



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

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Wednesday, March 15, 2023

2:00 PM

Council Chambers, Room 300

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#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

#### Cincinnati Planning Commission

1. [202300792](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Daniella Beltran to the Cincinnati Planning Commission for a term of 5 years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/Hispanic)

**Recommendation** CONFIRM

**Sponsors:** Mayor

#### Cincinnati Retirement System

2. [202300866](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Aliya Riddle to the Cincinnati Retirement System for a term of four years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/African American)

**Recommendation** HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL

**Sponsors:** Mayor

#### MR. JEFFREYS

3. [202300864](#) **RESOLUTION**, submitted by Councilmember Jeffreys, from Emily Smart Woerner, City Solicitor, **ADOPTING** the International Holocaust Remembrance Alliance Working Definition of Antisemitism, including the eleven contemporary examples of antisemitism, as an important educational tool to address the growing problem of antisemitism in America.

**Recommendation** PASS

**Sponsors:** Jeffreys

#### MR. JOHNSON

4. [202300849](#) **RESOLUTION**, submitted by Councilmember Johnson, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Dr. Shantel Thomas, PhD as a 2023 Women's History Month honoree and **EXPRESSING** the appreciation of the

Mayor and the Council of the City of Cincinnati for her years of service and selfless contributions to the citizens of Cincinnati.

**Recommendation** PASS

**Sponsors:** Johnson

## MR. HARRIS

## MR. CRAMERDING

5. [202300855](#) **RESOLUTION**, submitted Councilmembers Harris and Cramerding, from Emily Smart Woerner, City Solicitor, **EXPRESSING** the support of the Mayor and City Council for College Hill Station III, a mixed-income housing development by Pennrose in the College Hill neighborhood and for Pennrose's application for an allocation of Congressional Directed Spending from the Department of Housing and Urban Development.

**Recommendation** PASS

**Sponsors:** Harris and Cramerding

## CITY MANAGER

6. [202300696](#) **REPORT**, dated 3/15/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Blue Wheat Investment Corp LLC, 6022 Madison Road. (#0766813, D5, Transfer) [Objections: None]

**Recommendation** FILE

**Sponsors:** City Manager

7. [202300753](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Mt. Washington Community Development Corporation.

**Recommendation** FILE

**Sponsors:** City Manager

8. [202300754](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for AfriFest.

**Recommendation** FILE

**Sponsors:** City Manager

9. [202300799](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Flying Pig Marathon.

**Recommendation** FILE

**Sponsors:** City Manager

10. [202300800](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for East Walnut Hills Day Market.

**Recommendation** FILE

**Sponsors:** City Manager

11. [202300801](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager,

regarding Special Event Permit Application for Taste of Cincinnati 2023.

**Recommendation** FILE

**Sponsors:** City Manager

12. [202300802](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Cincinnati March for Babies.

**Recommendation** FILE

**Sponsors:** City Manager

13. [202300803](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for A Peaceful Block Party.

**Recommendation** FILE

**Sponsors:** City Manager

14. [202300804](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Annual Health Expo.

**Recommendation** FILE

**Sponsors:** City Manager

15. [202300805](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for WestSide Market 2023.

**Recommendation** FILE

**Sponsors:** City Manager

16. [202300806](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Juneteenth on McMillan.

**Recommendation** FILE

**Sponsors:** City Manager

17. [202300807](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Red Bull Flugtag.

**Recommendation** FILE

**Sponsors:** City Manager

18. [202300808](#) **REPORT**, dated 3/15/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for The Real Tacofest.

**Recommendation** FILE

**Sponsors:** City Manager

19. [202300829](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/15/2023, **AUTHORIZING** the transfer of the sum of \$85,000 within the General Fund from and to various Cincinnati Recreation Commission ("CRC") operating budget accounts in accordance with Schedule A of the attached Schedule of Transfer, for the purpose of realigning resources to address programmatic needs; and **AUTHORIZING** the transfer and appropriation of the sum of \$1,400,000 from the unappropriated surplus of Municipal Golf Fund 105 to CRC's Golf Administration non-personnel operating budget account in accordance with Schedule B of the attached Schedule of Transfer, for the purpose of providing resources for costs associated with increased golf activities, including utilities, drainage and equipment repairs, and safety

enhancements; AUTHORIZING the transfer and appropriation of the sum of \$720,000 within Recreation Special Activities Fund 323 in accordance with Schedule C of the attached Schedule of Transfer, for the purpose of realigning resources and providing resources to address programmatic needs; and AUTHORIZING the transfer and appropriation of the sum of \$75,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to CRC capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation," for the purpose of renovating underutilized recreation spaces in Avondale as part of the 2021 Community Makeover program.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

20. [202300831](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/15/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of \$298,344 from the Get Vaccinated OHIO Public Health Initiative for the purpose of supporting activities that will increase immunization rates in children under two years of age, school aged children, and adolescents; and **AUTHORIZING** the Finance Director to deposit the grant funds into Immunization Action Plan Fund revenue account no. 415x8556.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

21. [202300832](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/15/2023, **AUTHORIZING** the payment of \$2,723.96 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x3300x7299 as a moral obligation to Axon Enterprise for TASERS and holsters for the Fire Investigation Unit, which represents the balance due to Axon based on Axon's original invoice of \$5,232.96 less the City's payment of \$2,500 with a purchase card.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

22. [202300833](#) **REPORT**, dated 3/15/2023, submitted Sheryl M. M. Long, City Manager, regarding the Top Ten Critical Infrastructure Needs. (**Reference Document # 202202015**)

**Recommendation** CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

**Sponsors:** City Manager

23. [202300835](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/15/2023, **ESTABLISHING** new capital improvement program project account no. 980x232x232315, "Wasson Way 6A 2023 ODNR COTF Grant," for the purpose of providing resources for the construction of Phase 6A of the Wasson Way Trail; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount up to \$500,000 from the Clean Ohio Trails Fund program as awarded by the Ohio Department of Natural Resources to newly established capital improvement program project account no. 980x232x232315, "Wasson Way 6A 2023 ODNR COTF Grant;" **AUTHORIZING** the Director of Finance to deposit the grant resources into

newly established capital improvement program project account no. 980x232x232315, "Wasson Way 6A 2023 ODNr COTF Grant"; and AUTHORIZING the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

24. [202300836](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/15/2023, **AUTHORIZING** a payment in the amount of \$46,506.90 to Prus Construction as a moral obligation of the City of Cincinnati for professional services completed for the Downtown Fiber Optic Cable project.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

25. [202300837](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/15/2023, **AUTHORIZING** the City Manager and employees of the Department of Economic Inclusion to solicit and accept donations of money, in-kind contributions, participation fees, and other things of value from the business community, individual benefactors, and other appropriate sources for the City of Cincinnati's 2023 Business Enterprise Expo; and AUTHORIZING the Finance Director to deposit the donated funds into Special Events Fund 314.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

26. [202300871](#) **REPORT**, dated 3/15/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Vinology LLC, DBA Vinology, 3181 Linwood Avenue. (#92820830005, D2, Transfer) [Objections: None]

**Recommendation** FILE

**Sponsors:** City Manager

## CLERK OF COUNCIL

27. [202300809](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Robert Vickrey/Deputy Director.

**Recommendation** FILE

**Sponsors:** Clerk of Council

28. [202300867](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Kelli Prather, Occupational Therapist, CEO, 791 E. McMillan Street, Cincinnati, Ohio 45206. (ENHANCED HEALTHCARE SOLUTIONS)

**Recommendation** FILE

**Sponsors:** Clerk of Council

29. [202300868](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent James T. Benedict, Vice President, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (TERMINATION)

Recommendation FILESponsors: Clerk of Council

30. [202300869](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent J. Douglas Moormann, Vice President, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (TERMINATION)

Recommendation FILESponsors: Clerk of Council

31. [202300870](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Charles H. Gerhardt, III, President & CEO, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (TERMINATION)

Recommendation FILESponsors: Clerk of Council**BUDGET AND FINANCE COMMITTEE**

32. [202300750](#) **REPORT**, dated 3/8/2023, submitted Sheryl M. M. Long, City Manager, regarding the Finance and Budget Monitoring Report for the Period Ending December 31, 2022.

Recommendation APPROVE & FILESponsors: City Manager

33. [202300756](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN 93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

Recommendation PASS EMERGENCYSponsors: City Manager

34. [202300757](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AMENDING** Ordinance No. 243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067).

Recommendation PASS EMERGENCYSponsors: City Manager

35. [202300758](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$50,000 from the Ohio Environmental Protection Agency's Water Pollution Control Loan Fund for the purpose of providing financial aid to Cincinnati homeowners with defective household sewage treatment systems; and **AUTHORIZING** the Director of

Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

36. [202300755](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AUTHORIZING** the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, "Wasson Way Trail," for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

**Recommendation** PASS

**Sponsors:** City Manager

37. [202300767](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being part of the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 - Garden Grove - E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder's Office.

**Recommendation** PASS

**Sponsors:** City Manager

38. [202300768](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office.

**Recommendation** PASS

**Sponsors:** City Manager

39. [202300392](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/25/2023, **AUTHORIZING** the transfer of \$1,480,602.25 from the General Fund balance sheet reserve account no. 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$3,280,602.25 from the unappropriated surplus of General Fund 050 to the non-departmental Judgments Against the City General Fund non-personnel operating budget account no. 050x951x7400 for the purpose of satisfying a legal judgment against the City as well as associated legal fees in *White v. The City of Cincinnati*. (VICE MAYOR KEARNEY AND

COUNCILMEMBER JOHNSON ARE EXCUSED FROM VOTING OF THIS ITEM).

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

40. [202300857](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/13/2023, **AUTHORIZING** the City Manager to enter into a Funding Agreement with Whex Garage LLC, a wholly owned subsidiary of Cincinnati Center City Development Corporation (3CDC), and take such other steps as may be necessary in order to facilitate the company's financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; **AUTHORIZING** the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to the Department of Finance non-personnel operating budget account no. 481x133x7200 for the purpose of providing resources to facilitate Whex Garage LLC's financing to acquire certain real property located 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; and **DECLARING** that expenditures from the Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and 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 District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

## SUPPLEMENTAL ITEMS

### EQUITABLE GROWTH & HOUSINGS COMMITTEE

41. [202300672](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 2/23/2023, **AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 644-664 Crown Street in the Walnut Hills neighborhood from the T5N.LS-O "Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone," zoning district to the T5N.SS-O, "Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone," zoning district to allow for the construction of attached single-family rowhouses. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** PASS

**Sponsors:** City Manager

42. [202300667](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 2/23/2023, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 2380 Nova Avenue in the Westwood neighborhood from the CG-A, "Commercial General-Auto-oriented," zoning district to the SF-6, "Single-Family," zoning district to permit the restoration of an existing



structure to single-family residential use. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

**Recommendation** PASS

**Sponsors:** City Manager

43. [202300759](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **ACCEPTING AND CONFIRMING** the dedication to public use of an approximately 0.0745-acre tract of real property as a portion of the East Pete Rose Way public right-of-way for street purposes; and further, **DEDICATING, ACCEPTING, AND CONFIRMING** the dedication to public use of an approximately 0.0088-acre tract of real property as a portion of the East Pete Rose Way and Butler Street public rights-of-way for street purposes in the Central Business District.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

### ANNOUNCEMENTS

Adjournment



**AFTAB PUREVAL**  
City of Cincinnati, Office of the Mayor

Mar 2023

**APPOINTMENT**

I hereby appoint Daniella Beltrán to the Cincinnati Planning Commission for a term of 5 years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.

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

# DANIELLA BELTRÁN AICP

URBAN PLANNER / DESIGNER

**Daniella is passionate about working with communities on growth strategies that foster physical and social connectivity, equity and joy for all who live in and care for those places.**

For ten years, Daniella has utilized planning and design tools paired with community engagement to discover and implement policy, development, transportation and infrastructure solutions with communities. As an urban planner with YARD & Company responsible for place-based data analysis, idea testing and communication, and planning and design recommendations, she is involved in a wide range of project types from short-term, tactical interventions to long-range comprehensive plans. Project experience also includes corridor and district development planning, multi-modal and streetscape infrastructure improvements, zoning code updates, and site design work.

Daniella is active in her Cincinnati community as Secretary/Treasurer for the Cincinnati American Planning Association (APA) board, Management Committee member in the local chapter of the Urban Land Institute (ULI), and as Board Vice Chair for the Over-the-Rhine Museum. Furthermore, as a years-long member of the Congress for New Urbanism, Daniella is part of a host committee responsible for planning the 2024 annual conference to be held in Cincinnati.



## EXPERIENCE

### Urban Planner / Designer

YARD & Company  
Oct 2020 - Present  
Cincinnati, OH

- » Carmel, IN Comprehensive Plan
- » Peebles Corner Master Plan
- » Vienna, VA Zoning Code Update
- » Memphis Better Streets Project
- » Mt. Washington, PA Street Vitality Recommendations

### Urban Planner

MKSK  
Aug 2017 - June 2020  
Cincinnati, OH

- » Covington Streetscape Design Guidelines

### Community Building Specialist

Neighborhood Housing Services  
Aug 2012 - 2015  
New Haven, CT

## EDUCATION

- » Master of Community Planning and Graduate Certificate in Real Estate, University of Cincinnati, 2017
  - ▶ Published thesis, "Commercial Evolution in Over-the-Rhine, Cincinnati"
- » Student Exchange Program, University of Leuven, Belgium, 2016
- » B.S. in Architecture with a minor in City and Regional Planning, The Ohio State University, 2012

## CERTIFICATION

- » American Institute of Certified Planners (AICP)
  - ▶ Certification #: 31860

[LinkedIn](#)



**AFTAB PUREVAL**

City of Cincinnati, Office of the Mayor

Mar 2023

**APPOINTMENT**

I hereby appoint Aliya Riddle to the Cincinnati Retirement System for a term of four years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.

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Mayor Aftab Pureval

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# ALIYA L. RIDDLE, CFA

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## EDUCATION

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### UNIVERSITY OF NOTRE DAME

Bachelor of Business Administration, Finance  
Cum Laude Honors

Notre Dame, IN  
May 2006

## PROFESSIONAL EXPERIENCE

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### BARTLETT WEALTH MANAGEMENT

Cincinnati, OH  
September 2018 – Present

#### *Wealth Advisor (April 2022 – Present)*

Proactive resource for a variety of clients (private, institutional, non-profit) providing guidance on different aspects of investment management. Determine appropriate asset allocation and investment vehicles, based on financial planning concepts using clients' goals and objectives. Effectively communicate various, and many times complex, investment ideas to clients in a timely fashion. Environmental, Social, and Governance investing team leader.

#### *Associate Investment Advisor (September 2018 – April 2022)*

A collaborative, responsive role requiring both technical skills and the ability to interact consistently with institutional, non-profit, and private clientele. Responsible for accurate portfolio trade implementation strategies while adhering to investment policy statement parameters and guidelines.

### JOHNSON INVESTMENT COUNSEL

Cincinnati, OH  
June 2010 – September 2018

#### *Associate Portfolio Manager Portfolio Manager Assistant*

A full-service role as part of Portfolio Manager team, navigating and resolving challenging aspects of serving clients and managing hundreds of portfolios. Proactively analyzed accounts to recommend improvements that better align portfolios with client goals. Demonstrated resourcefulness in order to establish and maintain long-lasting and trusting relationships.

