIZING** the City Manager to design, install, and maintain a mural on the retaining wall located at the intersection of William Howard Taft Road and Woodburn Avenue in the East Walnut Hills neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the mural.

The City Planning Commission recommended approval of the ordinance at its March 19, 2021 meeting.

Summary

The East Walnut Hills Assembly, the official community council for the East Walnut Hills neighborhood, has received a \$15,000 grant from the Haile Foundation. The East Walnut Hills Assembly intends to use the funds for a wall mural to serve as an entrance into the East Walnut Hills Business District. The East Walnut Hills Assembly requests the proposed Notwithstanding Ordinance (NWO) to permit the installation of a mural within the City-owned right-of-way. The proposed mural would be installed on a curved stone retaining wall in a portion of City-owned right-of-way at the northwest corner of William Howard Taft Road and Woodburn Avenue. The wall is approximately 1,977 square feet. In order to allow for the installation of the mural, City Council would need to approve the NWO, which would allow the City to designate one or more agents or contractors, including the East Walnut Hills Assembly, to carry out all or a portion of the proposed work required to install and maintain the mural.

The City Planning Commission recommended the following on March 19, 2021 to City Council:

**APPROVE** the Notwithstanding Ordinance permitting the installation of a mural in City-owned right-of-way along William Howard Taft Road and Woodburn Avenue in East Walnut Hills with the following conditions:

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

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