#### *Operations Associate*

Multi-faceted role that required the ability to produce solutions that adhered to compliance guidelines. Significantly improved processes while efficiently servicing both internal and external clients. Used strong analytical skills to assess the advancements needed for the firm to meet new cost basis legislation requirements and produced a detailed plan for implementation. Ensured highly accurate tax reporting for clients as the US Bank tax and cost basis liaison.

### JPMORGAN CHASE

Cincinnati, OH  
November 2008 – May 2010

#### *Personal Banker*

Sales and compliance focused position that collaborated with all members of the branch staff and was considered the subject matter expert of investment knowledge. Consistently acquired,

retained, and expanded private client relationships. Opened and serviced a variety of accounts while strictly adhering to the USA PATRIOT Act, Bank Secrecy Act, and FINRA regulations.

**NATIONAL CITY BANK** (currently PNC Bank)

Cincinnati, OH  
August 2006 – November 2008

*Licensed Financial Consultant*

Specialized in analyzing clients' unique financial situations to develop suitable investment recommendations using mutual funds. Followed compliance requirements for set-up, purchases, account transfers, and distribution of marketing material and prospectuses. Liaised with branch Financial Advisor to shadow and gain knowledge about more sophisticated investment solutions for clients.

*Retail Development Program (RDP) Associate*

Highly valued management program that included training as a customer service representative, consumer banker, and office manager. Assigned special projects by branch and district managers to be completed during each rotation.

**EARLY CAREER INTERNSHIPS**

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General Electric – Financial Management Program, 2005  
Procter and Gamble – Global Tax, Marketing, Finance, 2002 - 2004

**PROFESSIONAL LICENSES AND SKILLS**

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Chartered Financial Analyst (CFA®) Designation  
FINRA Series 6 and 63 (Former)  
Microsoft Office Suite, SharePoint, working knowledge of Bloomberg

**COMMUNITY INVOLVEMENT & EXTRACURRICULARS**

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Beech Acres Foundation, Board Member  
Inner City Tennis Project, Board Member  
Cincinnati Opera Investment Committee Member and Center Stage Board Associate  
ArtsWave Women's Leadership Roundtable  
University of Cincinnati Economics Center StEP Program Volunteer  
Cincinnati Regional Chamber C-Change Class 13 - Alum

202300904  
**Date:** March 15, 2023

**To:** Councilmember Mark Jeffreys  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Resolution – IHRA Working Defintion of Antisemitism**

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Transmitted herewith is a resolution captioned as follows:

**ADOPTING** the International Holocaust Remembrance Alliance Working Definition of Antisemitism, including the eleven contemporary examples of antisemitism, as an important educational tool to address the growing problem of antisemitism in America.

EESW/IMD(dmm)  
Attachment  
379816

**RESOLUTION NO. \_\_\_\_\_ - 2023**

**ADOPTING** the International Holocaust Remembrance Alliance Working Definition of Antisemitism, including the eleven contemporary examples of antisemitism, as an important educational tool to address the growing problem of antisemitism in America.

**WHEREAS**, antisemitism, including harassment based on actual or perceived Jewish origin, ancestry, ethnicity, identify, affiliation, or faith, remains a persistent, pervasive, and disturbing problem in American society that undermines democracy; and

**WHEREAS**, Jews continue to be a targeted minority in the United States and are consistently the most likely of all religious groups to be victimized by incidents of hate, which are increasing at an alarming rate; and

**WHEREAS**, the deadliest attack in Jewish American history took place on October 27, 2018, at the Tree of Life Synagogue in Pittsburgh, Pennsylvania, killing eleven worshippers and injuring several more; and

**WHEREAS**, the Jewish Cincinnati community has experienced over 67 incidents of reported antisemitism since 2020, including vandalism, targeted attacks, school incidents, and online harassment; and

**WHEREAS**, City officials and institutions have a responsibility to protect citizens from acts of hate and bigotry, including antisemitism, and must be given the tools to do so; and

**WHEREAS**, valid monitoring, informed analysis and investigation, and effective policy-making all benefit from accurate and uniform definitions; and

**WHEREAS**, the International Holocaust Remembrance Alliance (“IHRA”), by consensus vote of its member states, adopted a Working Definition of Antisemitism in May 2016, which has become the internationally recognized, authoritative definition for use by governments and international organizations, and which reads in full:

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities; and

**WHEREAS**, the IHRA offers the following examples to serve as illustrations of antisemitism:



Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

Antisemitic acts are criminal when they are so defined by law (for example, denial of the Holocaust or distribution of antisemitic materials in some countries).

Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.

Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries; and

WHEREAS, the IHRA Working Definition has proven to be an essential tool used to determine contemporary manifestations of antisemitism; and

WHEREAS, in the United States, the IHRA Working Definition is utilized by various government and law enforcement agencies in monitoring, training, and education, including the U.S. Department of State and the U.S. Department of Education; now, therefore,

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

Section 1. That the Mayor and City Council hereby adopt the International Holocaust Remembrance Alliance (“IHRA”) Working Definition of Antisemitism, including the eleven contemporary examples of antisemitism, as an important educational tool to address the growing problem of antisemitism in America.

Section 2. That Council supports the Administration’s efforts to ensure that the IHRA Working Definition of Antisemitism is made available as an educational resource for all City departments that are responsible for addressing antisemitism and other forms of discrimination.

Section 3. That this resolution be spread upon the minutes of Council.

Passed \_\_\_\_\_, 2023

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

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

Submitted by Councilmember Mark Jeffreys

202300849

**Date:** March 15, 2023

**To:** Councilmember Scotty Johnson

**From:** Emily Smart Woerner, City Solicitor *EESW*

**Subject:** **Resolution – Women’s History Month Dr. Shantel Thomas, PhD**

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Transmitted herewith is a resolution captioned as follows:

**RECOGNIZING** Dr. Shantel Thomas, PhD as a 2023 Women’s History Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for her years of service and selfless contributions to the citizens of Cincinnati.

EESW/IMD(Ink)  
Attachment  
379708

EESW

**RESOLUTION NO. \_\_\_\_\_ - 2023**

**RECOGNIZING** Dr. Shantel Thomas, PhD as a 2023 Women’s History Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for her years of service and selfless contributions to the citizens of Cincinnati.

WHEREAS, Dr. Shantel Thomas is a published author and President, CEO and Founder of A Sound Mind Counseling Service and the Center For Healing The Hurt, a free trauma-based therapy center for kids and teens in the Cincinnati inner city; and

WHEREAS, Dr. Thomas’ private practice has four locations in the greater Cincinnati area with clinicians trained in several areas of mental health that focus on individual, child, family, couples, and group therapy; and

WHEREAS, Dr. Thomas is a People Of Color Wellness Alliance honoree, a graduate of the Cincinnati USA Regional Chamber’s Leadership Cincinnati, recipient of the YWCA’s Career Women of Achievement, and has been celebrated numerous times in Who’s Who in Black Cincinnati; and

WHEREAS, Dr. Thomas is a Hall of Fame alumna of University of Toledo, having enjoyed a stellar career as a sprinter, traveling the world competing and receiving various honors, including MAC Athlete of the Year and NCAA Woman of the Year for Ohio; and

WHEREAS, Dr. Thomas received her doctoral degree in Community Counseling from Kent State University and is a member of Alpha Kappa Alpha Sorority, Inc., the Ohio Counseling Association, the American Counseling Association, and the American Association of Christian Counselors; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Dr. Shantel Thomas as a 2023 Women’s History Month honoree for her years of service and selfless contributions to the citizens of the City of Cincinnati.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Dr. Thomas and her family through the office of Councilmember Scotty Johnson.

Passed: \_\_\_\_\_, 2023

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Aftab Pureval, Mayor

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

Submitted by Councilmember Scotty Johnson

202300855

**Date:** March 15, 2023

**To:** Councilmember Reggie Harris and Councilmember Jeff Cramerding

**From:** Emily Smart Woerner, City Solicitor

EESW

**Subject:** **Resolution – Supporting College Hill Station III**

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Transmitted herewith is a resolution captioned as follows:

**EXPRESSING** the support of the Mayor and City Council for College Hill Station III, a mixed-income housing development by Pennrose in the College Hill neighborhood and for Pennrose’s application for an allocation of Congressional Directed Spending from the Department of Housing and Urban Development.

EESW/LES(dmm)  
Attachment  
379906

EESW

RESOLUTION NO. \_\_\_\_\_ - 2023

**EXPRESSING** the support of the Mayor and City Council for College Hill Station III, a mixed-income housing development by Pennrose in the College Hill neighborhood and for Pennrose’s application for an allocation of Congressional Directed Spending from the Department of Housing and Urban Development.

WHEREAS, the redevelopment of Hamilton Avenue and North Bend Road has been a neighborhood priority for decades; and

WHEREAS, Pennrose is a developer of affordable housing, which is a primary focus of the City and this Council; and

WHEREAS, the College Hill Station III project (the “Project”) will be a mixed-income development that includes homes for individuals making fifty to sixty percent of the area median income; and

WHEREAS, the City has previously provided support for the redevelopment of the College Hill neighborhood by investing resources in College Hill Station I and II, as well as helping to fund community development corporations such as the College Hill Urban Redevelopment Corporation, which is a partner on the Project; and

WHEREAS, the Project will include both residential and commercial space and will increase the vibrancy, amenities, and economic opportunities in the College Hill neighborhood; and

WHEREAS, the Project will utilize Low-Income Housing Tax credits and other government tools but still faces a gap in funding, which can be bridged with an award of federal funding; now, therefore,

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

Section 1. That the Mayor and this Council hereby support College Hill Station III, a mixed-income housing development by Pennrose in the College Hill neighborhood, and Pennrose’s application for an allocation of Congressional Directed Spending from the Department of Housing and Urban Development.

Section 2. That this resolution be spread upon the minutes of Council and a copy be provided to the offices of Senator Sherrod Brown and Congressman Greg Landsman.

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

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

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

Submitted by Councilmember Reggie Harris and Councilmember Jeff Cramerding



**Date:** March 15, 2023

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

202300696

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

**Subject:** **Liquor License – Transfer (Exempt)**

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

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

**APPLICATION:** 0766813  
**PERMIT TYPE:** TREX  
**CLASS:** D5  
**NAME:** BLUE WHEAT INVESTMENT CORP LLC  
**DBA:** NONE LISTED  
6022 MADISON RD  
CINCINNATI, OH 45227

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 18, 2023, Madisonville Community Council was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation

Objection       No Objection

**MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: March 14, 2023**

Date: 3/15/2023

202300753

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (MWDC April 2023 Biergarten)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Mt. Washington Community Development Corporation) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: MWDC April 2023 Biergarten  
EVENT SPONSOR/PRODUCER: Mt. Washington Community Development Corporation  
CONTACT PERSON: Joe Sandmann  
LOCATION: 6140 Plymouth Av.  
DATE(S) AND TIME(S): 4/29/2023 4:00pm to 8:00pm  
EVENT DESCRIPTION: Family games and pop-up biergarten  
ANTICIPATED ATTENDANCE: 500  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 3/15/2023

To: Mayor and Members of City Council 202300754  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (AfriFest)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (APNET) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: AfriFest  
EVENT SPONSOR/PRODUCER: APNET  
CONTACT PERSON: Sosena Erco  
LOCATION: Burnet Woods  
DATE(S) AND TIME(S): 07/29/2023 11:00am — 07/29/2023 9:00pm  
EVENT DESCRIPTION: This annual festival celebrates African cultures in the local community, builds cultural awareness, and connects people to local resources. AfriFest is the largest African cultural event in the city.  
ANTICIPATED ATTENDANCE: 999  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (APNET)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 3/15/2023

To: Mayor and Members of City Council 202300799  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Flying Pig Marathon)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Pig Works) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Flying Pig Marathon  
EVENT SPONSOR/PRODUCER: Pig Works  
CONTACT PERSON: Jeanette Kiely  
LOCATION: 5 W. Mehring Way  
DATE(S) AND TIME(S): 5/5/2023 7:00PM to 9:00PM  
5/6/2023 7:00AM to 3:00PM  
5/7/2023 6:00AM to 3:00PM  
EVENT DESCRIPTION: Road race for charity, multiple race distances  
ANTICIPATED ATTENDANCE: 38,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 3/15/2023

To: Mayor and Members of City Council 202300800  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: (EWH Day Market)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (East Walnut Hills Assembly) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

**EVENT NAME/TITLE:** EWH Day Market  
**EVENT SPONSOR/PRODUCER:** East Walnut Hills Assembly  
**CONTACT PERSON:** Giacomo Ciminello  
**LOCATION:** 2800 Woodburn Avenue  
**DATE(S) AND TIME(S):** 4/1/2023 12:00PM to 6:00PM  
 6/3/2023 12:00PM to 6:00PM  
 8/5/2023 12:00PM to 6:00PM  
**EVENT DESCRIPTION:** On the first saturday of every other spring/summer month (Apr, Jun, Aug) we would like to showcase the business district of East Walnut Hills with a day market. Local vendors will join the strip to encourage friends and neighbors to discover all that EWH has to offer.  
**ANTICIPATED ATTENDANCE:** 500  
**ALCOHOL SALES:**  YES.  NO.  
**TEMPORARY LIQUOR PERMIT HOLDER IS:** (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 3/15/2023

To: Mayor and Members of City Council 202300801  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: (Taste of Cincinnati 2023)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Cincinnati USA Regional Chamber) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

**EVENT NAME/TITLE:** Taste of Cincinnati 2023  
**EVENT SPONSOR/PRODUCER:** Cincinnati USA Regional Chamber  
**CONTACT PERSON:** Rob Weidle  
**LOCATION:** E. 5<sup>th</sup> St.  
**DATE(S) AND TIME(S):** 5/27/2023 11:00AM to 11:00PM  
 5/28/2023 11:00AM to 11:00PM  
 5/29/2023 11:00AM to 9:00PM  
**EVENT DESCRIPTION:** Taste of Cincinnati is held every Memorial Day weekend in downtown Cincinnati by the Corporate and Community Events division of the Cincinnati USA Regional Chamber. Started in 1979, it is now the nation's longest running culinary arts festival.  
**ANTICIPATED ATTENDANCE:** 450,000  
**ALCOHOL SALES:**  YES.  NO.  
**TEMPORARY LIQUOR PERMIT HOLDER IS:** (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 3/15/2023

202300802

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Cincinnati March for Babies)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (March of Dimes) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Cincinnati March for Babies  
EVENT SPONSOR/PRODUCER: March of Dimes  
CONTACT PERSON: Sheri Sullivan  
LOCATION: Sawyer Point Park  
DATE(S) AND TIME(S): 4/30/2023 7:00AM to 1:00PM  
EVENT DESCRIPTION: March/Walk fundraiser for March of Dimes.  
ANTICIPATED ATTENDANCE: 3,500  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (N/A)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 03/15/23

202300803

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: A Peaceful Block Party**

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In accordance with Cincinnati Municipal Code, Chapter 765; Ashley Harp has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department departments which have reviewed). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: A Peaceful Block Party  
EVENT SPONSOR/PRODUCER: Ashley Harp  
CONTACT PERSON: Ashley Harp  
LOCATION: 2600 Vine Street  
DATE(S) AND TIME(S): 04/20/23 1400-2200 Hrs  
EVENT DESCRIPTION: A Peaceful Block Party is a block party to celebrate Earth day. There will be vendors, A DJ who will provide Music, Local Painters and businesses. We will highlight local business that are on the Short Vine street. A Peaceful Block Party is a gathering for individuals to promote peace.  
ANTICIPATED ATTENDANCE: 420  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief



Date: 03/15/23

To: Mayor and Members of City Council 202300804  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Annual Health Expo**

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In accordance with Cincinnati Municipal Code, Chapter 765; Renee Mahaffey Harris has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department departments which have reviewed). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Annual Health Expo  
EVENT SPONSOR/PRODUCER: Renee Mahaffey Harris  
CONTACT PERSON: Renee Mahaffey Harris  
LOCATION: 1230 Elm Street (Washington Park)  
DATE(S) AND TIME(S): 04/29/23 0900-1800  
EVENT DESCRIPTION: Health Screenings, Exhibitors, Children's Activities, Physical Fitness Demonstrations, Workshops, and Entertainment  
ANTICIPATED ATTENDANCE: 3000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 03/15/23

To: Mayor and Members of City Council 202300805  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: WestSide Market 2023**

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In accordance with Cincinnati Municipal Code, Chapter 765; Krystle Gaiser has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department departments which have reviewed). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: WestSide Market 2023  
EVENT SPONSOR/PRODUCER: Krystle Gaiser  
CONTACT PERSON: Krystle Gaiser  
LOCATION: 3017 Harrison Avenue (Westwood Town Hall)  
DATE(S) AND TIME(S): 05/06/23 1000-1500, 06/03/23 1000-1500, 07/01/23 1000-1500,  
08/05/23 1000-1500, 09/02/23 1000-1500, 11/25/23 1200-1700.  
EVENT DESCRIPTION: Westside Market is a small business pop-up market that takes place on the first Saturday of the month.  
ANTICIPATED ATTENDANCE: 1000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 03/15/23

To: Mayor and Members of City Council 202300806  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Juneteenth on McMillan**

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In accordance with Cincinnati Municipal Code, Chapter 765; Esoteric Brewing Co. LLC has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department departments which have reviewed). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Juneteenth on McMillan  
EVENT SPONSOR/PRODUCER: Esoteric Brewing Co. LLC  
CONTACT PERSON: Devin Trevor  
LOCATION: 900 East McMillan Street  
DATE(S) AND TIME(S): 06/17/23 1400-1800  
EVENT DESCRIPTION: Celebrate Juneteenth on McMillan on 06/16 while showcasing Peebles Corner, Walnut Hills and the new businesses on the street.  
ANTICIPATED ATTENDANCE: 1000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: To Be Determined

cc: Colonel Teresa A. Theetge, Police Chief

Date: 03/15/23

To: Mayor and Members of City Council 202300807  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: Red Bull Flugtag**

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In accordance with Cincinnati Municipal Code, Chapter 765; Hangman Productions has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department departments which have reviewed). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Red Bull Flugtag  
 EVENT SPONSOR/PRODUCER: Hangman Productions  
 CONTACT PERSON: Derrick Taylor  
 LOCATION: 705 East Pete Rose Way (Yeatman's Cove)  
 DATE(S) AND TIME(S): 08/12/23 1000-1600 Hrs  
 EVENT DESCRIPTION: Red Bull Flugtag is a family friendly where selected teams of 5 people build homemade, human powered, flying crafts. They then attempt to fly them off a custom built structure known as the "flight deck". Teams are judged on creativity, showmanship, and furthest flight. Red Bull and Hangman Productions have produced almost 30 of these events across North America.  
 ANTICIPATED ATTENDANCE: 30,000  
 ALCOHOL SALES:  YES.  NO.  
 TEMPORARY LIQUOR PERMIT HOLDER IS: To Be Determined

cc: Colonel Teresa A. Theetge, Police Chief

Date: 03/15/23

To: Mayor and Members of City Council 202300808  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: The Real Tacofest**

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In accordance with Cincinnati Municipal Code, Chapter 765; Real Festivals LLC has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Fire Department, Metro, Cincinnati Police Special Events Unit, Cincinnati Police District One, Traffic and Engineering Department, Traffic and Road Operations Department and The Health Department departments which have reviewed). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: The Real Tacofest  
EVENT SPONSOR/PRODUCER: Real Festivals LLC  
CONTACT PERSON: Ben Howard  
LOCATION: 705 East Pete Rose Way (Yeatman's Cove)  
DATE(S) AND TIME(S): 05/13/23 1200 - 2200 Hours  
EVENT DESCRIPTION: A taco festival that aims to provide the local community with a fun, yet straightforward experience of sampling a myriad of local restaurants' unique taco and beverage offerings, hopefully finding a new favorite in town!  
ANTICIPATED ATTENDANCE: 4000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: To Be Determined

cc: Colonel Teresa A. Theetge, Police Chief

**March 15, 2023**

**To:** Mayor and Members of City Council 202300829

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

**Subject:** **Emergency Ordinance – Cincinnati Recreation Commission (CRC): Mid-Year Budget Adjustments**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of the sum of \$85,000 within the General Fund from and to various Cincinnati Recreation Commission (“CRC”) operating budget accounts in accordance with Schedule A of the attached Schedule of Transfer, for the purpose of realigning resources to address programmatic needs; and **AUTHORIZING** the transfer and appropriation of the sum of \$1,400,000 from the unappropriated surplus of Municipal Golf Fund 105 to CRC’s Golf Administration non-personnel operating budget account in accordance with Schedule B of the attached Schedule of Transfer, for the purpose of providing resources for costs associated with increased golf activities, including utilities, drainage and equipment repairs, and safety enhancements; **AUTHORIZING** the transfer and appropriation of the sum of \$720,000 within Recreation Special Activities Fund 323 in accordance with Schedule C of the attached Schedule of Transfer, for the purpose of realigning resources and providing resources to address programmatic needs; and **AUTHORIZING** the transfer and appropriation of the sum of \$75,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to CRC capital improvement program project account no. 980x199x211900, “Outdoor Facilities Renovation,” for the purpose of renovating underutilized recreation spaces in Avondale as part of the 2021 Community Makeover program.

Approval of this Emergency Ordinance authorizes the transfer of \$85,000 within the General Fund from and to various Cincinnati Recreation Commission (CRC) operating budget accounts for the purpose of realigning resources to address programmatic needs. This Emergency Ordinance further authorizes the transfer and appropriation of \$1,400,000 from the unappropriated surplus of Municipal Golf Fund 105 to CRC’s Golf Administration non-personnel operating budget account for the purpose of providing resources for costs associated with increased golf activities, including utilities, drainage and equipment repairs, and safety enhancements. Additionally, this Emergency Ordinance authorizes the transfer and appropriation of \$720,000 within Recreation Special Activities Fund 323 from and to various CRC operating budget accounts and the unappropriated surplus of Recreation Special Activities Fund 323 for the purpose of realigning resources and providing resources to address programmatic needs. Finally, this Emergency Ordinance authorizes the

transfer and appropriation of \$75,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to existing CRC capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation," for the purpose of renovating underutilized recreation spaces in Avondale as part of the 2021 Community Makeover program.

### **General Fund 050**

CRC is transferring \$85,000 of existing General Fund operating budget resources from and to various accounts for the purpose of realigning resources for programmatic needs.

### **Municipal Golf Fund 105**

CRC municipal golf courses have seen increased utilization during Fiscal Year 2023, which has increased associated costs, including expert services, utilities, drainage and equipment repairs, and safety enhancements. A total of \$1,400,000 in supplemental resources is required to continue operations through the end of Fiscal Year 2023.

Municipal Golf Fund 105 is an enterprise fund supported by resources generated from the operations of municipal golf courses, including greens fees, driving ranges, and concessions. Sufficient resources are available in the fund to support this supplemental appropriation. Golf revenue is currently projected to exceed budgeted expectations which will offset the supplemental appropriation.

### **Recreation Special Activities Fund 323**

A supplemental operating budget appropriation of \$500,000 is required from Recreation Special Activities Fund 323 to CRC non-personnel operating budget accounts to provide resources for a new E-Sports program, the CRC Lifeguard Academy, teen program contracts, a budget shortfall in the Summer 2022 3-on-3 Basketball Tournament, and various technology upgrades.

Recreation Special Activities Fund 323 is a restricted fund that accounts for receipts and operating expenditures of recreation facility rentals, day camps, swimming pools, the Schmidt boat ramp, concessions, and recreation center contract classes. Sufficient resources are available in the fund to support this \$500,000 supplemental appropriation.

Additionally, CRC is transferring \$220,000 of existing Recreation Special Activities Fund 323 operating budget resources from and to various accounts for the purpose of realigning resources for programmatic needs.

### **Capital Improvement Program Project Account Appropriation**

On October 6, 2021, the City Council approved Ordinance No. 0386-2021, which authorized CRC to apply for, accept, and appropriate a grant in the amount of \$75,000 from the ESPN RePlay program, via the Cincinnati Recreation Foundation, for the purpose of renovating underutilized recreation spaces in Avondale. The grant resources will be used to reimburse expenses CRC incurred implementing recreation

area enhancements in the Avondale neighborhood. A transfer and appropriation from Recreation Special Activities Fund 323 to existing capital improvement program project account no. 980x199x211900, “Outdoor Facilities Renovation,” is required to properly utilize the grant resources.

This budget adjustment ordinance is in accordance with the “Sustain” goal to “[m]anage our financial resources” and strategy to “[s]pend public funds more strategically,” as described on pages 199 – 205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to transfer resources to avoid a delay in service delivery.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment



## EMERGENCY

MSS

-2023

**AUTHORIZING** the transfer of the sum of \$85,000 within the General Fund from and to various Cincinnati Recreation Commission (“CRC”) operating budget accounts in accordance with Schedule A of the attached Schedule of Transfer, for the purpose of realigning resources to address programmatic needs; **AUTHORIZING** the transfer and appropriation of the sum of \$1,400,000 from the unappropriated surplus of Municipal Golf Fund 105 to CRC’s Golf Administration non-personnel operating budget account in accordance with Schedule B of the attached Schedule of Transfer, for the purpose of providing resources for costs associated with increased golf activities, including utilities, drainage and equipment repairs, and safety enhancements; **AUTHORIZING** the transfer and appropriation of the sum of \$720,000 within Recreation Special Activities Fund 323 from and to various CRC operating budget accounts and the unappropriated surplus of Recreation Special Activities Fund 323 in accordance with Schedule C of the attached Schedule of Transfer, for the purpose of realigning resources and providing resources to address programmatic needs; and **AUTHORIZING** the transfer and appropriation of the sum of \$75,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to CRC capital improvement program project account no. 980x199x211900, “Outdoor Facilities Renovation,” for the purpose of renovating underutilized recreation spaces in Avondale as part of the 2021 Community Makeover program.

WHEREAS, a need has arisen since the beginning of Fiscal Year 2023 to transfer \$85,000 of available General Fund resources from and to various Cincinnati Recreation Commission (“CRC”) operating budget accounts in order to realign and provide resources for CRC’s ongoing programmatic needs; and

WHEREAS, CRC municipal golf courses experienced increased utilization during Fiscal Year 2023, which has increased associated costs, including the costs of utilities, drainage and equipment repairs, and safety enhancements; and

WHEREAS, a total of \$1,400,000 in additional resources is required to continue operation of CRC municipal golf courses through the end of the fiscal year, and those resources are available in Municipal Golf Fund 105 for supplemental appropriation; and

WHEREAS, this supplemental appropriation from Municipal Golf Fund 105 is expected to be offset by increased golf revenue, which is projected to exceed budgeted estimates; and

WHEREAS, a supplemental operating budget appropriation of \$500,000 is required from Recreation Special Activities Fund 323 to CRC non-personnel operating budget accounts in order to provide resources for a new E-Sports program, the CRC Lifeguard Academy, teen program contracts, a budget shortfall in the Summer 2022 3-on-3 Basketball Tournament, and various technology upgrades; and

WHEREAS, sufficient resources are available in Recreation Special Activities Fund 323 for this supplemental appropriation; and

WHEREAS, a need has also arisen since the beginning of Fiscal Year 2023 to transfer \$220,000 of existing Recreation Special Activities Fund resources from and to various CRC operating budget accounts for the purpose of realigning resources to address programmatic needs; and

WHEREAS, on October 6, 2021, City Council approved Ordinance No. 386-2021, which authorized CRC to apply for, accept, and appropriate a grant in the amount of \$75,000 from the ESPN RePlay program, via the Cincinnati Recreation Foundation, for the purpose of renovating underutilized recreation spaces in Avondale; and

WHEREAS, the grant resources are eligible to be used for reimbursing expenses CRC has previously incurred implementing recreation area enhancements in the Avondale neighborhood; and

WHEREAS, the grant resources need to be transferred and appropriated to CRC capital improvement program project account no. 980x199x211900, “Outdoor Facilities Renovation,” so that they may be used for this purpose; and

WHEREAS, this budget adjustment ordinance is in accordance with the “Sustain” goal to “[m]anage our financial resources” and strategy to “[s]pend public funds more strategically,” as described on pages 199 – 205 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer of the sum of \$85,000 within the General Fund from and to various Cincinnati Recreation Commission (“CRC”) operating budget accounts, in accordance with Schedule A of the Schedule of Transfer attached hereto and by reference made a part hereof, is hereby authorized for the purpose of realigning resources to address programmatic needs.

Section 2. That the transfer and appropriation of the sum of \$1,400,000 from the unappropriated surplus of Municipal Golf Fund 105 to CRC’s Golf Administration non-personnel operating budget account, in accordance with Schedule B of the attached Schedule of Transfer, is hereby authorized for the purpose of the providing resources for costs associated with increased golf activities, including utilities, drainage and equipment repairs, and safety enhancements.

Section 3. That the transfer and appropriation of the sum of \$720,000 within Recreation Special Activities Fund 323, from and to various CRC operating budget accounts and the unappropriated surplus of Recreation Special Activities Fund 323, in accordance with Schedule C of the attached Schedule of Transfer, is hereby authorized for the purpose of realigning resources and providing resources to address programmatic needs.

Section 4. That the transfer and appropriation of the sum of \$75,000 from the unappropriated surplus of Recreation Special Activities Fund 323 to CRC capital improvement program project account no. 980x199x211900, "Outdoor Facilities Renovation," is hereby authorized for the purpose of renovating underutilized recreation spaces in Avondale as part of the 2021 Community Makeover program.

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

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 transfer resources to avoid a delay in service delivery.

Passed: \_\_\_\_\_, 2023

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

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

**CRC FY 2023 MID-YEAR ADJUSTMENT SCHEDULE OF TRANSFER**

Schedule A - General Fund 050

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
<b>TRANSFERS WITHIN APPROPRIATIONS</b>					<b>TRANSFERS WITHIN APPROPRIATIONS</b>				
<b>SOURCE ACCOUNTS</b>					<b>USE ACCOUNTS</b>				
CINCINNATI RECREATION COMMISSION					CINCINNATI RECREATION COMMISSION				
WEST REGION	050	191	7100	18,800	WEST REGION	050	191	7200	20,000
WEST REGION	050	191	7500	1,200	EAST REGION	050	192	7200	20,000
EAST REGION	050	192	7100	18,800	CENTRAL REGION	050	193	7200	25,000
EAST REGION	050	192	7500	1,200	ATHLETICS	050	197	7200	20,000
CENTRAL REGION	050	193	7100	23,550					
CENTRAL REGION	050	193	7500	1,450					
ATHLETICS	050	197	7100	18,800					
ATHLETICS	050	197	7500	1,200					
<b>TOTAL FUND 050 REDUCTIONS</b>				<b>85,000</b>	<b>TOTAL FUND 050 INCREASES</b>				<b>85,000</b>

**CRC FY 2023 MID-YEAR ADJUSTMENT SCHEDULE OF TRANSFER**

Schedule B - Municipal Golf Fund 105

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
<b>SUPPLEMENTAL APPROPRIATIONS</b>					<b>SUPPLEMENTAL APPROPRIATIONS</b>				
<b>SOURCE ACCOUNTS</b>					<b>USE ACCOUNTS</b>				
UNAPPROPRIATED SURPLUS					CINCINNATI RECREATION COMMISSION				
	105			1,400,000	GOLF ADMINISTRATION	105	195	7200	1,400,000
<b>TOTAL FUND 105 REDUCTIONS</b>				<b>1,400,000</b>	<b>TOTAL FUND 105 INCREASES</b>				<b>1,400,000</b>

**CRC FY 2023 MID-YEAR ADJUSTMENT SCHEDULE OF TRANSFER**  
 Schedule C - Recreation Special Activities Fund 323

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
<b>TRANSFERS WITHIN APPROPRIATIONS</b>					<b>TRANSFERS WITHIN APPROPRIATIONS</b>				
<b>SOURCE ACCOUNTS</b>					<b>USE ACCOUNTS</b>				
<b>CINCINNATI RECREATION COMMISSION</b>					<b>CINCINNATI RECREATION COMMISSION</b>				
WEST REGION	323	191	7100	47,100	WEST REGION	323	191	7200	50,000
WEST REGION	323	191	7500	2,900	EAST REGION	323	192	7200	90,000
EAST REGION	323	192	7100	84,800	CENTRAL REGION	323	193	7200	80,000
EAST REGION	323	192	7500	5,200					
CENTRAL REGION	323	193	7100	75,000					
CENTRAL REGION	323	193	7500	5,000					
Subtotal Transfers Within Appropriations				220,000	Subtotal Transfers Within Appropriations				220,000
<b>SUPPLEMENTAL APPROPRIATIONS</b>					<b>SUPPLEMENTAL APPROPRIATIONS</b>				
<b>SOURCE ACCOUNTS</b>					<b>USE ACCOUNTS</b>				
<b>UNAPPROPRIATED SURPLUS</b>					<b>CINCINNATI RECREATION COMMISSION</b>				
	323			500,000	SUPPORT SERVICES	323	199	7200	500,000
Subtotal Supplemental Appropriations				500,000	Subtotal Supplemental Appropriations				500,000
<b>TOTAL FUND 323 REDUCTIONS</b>				<b>720,000</b>	<b>TOTAL FUND 323 INCREASES</b>				<b>720,000</b>

March 15, 2023

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

202300831

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

**Subject: Ordinance – Health: Get Vaccinated OHIO Grant**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of \$298,344 from the Get Vaccinated OHIO Public Health Initiative for the purpose of supporting activities that will increase immunization rates in children under two years of age, school aged children, and adolescents; and **AUTHORIZING** the Finance Director to deposit the grant funds into Immunization Action Plan Fund revenue account no. 415x8556.

This Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant in the amount of \$298,344 from the Get Vaccinated OHIO Public Health Initiative for the purpose of supporting activities that will increase immunization rates in children under two years of age, school aged children, and adolescents. This Ordinance would also authorize the Finance Director to deposit the grant funds into Immunization Action Plan Fund revenue account no. 415x8556.

The Get Vaccinated Ohio Project is a state funded competitive grant designed to support activities to increase immunization rates in children under two years of age, school aged children and adolescents. Grant activities will include immunization assessment, targeted reminders and recall, identifying disparities of low immunization levels, educational activities involving families and providers, assuring schools report vaccination rates and school education, and assuring the vaccination of high-risk infants exposed to hepatitis B disease as methods of increasing immunization rates for both public and private immunization providers.

No new FTEs are associated with the grant, and the grant does not require matching funds. The Cincinnati Health Department applied for this grant on February 15, 2023, but grant funding will not be accepted without the approval of the City Council.

This grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of \$298,344 from the Get Vaccinated OHIO Public Health Initiative for the purpose of supporting activities that will increase immunization rates in children under two years of age, school-aged children, and adolescents; and **AUTHORIZING** the Finance Director to deposit the grant funds into Immunization Action Plan Fund revenue account no. 415x8556.

WHEREAS, a grant is available in the amount of \$298,344 from the Get Vaccinated OHIO Public Health Initiative to be awarded to the City of Cincinnati Health Department (“CHD”) for the purpose of supporting activities that will increase immunization rates in children under two years of age, school-aged children, and adolescents; and

WHEREAS, grant objectives include immunization assessment, targeted reminders and recall, identifying disparities of low immunization levels, educational activities involving families and providers, assuring schools report on vaccination rates and school education, and assuring the vaccination of high-risk infants exposed to hepatitis B disease as methods of increasing immunization rates for both public and private immunization providers; and

WHEREAS, no additional FTEs are associated with this grant, and no matching funds are required; and

WHEREAS, CHD applied for this grant on February 15, 2023, but grant funding will not be accepted without the approval of Council; and

WHEREAS, this grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati,” as described on page 181-192 of Plan Cincinnati (2012); 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 apply for, accept, and appropriate a grant in the amount of \$298,344 from the Get Vaccinated OHIO Public Health Initiative for the purpose of supporting activities that will increase immunization rates in children under two years of age, school-aged children, and adolescents.

Section 2. That the Finance Director is hereby authorized to receive and deposit the grant funds into Immunization Action Plan revenue account no. 415x8556.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of this grant and Sections 1 and 2 herein.

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

Passed: \_\_\_\_\_, 2023

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

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



March 15, 2023

**To:** Mayor and Members of City Council 202300832  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – Cincinnati Fire Department: Moral Obligation Payment to Axon Enterprise**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$2,723.96 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x3300x7299 as a moral obligation to Axon Enterprise for TASERS and holsters for the Fire Investigation Unit, which represents the balance due to Axon based on Axon’s original invoice of \$5,232.96 less the City’s payment of \$2,500 with a purchase card.

Approval of this Emergency Ordinance will authorize the payment \$2,723.96 from Cincinnati Fire Department non-personnel operating budget account no. 050x272x3300x7299 as a moral obligation to Axon Enterprise for TASERS and holsters for the Fire Investigation Unit. This amount represents a total invoice of \$5,232.96 less a partial payment of \$2,500 made on a purchase card (p-card).

The Cincinnati Police Department's agreement with Axon for TASERS and holsters was amended to include the Cincinnati Fire Department (CFD). Axon Enterprise billed for TASERS and holsters ordered by CFD in July of 2021 in the amount of \$5,232.96, but Cincinnati Fire Department Finance Management staff did not receive the invoice at that time. In January 2023, Axon followed up about the past due invoice. The total invoice exceeds the State of Ohio’s \$3,000 threshold for purchases requiring a certification, necessitating a moral obligation. A partial payment of \$2,500 was made on a p-card, but the remaining balance of \$2,732.96 is still owed to the vendor.

To avoid moral obligations in the future, Cincinnati Fire Department staff have been notified of the state laws and finance policies that apply to the procurement of goods. CFD will continue to work with the Office of Procurement and the Finance Department to ensure proper certifications are in place prior to the purchase of equipment.

The reason for the emergency is the immediate need to make payment to Axon Enterprise for outstanding charges for goods provided to the Cincinnati Fire Department.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**EMERGENCY**

**KKF**

**- 2023**

**AUTHORIZING** the payment of \$2,723.96 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x3300x7299 as a moral obligation to Axon Enterprise for TASERS and holsters for the Fire Investigation Unit, which represents the balance due to Axon based on Axon’s original invoice of \$5,232.96 less the City’s payment of \$2,500 with a purchase card.

WHEREAS, the Cincinnati Police Department’s contract with Axon Enterprise (“Axon”) for TASERS and holsters was amended to allow the Cincinnati Fire Department (“CFD”) to purchase equipment; and

WHEREAS, Axon billed CFD \$5,232.96 for TASERS and holsters ordered by CFD in 2021, but CFD Finance Management staff did not receive the invoice at that time, and in January 2023 Axon followed up about the past due invoice; and

WHEREAS, CFD has made a partial payment of \$2,500 via a purchase card to Axon, but the remaining balance of \$2,732.96 is still owed to Axon; and

WHEREAS, sufficient funds are available in CFD General Fund non-personnel operating budget account no. 050x272x3300x7299 for the outstanding payment to Axon; and

WHEREAS, Council desires to provide the remaining payment to Axon for CFD’s purchase of TASERS and holsters in an amount of \$2,732.96; now, therefore,

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

Section 1. That the Finance Director is hereby authorized to make a payment of \$2,732.96 from Cincinnati Fire Department General Fund non-personnel operating budget account no. 050x272x3300x7299 as a moral obligation to Axon Enterprise for TASERS and holsters for the Fire Investigation Unit, based on a total invoice amount of \$5,232.96, of which \$2,500 was previously paid with a purchase card.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to make payment to Axon Enterprise for outstanding charges for goods provided to the Cincinnati Fire Department.

Passed: \_\_\_\_\_, 2023

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

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

March 15, 2023

**TO:** Mayor and Members of City Council 202300833  
**FROM:** Sheryl M. M. Long, City Manager  
**SUBJECT:** TOP TEN CRITICAL INFRASTRUCTURE NEEDS

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REFERENCE DOCUMENT # 202202015

The City Council, at its session on November 30, 2022, referred the following motion for review and report.

MOTION, dated 10/25/2022, submitted by Councilmembers Cramerding, Johnson, Keating, Owens and Vice Mayor Kearney, WE MOVE that any department with critical failing infrastructure, including our Departments of Public Services, Transportation and Engineering, Recreation, Parks, and Health, provide a list of their top ten projects with the greatest need. Criteria should include the following: Public and employee safety, Accessibility and impact on the public, Shovel readiness, and Equity and projects in underserved neighborhoods, including Neighborhood Revitalization Strategy Areas, CDBG Local Target Areas, and other areas that have been underserved.

In response to the motion, attached are lists of the Top Ten Critical Infrastructure Needs by Department with consideration to the criteria provided in the motion. In addition to the departments included in the aforementioned motion, the Administration included the critical needs of the Department of Enterprise Technology Solutions (ETS).

For additional information on Deferred Capital Maintenance, please also see Attachment B of Reference Document # 202201885, which was Approved & Filed by the City Council on October 19, 2022.

cc: William "Billy" Weber, Assistant City Manager  
Andrew M. Dudas, Budget Director

Attachment

**Critical Infrastructure Needs, Department: Enterprise Technology Solutions**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
1	Remediation of Antenna Structure at the ECC	During a recent project, it was determined that the antenna structure at the rear of 2000 Radcliff is no longer in compliance with standards for wind load ratings. The structure requires remediation if not outright replacement to continue to serve the ECC.	The antenna structure links the ECC with the remainder of the state radio system. Failure to remediate may lead to a significant wind event damaging the structure, creating a hazard at the ECC and a disruption of work flow.	Repair of this antenna structure will allow the ECC to continue to deliver necessary customer service to the Public.	This project would be bid and completed in FY 2024.	The work would be completed in South Fairmount, but the entire City would benefit.	\$100,000	
2	Redundant Prime Site	The core of the City's 800 MHz system is located in a remote shelter that is rarely occupied and is a single point of failure to the radio system. This project would facilitate the installation of a redundant site at the ECC which is occupied 24/7 and is more secure and better monitored. The project would also reduce the probability of a radio outage effecting the urban core.	This project would eliminate a single point of failure for vital infrastructure used by multiple City departments.	The redundant site would allow for various City departments to continue service delivery to the Public.	This project would be bid and completed in FY 2024.	Although the work would be completed in South Fairmount, the project would benefit the entire City.	\$1,500,000	
3	Security Monitoring	One time funding was identified in 2023 for security monitoring (Rapid7 at \$500,000). Lack of monitoring is an identified weakness in the City's security posture. The project would allow continued funding for a similar effort.	If security is compromised most City processes could be affected.	If City processes are interrupted, this will have an impact on service delivery to the Public.	Once funding is identified the current contract may be extended or a new RFP could be issued.	Citywide	\$500,000	
4	Security Staffing	ETS has been unable to hire a Security Information Technology Assistant Manager at City salary levels. ETS has one ETS employee in the security section and one remote professional services provider. An increased salary level would make the City more desirable for potential employees.	If security is compromised most City processes could be affected.	If City processes are interrupted, this will have an impact on service delivery to the Public.	Even at higher salary levels it may be difficult to hire Security staff in this market, but the process could be completed as quickly as policy allows.	Centennial (CBD)	\$400,000	
5	Project Implementation Staff Capacity	While Capital funding has been adequate, ETS lacks the staffing capacity to promptly implement projects. ETS management is hesitant to fill all General Fund positions due to the uncertainty of the availability of funding in the future. ETS is funded at \$300k+ in position vacancy allowance (PVA) and \$300k+ in required reimbursements from other sources after PVA is met.	Enterprise equipment supports all other City operations. A failure of the IT infrastructure impedes most other City processes.	If City processes are interrupted, this will have an impact on service delivery to the Public.	With adequate funding, staff can be hired within months, or as quickly as policy allows.	Most ETS General Fund staff would be located in the Centennial location. (CBD)	\$700,000	
6	Cincinnati Financial System (CFS)	To fully support CFS, staffing is needed to perform all expected functions. Under current staffing, CFS is unable to meet customer demands and it will be difficult to implement a major upgrade in 2024. The system manager is expected to retire in 2024.	CFS is used for all financial functions, like payroll and paying vendors, while still maintaining required controls.	If City processes are interrupted, this will have an impact on service delivery to the Public.	Some staffing could be hired on short notice, but it will be difficult to find a manager with similar expertise.	Centennial (CBD)	\$300,000	
7	Cincinnati Human Resources Information System (CHRIS)	In order to fully support CHRIS, adequate staffing is needed to performs all functions expected. Under current staffing, CHRIS is unable to meet customer demands and it will be difficult to implement the \$6 million upgrade in the target for FY 2024 and beyond. The current manager is expected to retire later this year and current staff is not interested in the position. So an external hire would be likely to occur.	CHRIS is used for most HR transactions Citywide, including payroll.	If City processes are interrupted, this will have an impact on service delivery to the Public.	Some staffing could be hired on short notice, but it will be difficult to find a manager with similar expertise.	Centennial (CBD)	\$300,000	
							<b>\$ 3,800,000</b>	

**Critical Infrastructure Needs, Department: Recreation**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
1	Dunham Recreation Center Renovation	The Dunham Recreation Center is a converted hospital facility that was constructed in 1932. The facility meets very few current building codes and ADA requirements.	This project will provide the needed gym and bring the center to current safety and building codes.	This project will provide the needed gym and bring the center to current safety and building codes.	This project would require a design phase that could start immediately. The construction would start within a year after design starts, as policies allow.	West Price Hill, Westwood	\$ 10,000,000	Estimated costs range from \$6,245,000 to \$10,000,000 depending on scope. This would renovate the existing building and construct a new gymnasium.
2	Pleasant Ridge Recreation Center Renovation	The Pleasant Ridge Recreation Center requires renovation to bring it up to current building and safety codes.	The center was built in 1974 and does not meet current codes. This project will bring the boating facility to current safety and building codes.	This project will provide the needed gym and bring the center to current safety and building codes.	This project would require a design phase that could start immediately. The construction would start within a year after design starts, as policies allow.	Pleasant Ridge	\$ 4,820,000	The center does not meet building codes, as it was built in 1974.
3	Riverside Sports Complex Boat Dock Facilities Renovation	The Riverside Boat Dock requires renovation. If additional funds remain, full site renovations could occur.	This project will bring the boating facility to current safety and building codes.	This project will bring the boating facility to current safety and building codes.	This project would require a design phase that could start immediately. The construction would start within a year after design starts, as policies allow. There are ODNR grants available to help with funding.	Sedamsville	\$ 50,000	This site needs a full renovation, minimally a new dock. The 2012 Master plan estimates cost of \$10,000,000 for full site renovation.
4	Playground Equipment and Amenities at Ten Sites	This project would facilitate playground replacements at ten sites.	Several playgrounds are beyond their expected useful life and need to be replaced for safety and appeal.	New playgrounds would meet all current codes and ADA compliance standards.	Design could start immediately. Equipment takes approximately 3 months to arrive once ordered.	Various	\$ 1,800,000	Replace next 10 playgrounds from the ongoing master list.
5	Millvale Recreation Center Building Code Issue	Millvale Recreation Center stairways need railings to be replaced.	The stairway railings do not meet building codes. A child could fall through the openings. Snow fence was installed to provide temporary protection until funding is available.	This would bring the railings up to code and safety standards.	Design could start immediately, then work would start after design completion.	Millvale	\$ 100,000	
6	Leblond Aquatic Facility Renovation	The Leblond Aquatic Facility requires renovation and updates.	This project will bring the aquatic facility to current safety and building codes.	This project will bring the aquatic facility to current safety and building codes.	This project would require a design phase that could start immediately. The construction would start within a year after design starts, as policies allow.	East End	\$ 1,650,000	

**Critical Infrastructure Needs, Department: Recreation**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
7	Winton Hills Aquatic Facility - Install New Pool	The Winton Hills Aquatic Facility requires renovation and updates.	This project will bring the aquatic facility to current safety and building codes.	This project will bring the aquatic facility to current safety and building codes.	This project would require a design phase that could start immediately. The construction would start within a year after design starts, as policies allow.	Winton Hills	\$ 4,350,000	
8	Mt. Adams Aquatic Facility - Renovation	The Mt. Adams Aquatic Facility requires renovation and updates.	This project will bring the aquatic facility to current safety and building codes.	This project will bring the aquatic facility to current safety and building codes.	This project would require a design phase that could start immediately. The construction would start within a year after design starts, as policies allow.	Mt. Adams	\$ 2,490,000	Pool and pool house are in poor condition.
9	Lunken Tennis Courts (8)	This project would allow for the installation of new Lunken Playfield Tennis and Pickleball courts.	This project will bring the tennis facility to proper condition and extend their useful life.	The users of the site will have a new facility to have tournaments and meet other needs.	This project would require a design phase that could start immediately. The construction would start within 6 months after design starts, as policies allow.	Linwood	\$ 1,100,000	These courts were not properly installed in 1970's resulting in severe cracks and annual repairs of \$100k+.
10	Renovate Athletic Fields (5)	This project would allow for the renovation of 5 athletic field sites.	This project will bring sport facilities to current codes and meet the community needs.	The users of the site will have a new facility that meets current codes and fulfills community needs.	This project would require a design phase that could start immediately. The construction would start within 6 months after design starts, as policies allow.	Various	\$ 1,315,000	Renovate next 5 sport fields from the ongoing master list.
							<b>\$ 27,675,000</b>	

**Critical Infrastructure Needs, Department: Parks**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
1	Smale Riverfront River's Edge Stabilization	Significant (6+ feet) and rapid erosion is occurring along the river edge at the west end of CPB-controlled property. Discussion is underway with the US Army Corps of Engineers (USACE) to armor the riverfront with a hard edge. When properly completed, this project will cost in excess of \$15,000,000 with match funding and grant potential to close funding gaps.	Continued erosion during extreme weather events threatens the \$100+ million investment in Smale Riverfront Park. Current erosion conditions create an unsafe shoreline for people and employees to walk along.	The final project will create a finished shoreline allowing citizens to better access and interact with the Ohio River, similar to the Serpentine Wall in Sawyer Point.	This project can be completed during FY 2023.	Downtown	\$ 1,070,000	
2	McEvoy Park Renovation	This project will narrow and constrict the loop road from vehicle traffic, install an overdue new playground with safety buffers, install fencing and strategic plantings to activate the park, protect and separate amenities, and promote safety.	The roadway and loop configuration make this park a haven for drug trafficking and other nefarious use that prevents others from enjoying the park.	The improvements will make the park more desirable for families and more positive activities.	The conceptual design of the project is in progress. After funding is secured, community engagement would occur, designs would be finished, and the project could begin quickly after.	College Hill	\$ 1,605,000	
3	Fairview Park Overlook Stabilization	The Parks Department is awaiting the results of the August 2022 geotechnical borings to inform the next steps in the design and stabilization of these historic overlooks, which are being lost to erosion.	All funding allotted to this effort would be placed toward stabilization, erosion control, and restoration of these overlooks.	Stabilization will ensure generations of Cincinnatians get to enjoy the scenic view of the City.	The geotechnical boring report will lead directly to engineering design and commencement of the project.	CUF	\$ 802,500	
4	Bellevue Pavilion Stabilization	The historic Bellevue Pavilions are beginning to slide and need to be properly stabilized. The loop road will be isolated from illegal car parking via removable bollards. The pavilion floor will be stabilized and the grade lowered to reduce people climbing on and defacing the historic concrete overhangs.	This project would eliminate safety hazards, halt deterioration of infrastructure, and preserve this historic structure for generations of Cincinnatians.	Accessible parking features will be added to ensure inclusive enjoyment of the overlook.	With funding, engineering design could begin quickly, and lead to commencement of the project.	CUF	\$ 2,407,500	
5	Jackson Hill Park Renovation	This project will re-configure the play spaces and gathering areas to better align with the surrounding neighborhoods. The existing playgrounds will be replaced and relocated away from the roadway. The pavilion will receive needed upgrades to electrical, safety, and accessibility features. Additional reflection areas and recreational amenities will be added near the overlook walk to further activate the park.	This project will eliminate safety hazards, halt deterioration of infrastructure, and make the park more attractive for positive uses, which will help deter the frequent nefarious activities occurring at present.	The pavilion will receive needed upgrades to accessibility features, safety updates, and recreational amenities in a traditionally underserved park, making it a more desirable destination.	The conceptual design of the project is in progress. After funding is secured, community engagement would occur, designs would be finished, and the project could begin quickly after.	Mt. Auburn	\$ 695,500	



**Critical Infrastructure Needs, Department: Parks**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
6	Mt. Echo Park Pavilion Restoration	Several drainage and degradation issues at the pavilion exist that will quickly lead to much more significant maintenance challenges if not dealt with soon. Pavilion and drainage remedies are currently under design.	This project would eliminate safety hazards, halt deterioration of infrastructure, and preserve this historic structure for future generations.	This work will also include accessibility improvements to the pavilion.	With funding, engineering design could begin quickly and lead to commencement of the project.	East Price Hill	\$ 2,140,000	
7	Mayfield Park Restoration	The existing playground is in need of repair and has limited accessibility. The playground and existing surfacing will be replaced and will include new accessible play features. With any remaining funds, additional plantings and play features will be added to increase urban forest canopy and further activate the park.	This project will eliminate safety hazards, halt deterioration of infrastructure, and make the park more attractive.	A new accessible path will connect the playground.	The conceptual design of the project is in progress. After funding is secured, community engagement would occur, designs would be finished, and the project could begin quickly after.	East Price Hill	\$ 374,500	
8	Glenway Park Restoration	The destructive invasive species that have grown along the eastern and western park edges seclude the majority of the park from sight. The playground is also in need of replacement.	Under this project, the invasive species will be removed and playground will be replaced to promote safe and visible use of the space.	Removal of invasives will make the park much more attractive and accessible.	The conceptual design of the project is in progress. After funding is secured, community engagement would occur, designs would be finished, and the project could begin quickly after.	East Price Hill	\$ 321,000	
9	Seasongood Square Restoration	This project will rehabilitate the existing storage building, including new windows and doors, addition of an event stage, and electrical service to support increased park activation. An additional irrigation line to the north end of the park will improve maintenance and planting opportunities. Additional recreational opportunities will be added with remaining funds.	This project will eliminate safety hazards, halt deterioration of infrastructure, and make the park more attractive.	The improvements will make the park much more attractive and accessible.	The conceptual design of the project is in progress. After funding is secured, community engagement would occur, designs would be finished, and the project could begin quickly after.	Avondale / North Avondale	\$ 374,500	
10	Ault Park Cascade Renovation	The historic cascades below the Ault Pavilion are in need of a full restoration in the next three years due to significant failure and limestone degradation. The recirculating pumping system and associated appurtenances also need replaced and reconfigured to be more environmentally and financially sustainable.	This project will halt deterioration of infrastructure, and make the park more attractive. Additionally, the project will maintain a \$150K annual revenue stream from rentals.	Ault Park is one of the most visited locations in the Parks Department. This project will ensure use of the space for generations of Cincinnatians.	With funding, engineering design could begin quickly and lead to commencement of the project.	Mt. Lookout	\$ 3,210,000	
							<b>\$ 13,000,500</b>	

**Critical Infrastructure Needs, Department: Transportation & Engineering**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
1	Remove any components for Downtown Lighting Circuits from Duke Manholes	This project would facilitate the removal of any City owned components for the Downtown Lighting Circuits from Duke owned manholes.	This project will separate City components from Duke infrastructure to make troubleshooting and repairs faster and safer.	This project will provide more consistent lighting for the public and reduce outages.	This project can be completed in phases over several Fiscal Years (2023 and 2024 for example).	CBD	\$ 20,000,000	
2	Central Business District Street Lighting Replacement	The high mast lights in the Central Business District were installed over 40 years ago and have reached the end of their useful life. This project would allow for updates and replacements of these lights to bring them back up to operating standards for the City.	The project will replace the lighting system that is in poor and failing condition. The replacement is a proactive approach to removing infrastructure that could <u>unexpectedly collapse.</u>	This project will add LED lights throughout the Central Business District and increase both visibility and safety for pedestrians and other vulnerable users of the right of way.	This project can be completed during one Fiscal Year (2023 for example).	CBD	\$ 10,000,000	These are City-owned street lights.
3	Central Business District Traffic Signal Booms Replacement	The overhead signal booms in the Central Business District were installed over 40 years ago and have reached the end of their useful life. This project would allow for updates and replacements of these Traffic Signal Booms to bring them back up to City operating standards.	The project will replace the boom system that is in poor and failing condition. The replacement is a proactive approach to removing infrastructure that could unexpectedly collapse.	This project will replace the signal boom infrastructure throughout the Central Business District and increase visibility for all modes of transportation increasing the overall safety of the network.	This project can be completed in phases over several Fiscal Years (2023 and 2024 for example).	CBD	\$ 30,000,000	
4	Street Rehabilitation	This project would serve to rehabilitate the dilapidated City streets.	Rehabilitation of the City streets will provide a safer and improved driving surface.	During the rehabilitation process, traffic would be flagged around the work zone.	This project can be completed during one Fiscal Year (2023 for example).	Various	\$ 18,000,000	
5	Columbia Parkway	The landslide above the retaining wall on Columbia Parkway between Beechmont Avenue and the curve in the parkway below Alms Park would be stabilized with this project. The landslide extends more than halfway up the hillside and the landslide toe, or the end of the landslide movement, is currently on top of the wall. There are also several internal scarps, or steep slopes, within the landslide mass.	Stabilization of the landslide would remove the threat of movement onto Columbia Parkway and into active traffic.	Columbia Parkway would be reduced to one lane in each direction to remove a portion of the center barrier wall. This traffic pattern would be similar to the existing traffic pattern at the existing Columbia Parkway bridge construction.	Additional field inspection of the landslide may need to be followed by a subsurface investigation. The Columbia Parkway bridges must be completed before this project would be able to begin. The bridges are expected to be completed in 2023. Grant applications would be submitted for TIC and OPWC. Landslide stabilization could begin no sooner than 2024.	Columbia Tusculum	\$ 1,500,000	

**Critical Infrastructure Needs, Department: Transportation & Engineering**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
6	Minor Street Traffic Calming - Asphalt Speed Hump Reconstruction	Of the 400+ asphalt speed humps constructed, over half have exceeded the 15 year life expectancy. This project would reconstruct older asphalt speed humps. This project will maintain our neighborhoods' livability by mitigating the impact of vehicular traffic on residential areas. The project supports safe and pleasant conditions for residents, bicyclists, and motorists on neighborhood streets.	The project supports safe and pleasant conditions for residents, bicyclists, and motorists on neighborhood streets.	There would be minor vehicular detours while asphalt speed humps are being reconstructed. Local traffic will always be maintained.	The speed hump reconstruction can be completed before the end of CY 2023.	Various	\$ 4,000,000	Reconstruction of existing speed humps is unfunded.
7	CBD pavers in the crosswalks and sidewalks	The pavers in the crosswalks and sidewalks of the Central Business District are in need of replacement. Currently, the pavers are creating an uneven walking surface and, in some cases, a tripping hazard.	This project will create safe sidewalks and crosswalks for pedestrians and low mobility users.	There will be minor vehicular detours while the crosswalks and pavers are being repaired and built. Local traffic would always be maintained.	This project can be completed in phases over several Fiscal Years (2023 and 2024 for example).	CBD	\$ 10,000,000	
8	Convert all electric lights to LED	This project would replace existing high-intensity discharge lighting fixtures with new LED fixtures.	The conversion to LED lighting will provide better pedestrian and vehicular lighting.	While lights are replaced along the curb there will be minor vehicular detours. Local traffic will always be maintained.	This project can be completed in phases over several Fiscal Years (2023 and 2024 for example).	Various	\$ 15,000,000	
9	Citywide traffic signals	This project will facilitate replacement of traffic signal infrastructure throughout the City.	This replacement will provide better signals for pedestrian and vehicular traffic.	There will be minor vehicular detours while the signals are replaced. Local traffic will <b>always be maintained.</b>	15 signals would be replaced per year over the next 3 years.	Various	\$ 11,250,000	
10	Mill Creek Road (Central Incinerator) Bridge Rehabilitation	This project would facilitate repair of the Mill Creek Road Bridge. These repairs would include spot repairs of rusted steel members, replacement of selected steel bearings and expansion joints, and the cleaning and painting of steel truss members.	The repairs would aid in preservation of the Fracture Critical bridge.	The Mill Creek Road Bridge has one signalized lane for vehicles and a bike lane, as well as provides access to the Cincinnati Fire Department training facility. During the repairs, the bike lane would likely be closed, while vehicle access would be maintained.	Design of the repairs has not begun. Construction is tentatively planned for 2028.	Camp Washington, South Cumminsville, Millvale	\$ 500,000	
							<b>\$ 120,250,000</b>	

**Critical Infrastructure Needs, Department: Public Services**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
1	Cormany Garage Renovation	Cormany Garage was built in 1929 and is inadequate to meet current service demands. The roof and masonry need major repairs, there is significant hazard abatement work that needs to be addressed, and the skylights and windows all need energy-efficient replacement.	This project will remove hazardous materials from the facility, increase employee efficiencies and increase energy efficiencies in the facility.	Improvements to this garage will help address building inefficiencies which in turn will allow for more productivity.	Design services can begin in FY 24 with construction beginning in FY 25.	Camp Washington	\$ 5,000,000	
2	Fleet Services Garage Replacement	Fleet Services Garage was built in 1939 and is inadequate to meet today's service demands. The layout is inefficient, the overhead doors are too small, the Fire Shop slab needs total replacement, and there is a major hazard abatement that needs to be addressed. The facility will need to be adapted for an electrified fleet.	This project would benefit employees by providing a state-of-the-art facility to manage and repair a modern electrified fleet of vehicles.	Improvements to this garage will help address building inefficiencies which in turn will allow for more productivity.	This project will require land acquisition prior to commencement of design. If funded, property could be procured in FY 24 with design services in FY 25 and construction in FY 26.	Camp Washington	\$ 43,200,000	
3	College Hill Town Hall Renovation	This historic building needs major renovations. Work includes energy efficiency work, electric upgrades, mechanical systems replacement, ADA improvements, roof replacement, security upgrades, and funds to address code issues. Additionally, the facility needs investment to allow for additional programming and use for the community.	College Hill Town Hall is a community treasure. Built in 1890, the facility is now leased to a dance studio. Their use is limited based on the current conditions. There is a desire to increase activity at the site and to allow for more community programming.	Currently, College Hill Town Hall is inaccessible. Improvements will prioritize a lift to get into the facility, replacement of door hardware, and restroom renovations to meet ADA Guidelines.	Design services can begin in FY 24 with construction beginning in FY 25.	College Hill	\$ 5,000,000	
4	Fire Station 8 Replacement	Fire Station 8 is a single apparatus bay that is not in a suitable location based on current service demands. The major intersection where the station is located also creates delays in service calls due to traffic blocking egress. The station is on a hillside and shows significant signs of settlement.	Replacement of this facility would benefit the community by allowing for faster response times to emergencies.	A replacement facility would meet all current ADA Guidelines.	This project will require land acquisition prior to commencement of design. If funded, property could be procured in FY 24 with design services in FY 25 and construction in FY 26.	Pleasant Ridge	\$ 7,200,000	
5	Fire Station 2 Replacement	Fire Station 2 cannot meet the current service demand for the neighborhood and the location is unsuitable for service demands. The Station, built in 1937, is too small for current staffing needs.	Replacement of this facility would benefit the community by allowing for faster response times to emergencies.	A replacement facility would meet all current ADA Guidelines.	This project will require land acquisition prior to commencement of design. If funded, property could be procured in FY 24 with design services in FY 25 and construction in FY 26.	Carthage	\$ 7,200,000	

**Critical Infrastructure Needs, Department: Public Services**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
6	Fire Station 49 Replacement	Fire Station 49 cannot meet the current service demand for the community. The apparatus bay doors are too small to fit modern apparatus. Currently only oldest apparatus can fit. When this equipment becomes non-functional there will be no apparatus that can fit. Current service demands a three bay station and only one bay can be utilized.	Replacement of this facility would benefit the community by allowing for faster response times to emergencies.	A replacement facility would meet all current ADA Guidelines.	This project will require land acquisition prior to commencement of design. If funded, property could be procured in FY 24 with design services in FY 25 and construction in FY 26.	Madisonville	\$ 7,200,000	
7	Multiple Elective Vehicle (EV) Charging Locations for City Fleet	Currently, there is \$200,000 allocated for professional services to determine the best way to locate EV charging locations for City fleet. Additional funding will be required to acquire property based on recommendations and for additional professional services to develop permit drawings.	Converting to a fleet of electric vehicles is a goal of the Green Cincinnati Plan. Charging infrastructure is required to support this goal.	This is a continuation of an existing project and simply allows for further development of scope. Additional funds will need to be set aside after property acquisition once a better construction cost estimate can be determined.	This project will require land acquisition prior to commencement of design. If funded, property could be procured in FY 24 with design services in FY 25 and construction in FY 26.	To be determined	\$ 3,000,000	
8	West Fork Incinerator Demolition and Site Reuse Project	This structure has been deteriorating since abandonment in 1971 and poses significant liability to the City. Demolition of the structure and remediation of the site is recommended.	The demolition of the building will increase the footprint of the West Fork site by approximately an acre. The additional space can allow for expanded storage of carts and other operations equipment, potentially including EV charging.	Remediation of the site will benefit the neighborhood by removing an environmental hazard and an eyesore that has recently had a walking trail installed adjacent to it.	Design services can begin in FY 24 with demolition beginning in FY 25.	South Cumminsville	\$ 5,000,000	
9	City Hall HVAC/ Cooling Tower Replacement	This project would replace out of life cycle HVAC equipment at City Hall. A lot of the equipment contains R-22 refrigerant which is now obsolete and must be replaced. R-22 contains hydrochlorofluorocarbon (HCFC) which is an environmental hazard.	The cooling tower in City Hall is antiquated and must be replaced. If the cooling tower fails, the facility will be without air and ventilation for an extended period of time.	Removal of equipment that contains HCFCs will eliminate environmental hazards.	Design services can begin in FY 24 with construction beginning in FY 25.	Downtown	\$ 4,000,000	
10	Radcliff/ Emergency Operations Center HVAC Replacement	Radcliff is a critical facility and is the home of the 911 call center for the City and the Emergency Operations Center. A lot of the equipment contains R-22 refrigerant which is now obsolete and must be replaced. R-22 contains hydrochlorofluorocarbon (HCFC) which is an environmental hazard.	Radcliff is the most important facility in the City and must be funded adequately for maintenance and capital projects.	Removal of equipment that contains HCFCs will eliminate environmental hazards.	Design services can begin in FY 24 with construction beginning in FY 25.	South Fairmount	\$ 2,100,000	
							<b>\$ 88,900,000</b>	

**Critical Infrastructure Needs, Department: Health**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
1	Price Hill Health Center (PHHC) Air Handler	The Price Hill Health Center is in need of a new air handler. The current one is over 35 years old and has experienced numerous emergency repairs in the past, remains a concern.	The Health Center needs the air handler for appropriate air circulation to create a comfortable environment for employees and visitors.	This is a community health center, so it is extremely important to keep it up to operating standards to continue to serve the City.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Price Hill	\$ 120,000	
2	Bobbie Sterne Structural Support	The existing structural beams at the Bobbie Sterne Health Center are bowing and showing signs of stress. This project would facilitate the installation of structural support in the basement area that extends under the sidewalk.	As the beams continue to age, the risk of structural and nearby sidewalk collapse increases.	The basement of the Health Center extends under the public sidewalk. If there is a structural collapse of the building, it would likely cause the sidewalk to collapse as well.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Over-the-Rhine	\$ 30,000	Currently, The Health Department is in the process of preparing an RFP for a master buildings plan to assess replacement versus repair of facilities.
3	Bobbie Sterne HVAC Units	The R-22 HVAC units at the Bobbie Sterne Health Center need to be replaced.	Once R-22 refrigerant is phased out, the systems will not be able to be repaired. They are a necessity to create a comfortable environment for visitors and employees.	This is a community health center, so it is extremely important to keep it up to operating standards to continue to serve the City.	With funding for new units, the old units can be disposed with the labor will be performed by in-house facility staff. This work could begin as soon as policies allow.	Over-the-Rhine	\$ 300,000	Currently, The Health Department is in the process of preparing an RFP for a master buildings plan to assess replacement versus repair of facilities.
4	Burnet & King (B&K) Roof	The roof of the Burnet & King (B&K) building needs full replacement. Spot repairs have been performed to remediate leaks, but these repairs are only temporary solutions.	Repair of the roof will aid to eliminate any ongoing water damage caused by leaks.	The repair of the roof and minimizing water damage will allow employees to continue working without disruption to meet service delivery standards.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Corryville	\$ 60,000	Critical due to employee safety and mitigation of additional damage. Currently, the Health Department is in the process of preparing an RFP for a master buildings plan to assess replacement versus repair of facilities.
5	B&K Structural Repairs	This project would facilitate the repair of structural cracks in the B&K building. There are observable cracks in the basement as well as the 4th floor mechanical room. These cracks allow for condensation and water to leak from the roof.	Stabilization of structure would increase Public and employee safety by eliminating hazards associated with the cracks.	The work to repair the cracks and structure damage would likely take place where employees would be working in the building, so temporary distractions or relocation may occur.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Corryville	\$ 150,000	Critical due to employee safety and mitigation of additional damage. Currently, The Health Department is in the process of preparing an RFP for a master buildings plan to assess replacement versus repair of facilities.

**Critical Infrastructure Needs, Department: Health**

Rank	Critical Infrastructure Project	Project Description	Description of Impact on Public and Employee Safety	Description of Accessibility and Impact on the Public	Description of Shovel Readiness	Neighborhood	Estimated Project Cost	Additional Comments
6	B&K Exterior Painting	The paint on the building exterior is chipping, so exterior painting is necessary to mitigate the paint chipping.	The exterior painting would minimize any chipping paint falling and littering the sidewalk below as well as stabilize crumbling walls.	It is important to minimize the hazard of the chipping paint creating litter and hazards for the surrounding community.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Corryville	\$ 155,000	Critical to mitigate additional damage. Currently, The Health Department is in the process of preparing an RFP for a master buildings plan to assess replacement versus repair of facilities.
7	Bobbie Sterne Interior Painting	The lobby area of the Bobbie Sterne building needs fresh paint to eliminate chipping paint.	Painting would minimize peeling paint falling into working spaces as well as stabilize crumbling walls.	This is a community health center, so it is extremely important to keep it up to operating standards to continue to serve the City.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Over-the-Rhine	\$ 120,000	Currently, the Health Department is in the process of preparing an RFP for a master buildings plan to assess replacement versus repair of facilities.
8	B&K Elevators	The elevators in the B&K building are original to the building, which is 52 years old. Annually, \$30,000 is spent in preventative maintenance to keep the aging elevators up to standards.	Replacement of the elevators would ensure that the elevators are up to current safety standards.	Replacing the elevators would take place where employees would be working in the building, so temporary distractions or relocation may occur.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Corryville	\$ 250,000	Critical due to employee safety and mitigation of high maintenance costs.
9	Bobbie Sterne Cooling Tower	The aging cooling tower at the Bobbie Sterne Health Center is in need of replacement.	The Health Center needs the cooling tower for appropriate air circulation to create a comfortable environment for employees and visitors.	This is a community health center, so it is extremely important to keep it up to operating standards to continue to serve the City.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Over-the-Rhine	\$ 120,000	Currently, the Health Department is in the process of preparing an RFP for a master buildings plan to assess replacement versus repair of facilities.
10	B&K Asbestos Remediation	All steam piping and water lines at the B&K building must be replaced for asbestos abatement. Additionally, it is likely that all flooring material must be replaced.	Asbestos abatement helps mitigate environmental risks and hazards.	This work will take place where employees may be working so temporary distractions or relocation may occur.	Architectural drawings would not be required for this replacement, so work could begin immediately.	Corryville	\$ 350,000	Critical due to employee safety.
							<b>\$ 1,655,000</b>	

March 15, 2023

**To:** Mayor and Members of City Council 202300835  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – DOTE: COTF Grant for Wasson Way Trail Phase 6A**

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Attached is an Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant,” for the purpose of providing resources for the construction of Phase 6A of the Wasson Way Trail; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount up to \$500,000 from the Clean Ohio Trails Fund program as awarded by the Ohio Department of Natural Resources to newly established capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant;” **AUTHORIZING** the Director of Finance to deposit the grant resources into newly established capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant”; and **AUTHORIZING** the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

Approval of this Ordinance authorizes the City Manager to accept and appropriate a grant in an amount up to \$500,000 from the Clean Ohio Trail Fund (COTF) program awarded by the Ohio Department of Natural Resources (ODNR) to newly established capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant,” for the purpose of providing resources for the construction of Phase 6A of the Wasson Way Trail. This Ordinance also authorizes the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

On March 24, 2021, the City Council approved Ordinance No. 0088-2021, which authorized the City Manager to apply for grant resources from the COTF grant program in an amount up to \$500,000 for the construction of Phase 6A of the Wasson Way Trail project. The City received the grant award, and City Council authorization is required to accept and appropriate the grant resources. The grant requires matching resources of up to approximately \$166,667, which will be made available from existing “Wasson Way Trail” capital improvement program project account nos. 980x232x212371, 980x232x222371, and 980x232x232371. No new FTEs are required.

The Wasson Way Trail Network is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as with strategies to “[e]xpand options for non-automotive travel”



and to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**ESTABLISHING** new capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant,” for the purpose of providing resources for the construction of Phase 6A of the Wasson Way Trail; **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount up to \$500,000 from the Clean Ohio Trails Fund program as awarded by the Ohio Department of Natural Resources to newly established capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant”; **AUTHORIZING** the Director of Finance to deposit the grant resources into newly established capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant”; and **AUTHORIZING** the City Manager to execute any agreements necessary for the receipt and administration of these grant resources.

WHEREAS, the planned Wasson Way Trail is a shared-use path for bicycles and pedestrians extending from the intersection of Martin Luther King Jr. Drive and Reading Road in Avondale eastward through the City of Norwood, the Cincinnati neighborhoods of Evanston, Hyde Park, Oakley, and Mount Lookout, through the Village of Fairfax, and ending east of Wooster Road near its intersection with Red Bank Road in Columbia Township; and

WHEREAS, Council approved Ordinance No. 0088-2021 on March 24, 2021, which authorized the City Manager to apply for grant resources from the Clean Ohio Trails Fund grant program to be awarded by the Ohio Department of Natural Resources in an amount up to \$500,000 for the purpose of providing resources for the construction of Phase 6A of the Wasson Way Trail project; and

WHEREAS, the City received the grant award, and Council authorization is required to accept and appropriate the grant resources; and

WHEREAS, the grant requires matching funds of up to approximately \$166,667, which will be made available from existing “Wasson Way Trail” capital improvement program project account nos. 980x232x212371, 980x232x222371, and 980x232x232371; and

WHEREAS, there are no new FTEs associated with this grant; and

WHEREAS, the construction of the Wasson Way Trail is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as well as the strategies to “[e]xpand options for non-automotive travel,” and “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant,” is hereby established for the purpose of providing resources for the construction of Phase 6A of the Wasson Way Trail project.

Section 2. That the City Manager is authorized to accept and appropriate grant resources in an amount up to \$500,000 from the Clean Ohio Trails Fund program as awarded by the Ohio Department of Natural Resources to newly established capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant,” for the purpose of providing resources for Phase 6A of the Wasson Way Trail project.

Section 3. That the Director of Finance is authorized to deposit the grant resources into newly established capital improvement program project account no. 980x232x232315, “Wasson Way 6A 2023 ODNR COTF Grant.”

Section 4. That the City Manager is hereby authorized to execute any agreements necessary for the receipt and administration of these grant resources.

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

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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

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

March 15, 2023

**To:** Mayor and Members of City Council 202300836  
**From:** Sheryl M. M. Long, City Manager  
**Subject: Emergency Ordinance – DOTE: Prus Construction Moral Obligation**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** a payment in the amount of \$46,506.90 to Prus Construction as a moral obligation of the City of Cincinnati for professional services completed for the Downtown Fiber Optic Cable project.

This Emergency Ordinance authorizes the payment in the amount of \$46,506.90 to Prus Construction for professional services related to the Downtown Fiber Optic Cable project as a moral obligation for services provided to the City.

The City of Cincinnati entered into a contract with Prus Construction for professional services for the Downtown Fiber Optic Cable project. The City certified resources to contract CT 239 171C009031, and a payment was to be made to Prus Construction as part of a contract contingency. An administrative error resulted in the contract contingency amount being overspent, and the contract certification amount was insufficient to pay Prus Construction.

Sufficient resources are available in existing capital improvement program project account no. 980x239x3000x7671x232341, “Computerized Traffic Signal System,” to pay Prus Construction for services provided to the City.

The reason for the emergency is the immediate need to pay Prus Construction in a timely manner for services provided to the City of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**EMERGENCY**

**MSS**

**- 2023**

**AUTHORIZING** a payment in the amount of \$46,506.90 to Prus Construction as a moral obligation of the City of Cincinnati for professional services completed for the Downtown Fiber Optic Cable project.

WHEREAS, the City of Cincinnati entered into a contract with Prus Construction for professional services for the Downtown Fiber Optic Cable project; and

WHEREAS, the City certified resources to contract CT 239 171C009031, and a payment was to be made to Prus Construction as part of a contract contingency; and

WHEREAS, an administrative error resulted in the contract contingency amount being overspent, and thus the contract certification amount was insufficient to pay Prus Construction; and

WHEREAS, sufficient resources are available in existing capital improvement program project account no. 980x239x3000x7671x232341, "Computerized Traffic Signal System," to pay Prus Construction for services provided to the City; and

WHEREAS, the Cincinnati City Council desires to provide payment for such services in the amount of \$46,506.90 to Prus Construction; 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 in the amount of \$46,506.90 from capital improvement program project account no. 980x239x3000x7671x232341, "Computerized Traffic Signal System," to Prus Construction as a moral obligation of the City of Cincinnati for professional services completed for the Downtown Fiber Optic Cable project.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay Prus Construction in a timely manner for services provided to the City of Cincinnati.

Passed: \_\_\_\_\_, 2023

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

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

March 15, 2023

**To:** Mayor and Members of City Council 202300837

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

**Subject:** **Ordinance – Department of Economic Inclusion (DEI): 2023 Business Enterprise Expo Donations**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager and employees of the Department of Economic Inclusion to solicit and accept donations of money, in-kind contributions, participation fees, and other things of value from the business community, individual benefactors, and other appropriate sources for the City of Cincinnati’s 2023 Business Enterprise Expo; and **AUTHORIZING** the Finance Director to deposit the donated funds into Special Events Fund 314.

This Ordinance authorizes the City Manager and employees of the Department of Economic Inclusion (DEI) to solicit and accept donations of money, in-kind contributions, participation fees, and other things of value from the Cincinnati business community, individual benefactors, and other appropriate sources for the purpose of providing resources to support the City of Cincinnati’s 2023 Business Enterprise Expo. This Ordinance also authorizes the Finance Director to deposit donated resources into Special Events Fund 314.

The 2023 Enterprise Business Expo will be hosted by DEI on September 29, 2023, at the Duke Energy Convention Center (DECC). This event will allow DEI-certified businesses to meet larger businesses within the City, promote peer-to-peer networking, and strengthen the relationship between DEI and the City’s business community. DEI will also certify new businesses at the 2023 Business Enterprise Expo.

DEI’s 2022 inaugural Expo had over 300 attendees and 70 business participants. Certification activities increased during the months of August, September, and October related to the 2022 Expo.

The 2023 Business Enterprise Expo is in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” and the strategy to “[b]uild a streamlined and cohesive development process” as described on pages 103-113 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



**AUTHORIZING** the City Manager and employees of the Department of Economic Inclusion to solicit and accept donations of money, in-kind contributions, participation fees, and other things of value from the business community, individual benefactors, and other appropriate sources for the City of Cincinnati's 2023 Business Enterprise Expo; and **AUTHORIZING** the Finance Director to deposit the donated funds into Special Events Fund 314.

WHEREAS, the 2023 Business Enterprise Expo will be hosted by the City of Cincinnati's Department of Economic Inclusion ("DEI") on September 29, 2023 at the Duke Energy Convention Center; and

WHEREAS, the 2023 Business Enterprise Expo will allow DEI-certified businesses (subcontractors) to meet larger businesses (prime contractors) within the City, promote peer-to-peer networking, and strengthen the relationship between DEI and the City's business community; and

WHEREAS, DEI will certify new businesses at the 2023 Business Enterprise Expo; and

WHEREAS, the 2022 inaugural Expo had over 300 attendees and 70 business participants, which increased certification activities during the months of August, September, and October; and

WHEREAS, the 2023 Business Enterprise Expo is in accordance with the "Compete" goal to "[f]oster a climate conducive to growth, investment, stability, and opportunity" and the strategy to "[b]uild a streamlined and cohesive development process" as described on pages 103-113 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager and employees of the Department of Economic Inclusion are hereby authorized to solicit and accept donations of money, in-kind contributions, participation fees, and other things of value from the business community, individual benefactors, and other appropriate sources for the City of Cincinnati's 2023 Business Enterprise Expo.

Section 2. That the Finance Director is hereby authorized to deposit the funds donated to the City of Cincinnati into Special Events Fund 314.



Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1 and 2 hereof.

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

Passed: \_\_\_\_\_, 2023

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

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

**Date:** March 15, 2023

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

202300871

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

**Subject:** **Liquor License – Transfer (Exempt)**

---

***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

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

**APPLICATION:** 92820830005  
**PERMIT TYPE:** TREX  
**CLASS:** D2  
**NAME:** VINOLOGY LLC  
**DBA:** VINOLOGY  
3181 LINWOOD AVE  
CINCINNATI, OH 45208

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On January 24, 2023, Mt. Lookout Community Council was notified of this application and do not object.

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Police Department Approval

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David M. Laing, Assistant City Prosecutor  
Law Department - Recommendation

Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: March 17, 2023

**Clerk of Council**

**\$25.00 FILING FEE**

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

**LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT**

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

**A. LEGISLATIVE AGENT INFORMATION**

- 1. Full Name KELL PRATHER
- 2. Occupation Occupational Therapist
- 3. Title/Position CEO
- 4. Business Address 791 E. McMullan Street  
City State Zip(+4)  
Cincinnati OH 45206
- 5. Telephone Number (513) 258-9586
- 6. Date of Engagement as Legislative Agent 01/01/2009

**B. EMPLOYER INFORMATION**

- 1. Full name of company or organization Enhance Q Healthcare
- 2. Type of Industry Healthcare / Community Wellness Solutions
- 3. Business Address 791 E. McMullan Street Suite 210  
City State Zip(+4)  
Cincinnati OH 45206

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

HEALTHCARE, Afford Housing, Quality of Life ISSUES  
Community Development, Economic DEVELOPMENT, CRIMINAL Justice Reform

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

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

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

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

Kelli PRATTER  
 Type or Print Name of Legislative Agent

Kelli Pratter  
 Signature of Legislative Agent

03/11/2023  
 Date

Kelli PRATTER  
 Type or Print Name of Persons Signing for Employer

BY: Kelli Pratter  
 Signature for Employer

CEO  
 Title

03/11/2023  
 Date

15M-RZ8-M105

CLERK OF COUNCIL

202300268

**Clerk of Council**

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

Please check ALL that apply

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

**LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT**

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

**A. GENERAL INFORMATION**

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

Occupation Vice President, Government Strategies Group

Business Address 700 Walnut Street, Suite 450  
Street Suite Number

Cincinnati OH 45202  
City State Zip(+4)

Telephone Number ( 513 ) 651-4100

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

(If none, check here  )

Name of Legislative Agent \_\_\_\_\_

Address \_\_\_\_\_  
Street Suite Number

\_\_\_\_\_  
City State Zip(+4)

Telephone Number ( \_\_\_\_\_ ) \_\_\_\_\_

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

- January 1 - June 30, 2023 (Report due on or before July 31)
- July 1 - December 31, 2023 (Report due on or before Jan. 31)

**B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION**

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

\_\_\_\_ YES     X  NO

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

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

\_\_\_ YES     X  NO

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

<b>Employer Name</b>	<b>Date of Termination</b>
First Step Home	March 6, 2023
VineBrook Homes	March 6, 2023

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

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

(If none, check here \_\_\_\_\_)

**C. DEFINITIONS**

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

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

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

**D. FINANCIAL TRANSACTIONS**

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

- a. Name of the public officer, employee, or staff member: \_\_\_\_\_
- b. Brief description of the purpose and nature of the transaction: \_\_\_\_\_  
\_\_\_\_\_
- c. Date the transaction was made or entered into: \_\_\_\_\_
- d. Other pertinent details: \_\_\_\_\_  
\_\_\_\_\_

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

(If none, check here )

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

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

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

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

James T. Benedict

Type or Print Name of Legislative Agent

  
\_\_\_\_\_  
Signature of Legislative Agent

3/6/2023

Date

801300209

**Clerk of Council**

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

Please check ALL that apply

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

**LEGISLATIVE AGENT UPDATED REGISTRATION STATEMENT**

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**A. GENERAL INFORMATION**

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

Occupation Vice President, Development Strategies Group

Business Address 700 Walnut Street, Suite 450  
Street Suite Number

Cincinnati OH 45202  
City State Zip(+4)

Telephone Number (513) 651-4100

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

(If none, check here )

Name of Legislative Agent \_\_\_\_\_

Address \_\_\_\_\_  
Street Suite Number

\_\_\_\_\_  
City State Zip(+4)

Telephone Number (\_\_\_\_\_) \_\_\_\_\_

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

- January 1 - June 30, 2023 (Report due on or before July 31)
- July 1 - December 31, 2023 (Report due on or before Jan. 31)



**B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION**

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

\_\_\_\_ YES     NO

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

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

\_\_\_\_ YES     NO

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

<b>Employer Name</b>	<b>Date of Termination</b>
Towne Properties	March 6, 2023

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

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

(If none, check here \_\_\_\_\_)

**C. DEFINITIONS**

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

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

**D. FINANCIAL TRANSACTIONS**

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

- a. Name of the public officer, employee, or staff member: \_\_\_\_\_
- b. Brief description of the purpose and nature of the transaction: \_\_\_\_\_  
\_\_\_\_\_
- c. Date the transaction was made or entered into: \_\_\_\_\_
- d. Other pertinent details: \_\_\_\_\_  
\_\_\_\_\_

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

(If none, check here )

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

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

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

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

**J. Douglas Moormann**

Type or Print Name of Legislative Agent



Signature of Legislative Agent

**3/6/2023**

Date

202302810

**Clerk of Council**

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

Please check ALL that apply

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

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**A. GENERAL INFORMATION**

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

Occupation President & CEO, Government Strategies Group

Business Address 700 Walnut Street, Suite 450  
Street Suite Number

Cincinnati OH 45202  
City State Zip(+4)

Telephone Number (513) 651-4100

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

(If none, check here )

Name of Legislative Agent \_\_\_\_\_

Address \_\_\_\_\_  
Street Suite Number

\_\_\_\_\_  
City State Zip(+4)

Telephone Number (\_\_\_\_\_) \_\_\_\_\_

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

- January 1 - June 30, 2023 (Report due on or before July 31)
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**B. AMENDMENTS, TERMINATIONS, AND TYPES OF LEGISLATION**

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

\_\_\_\_ YES    X NO

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

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

\_\_ YES    X NO

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

<b>Employer Name</b>	<b>Date of Termination</b>
First Step Home	March 6, 2023
Towne Properties	March 6, 2023
VineBrook Homes	March 6, 2023

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

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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

(If none, check here \_\_\_\_\_)

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

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- a. Name of the public officer, employee, or staff member: \_\_\_\_\_
- b. Brief description of the purpose and nature of the transaction: \_\_\_\_\_  
\_\_\_\_\_
- c. Date the transaction was made or entered into: \_\_\_\_\_
- d. Other pertinent details: \_\_\_\_\_  
\_\_\_\_\_

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

(If none, check here )


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

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

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

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

**Charles H. Gerhardt, III**



**3/6/2023**

Type or Print Name of Legislative Agent

Signature of Legislative Agent

Date

March 8, 2023

202300750

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

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

**Subject: Finance and Budget Monitoring Report for the Period Ending December 31, 2022**

---

The purpose of this report is to provide the City Council with the status of the City's Fiscal Year (FY) 2023 financial and operating budget conditions as of December 31, 2022, to note any significant variances, identify potential budget issues, and provide recommendations. The report is divided into two sections: revenues and expenditures. Various supplemental reports are attached to reflect forecasted revenue, actual revenue, expenditures, and commitments through December 31, 2022.

The following Citywide issues may impact the General Fund 050, Special Revenue Funds, and Enterprise Funds.

1. General Fund revenues are greater than projected by \$11.2 million through the end of December. However, this report highlights increased potential expenditure needs in the amount of \$10.6 million.
2. Overtime in the Cincinnati Fire Department (CFD) and the Cincinnati Police Department (CPD) is currently outpacing the budget. In CFD, the increased overtime is primarily driven by the increased attrition experienced over the past several years. The department is required to use overtime to backfill the vacant positions. Additionally, the department added a new engine company to Westwood Station 35, resulting in additional staffing requirements and associated overtime. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. In CPD, the increased overtime is primarily due to Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113<sup>th</sup> Recruit Class graduates this winter. While \$500,000 American Rescue Plan (ARP) Act resources were allocated during this monitoring period to partially address CPD's overtime need, a need of \$800,000 remains.

3. The Approved FY 2022 Budget included a 2.0% wage increase for Cincinnati Organized and Dedicated Employees (CODE). The wage increase was not paid in FY 2022 as contract negotiations were still underway. Following the report of a fact finder in September 2022, which was approved by the City Council on October 5, 2022, through Ordinance No. 0312-2022, the new labor agreement includes a 5.0% wage increase retroactive to March 2022. The City processed a one-time payment to CODE employees in November 2022 for the portion of the wage increase retroactive to March 2022. Across all funds, the retroactive payment totaled \$2.3 million, including \$631,000 in the General Fund. Supplemental appropriations may be required to cover the additional cost of the wage increase over the budgeted amount as well as the retroactive pay.
4. The Approved FY 2023 Budget Update included a 3.0% wage increase for CODE. The fact finder's report, which was approved by the City Council on October 5, 2022, through Ordinance No. 0312-2022, includes a 4.0% wage increase for March 2023. Supplemental appropriations may be required to cover the cost of the wage increase over the budgeted amount.
5. Community Health Center Activities Fund 395 revenues continue to be negatively impacted by the lasting effects of the COVID-19 pandemic. Healthcare workers remain in high demand, which has resulted in a staffing shortage in nurses and medical assistants working in health centers. These staffing issues have impacted appointment availability and related revenue. The Cincinnati Health Department is continuing the hiring of temporary staff to alleviate staffing needs until the department can fill the permanent position vacancies. Revenue trends will continue to be closely monitored.
6. Parking meter revenue is below the estimate. However, many contractual service expenditures are based on revenue, so less revenue results in lower expenses in some cases. This should offset the reduction in revenue. The fund will be monitored closely to ensure expenditures do not outpace revenues.
7. The lasting impacts of the COVID-19 pandemic continue to impact supply chains and the costs of various goods and services. Departments report several areas of concern, including energy costs, vehicle repair and maintenance costs, and the supply of new vehicles. Trends in the energy sector show an increase in costs for natural gas, petroleum, etc. Supply chain issues have also resulted in the shortage of vehicle parts and semiconductor chips. Fleet repairs are becoming more difficult and more expensive in certain cases. The acquisition of new vehicles has also been affected by these issues. Fleet Services anticipates that new vehicles will be significantly delayed which may result in an operating budget need for vehicle leases until new vehicles become available and increased repair costs as older vehicles will remain in service for a longer

than anticipated period of time. These issues will be monitored closely for budgetary and operational impacts.

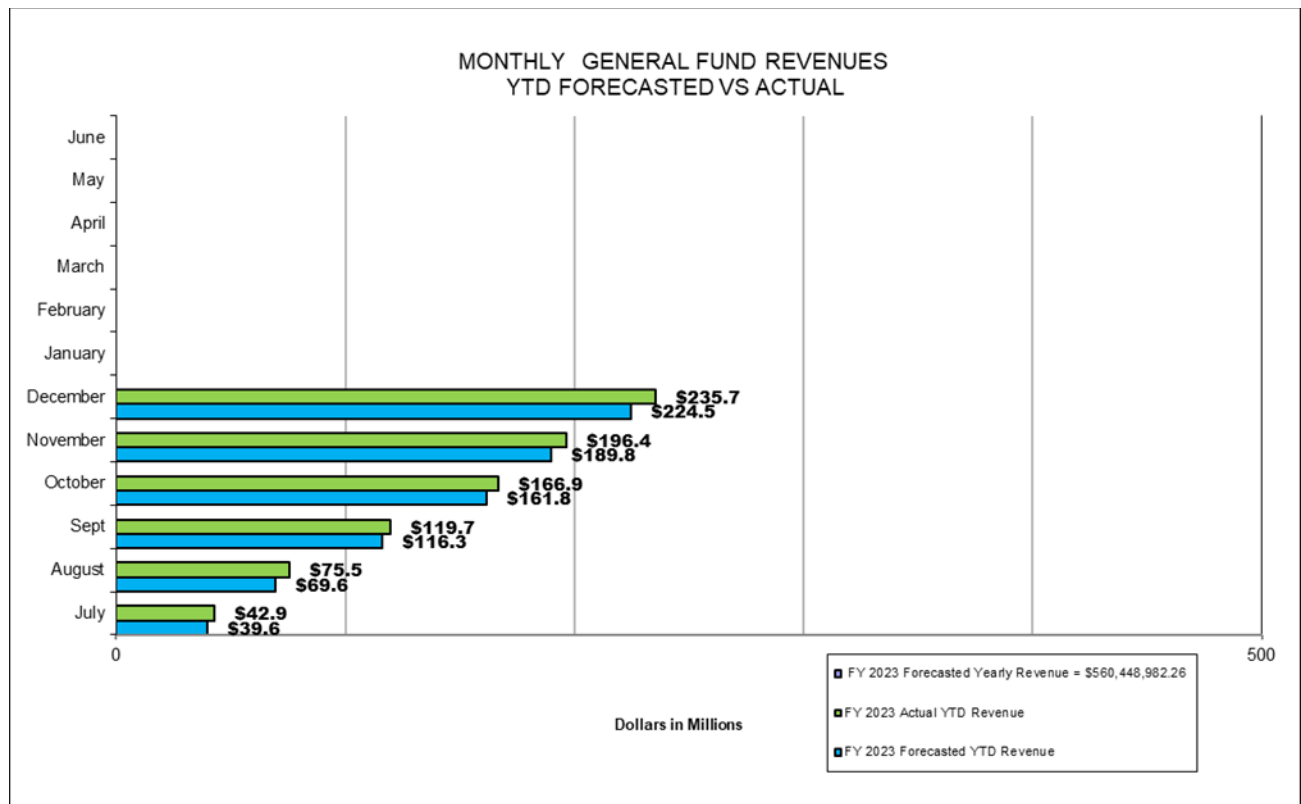
## REVENUE

The following report provides an update on the City of Cincinnati’s financial condition as of the month ending December 31, 2022. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue versus forecasted revenue and prior year actual revenue versus current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

### I. GENERAL FUND 050

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through December 31, 2022, and shows that actual revenue of \$235.7 million was above forecasted revenue of \$224.5 million by \$11.2 million.





The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

<b>GENERAL FUND REVENUE SOURCES</b>		
	<b>FAVORABLE VARIANCE</b>	<b>(UNFAVORABLE) VARIANCE</b>
General Property Tax		(\$1,534,628)
City Income Tax	8,692,309	
Admissions Tax	1,232,508	
Short Term Rental Excise Tax	521,611	
Licenses & Permits	445,155	
Fines, Forfeitures, & Penalties	512,474	
Investment Income	1,207,434	
Local Government	531,041	
Casino	461,182	
Police	529,501	
Buildings and Inspections		(\$16,349)
Fire	566,477	
Parking Meter	300	
Other		(\$1,962,072)
	14,699,991	(\$3,513,049)
Difference	11,186,942	

**General Fund (favorable variance) is \$11.2 million** above the amount forecasted through December in the FY 2023 Budget. This is the sixth month’s report for the fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

- 1. Property Tax (unfavorable variance) is \$1.5 million** below estimate due to the decrease in the millage for this half. The millage for the second half is set at a higher rate which will offset this unfavorable variance. The Administration anticipates Property Tax revenue will be on target at year end. This is a semi-annual payment. The second payment will be received in late Spring.

2. **Income Tax (favorable variance) is \$8.7 million** above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. The Finance Department will continue to watch the trends, including those related to remote work, very closely.
3. **Admission Tax (favorable variance) is \$1.2 million** above estimate. Many estimates were set at pre-pandemic levels; however, businesses have rebounded stronger than expected.
4. **Other (unfavorable variance) is \$2 million** below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. The Finance Department will continue to monitor these various revenue sources.

## II. RESTRICTED FUNDS

- A. **Parking Meter (unfavorable variance) is \$463k below estimate.** Even with a reduction in the current year estimate from last year, there is still less demand leading to the negative variance.
- B. **Convention Center (favorable variance) is \$642k** above estimate. The venue started this fiscal year off better than it has in several years with many bookings taking place again. In addition, the return of many people to downtown hotels has resulted in increased transient occupancy tax revenue.
- C. **Sawyer Point (unfavorable variance) is down \$240k.** This variance is partly due to a large concert cancellation at the beginning of the fiscal year and less demand for parking at the riverfront.
- D. **Community Health Centers (favorable variance) is up \$2.3 million.** Federal Emergency Management Agency (FEMA) reimbursements were received that cover prior year COVID expenses such as supplies and vaccine clinics. This was not estimated in FY 2023 as the timeliness of these reimbursements are difficult to predict.
- E. **Streetcar Operations (favorable variance) is \$1.7 million** above estimate. The Ohio Transit Partnership (OTP) and Formula grant payments were delayed from FY 2022, as were the voluntary tax incentive contribution agreement (VTICA) payments. These receipts were not estimated in FY 2023. This category will remain above estimate this fiscal year.
- F. **General Aviation (favorable variance) is up \$274k.** The County Auditor deemed some parcels owned by the City to be tax exempt, which resulted in an unexpected refund of more than \$349k in FY 2023. This category should end the

fiscal year above the estimate.

## **EXPENDITURES**

The following provides an update on the City of Cincinnati's operating budget position as of the month ending December 31, 2022. The attached Fund Summary Report provides the current budget, expenditures, and commitments of each appropriated fund. This report is presented on a year-to-date basis.

### **I. GENERAL FUND 050**

As shown on the attached report, total expenditures are 45.7% of budget, and commitments are 50.4% of budget in General Fund 050 as compared to the estimated period ending December 31, 2022, or 50.0% of the fiscal year. "Non-personnel expenses" are trending higher at 66.4% committed year to date due to encumbering twelve months of expenditures for certain commodities such as gas and electric costs, contractual services, and materials and supplies. This is not unusual for this reporting period.

The majority of departments have indicated their FY 2023 General Fund 050 appropriation will meet their budgetary needs through the end of the fiscal year. However, budget transfers may be necessary to move funds from divisions and programs with savings to others within the respective departments that have budget needs. These transfers will be included in the Final Adjustment Ordinance (FAO), which will be presented to the City Council in May 2023.

#### **A. Budget Savings Identified**

As of December 31, 2022, one General Fund 050 department is projecting savings at the end of FY 2023. The identified savings will be available to support budget needs in other departments and programs as necessary. Interdepartmental transfers of funds from one department to another will be included in the FAO as appropriate.

##### **1. Department of City Planning and Engagement (\$100,000)**

The Department of City Planning and Engagement projects net savings of \$100,000 due to position vacancy savings. These savings will fully offset needs related to non-personnel expenses for the new community engagement functions. This includes computer equipment for the new staff as well as other expenses for community engagement efforts.

## **B. Budget Needs Identified**

Based on current expenditure projections, the following General Fund 050 departments are forecasting a budget need in FY 2023. The departments have been advised to manage their appropriated resources so that supplemental appropriations will not be required. However, the Administration will continue to closely monitor these budgets in the coming months and work with the respective departments to mitigate the need for supplemental appropriations. As appropriate, any remaining budget needs will be addressed with the FAO.

### **1. City Manager's Office (\$200,000)**

The City Manager's Office projects a need of \$200,000 for a climate assessment in the Police Department and training for the Fire Department. Additionally, a potential non-personnel need may arise related to Infrastructure Investment and Jobs Act (IIJA) grant application consulting services.

### **2. Citizen Complaint Authority (\$65,000)**

The Citizen Complaint Authority (CCA) projects a possible personnel need of up to \$44,000 resulting from vacant positions that were filled at higher than anticipated salaries as well as anticipated equity salary adjustments. Additionally, the department is projecting a non-personnel need of \$21,000 for unbudgeted expenses related to travel and training as well as temporary staffing. Ordinance No. 0396-2022 authorized the transfer of \$15,000 to address needs resulting from a FY 2022 computer expense that was not properly encumbered as well as telephone expenses for cell phones for investigators.

### **3. Cincinnati Police Department (\$1.1 million)**

The Cincinnati Police Department (CPD) projects an overall need of approximately \$1.1 million primarily due to personnel expense overages. Personnel overages are estimated at \$800,000 and are attributed to increased Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113<sup>th</sup> Recruit Class graduates this winter. Lump sum payments have also exceeded expectations due to the retirement of several veteran officers. Additionally, a non-personnel need of \$310,000 is projected due to unbudgeted annual software maintenance for the department's wireless mobile digital video (in-car camera) system. Personnel and non-personnel expenditures will be closely monitored over the next few months. The overtime need was reduced by \$500,000 due to a reallocation of American Rescue Plan (ARP) Act resources during this monitoring period.

**4. Department of Public Services (\$165,000)**

The Department of Public Services (DPS) is reporting a potential need related to increased utility costs due to stormwater rate increases. DPS projects utility expenses could create a budget need of approximately \$176,600. Additionally, DPS projects a potential need due to the CODE retroactive salary adjustment implemented in November 2022, and other staffing adjustments. These needs may be partially offset by position vacancy savings as well as increased reimbursements, which are currently projected to result in a net personnel savings of \$11,000. These needs will be monitored closely as the fiscal year continues.

**5. Cincinnati Fire Department (\$4.1 million)**

The Cincinnati Department (CFD) projects a total need of up to \$4.1 million primarily due to overtime. Increased attrition over the past several years has necessitated the use of overtime to backfill vacant positions. Additionally, the department added a new engine company to Westwood Station 35, resulting in additional staffing requirements and associated overtime. CFD recently changed the unit dispatch process to include apparatus GPS relative to the emergency location. This has led to an increase in daily runs performed by the Westwood engine company and the Price Hill engine company. The department plans to run the additional engine until the number of runs performed daily reverts to the mean. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. However, this need may be partially offset by non-personnel savings. Both the department and the Office of Budget and Evaluation will continue to closely monitor staffing trends and overtime needs.

**6. Department of Economic Inclusion (\$134,000)**

The Department of Economic Inclusion projects a potential personnel need of up to \$172,000 due to being fully staffed. However, this need may be partially offset through additional reimbursements from the Income Tax-Infrastructure Fund for eligible work for a total estimated net need of \$134,000.

**7. Non-Departmental Accounts (\$4.8 million)**

The Internal Revenue Service (IRS) limits the maximum employee benefit received from a defined contribution retirement plan. Per the Cincinnati Municipal Code (CMC), the City is responsible for covering the excess benefit amount, which is paid from the Contribution to Total Benefit Arrangement (Cincinnati Retirement System (CRS)) non-departmental account. An amount of \$1,000 is needed in this account in order to comply with IRS regulations. Additionally, the Law Department projects a potential need of up to \$1.5 million in the Judgments Against the City non-departmental account for settlements. The timing of settlements may also impact the potential need. The Law Department

will monitor this need closely. The City will also owe a judgment of approximately \$3,280,000 due to the Ohio First District Court of Appeals upholding the finding, in *White v. Cincinnati, 2021-Ohio-4003*, that the false alarm fee imposed by the City under Cincinnati Municipal Code (CMC) Chapter 807 to be a tax which was determined to be unconstitutional. A supplemental appropriation will be required for the payment of this judgment.

### **C. Within Budget, Intradepartmental Budget Transfers May Be Needed**

Numerous General Fund 050 departments have indicated the ability to manage their resources within their appropriation. However, budget adjustments within their departments may be required. These transfers are referred to as Intradepartmental Budget Transfers. Unless noted otherwise, these Intradepartmental Budget Transfers will be included in the FAO, which will be presented to the City Council for approval in May 2023.

#### **1. Clerk of Council**

The Clerk of Council's Office projects a potential non-personnel need due to evening neighborhood meetings, which are held twice a month. Several additional meetings for Budget Public Hearings are also expected. Each meeting costs an estimated \$1,000 currently. However, audio expenses will increase in March 2023, after which each meeting will cost an estimated \$1,200. This ongoing expense will be monitored and addressed in a budget adjustment ordinance if necessary.

#### **2. Enterprise Technology Solutions**

The Department of Enterprise Technology Solutions projects no budget savings or need at this time, pending reimbursement processing.

#### **3. City Manager's Office: Office of Communications**

The Office of Communications projects no budget savings or need at this time.

#### **4. City Manager's Office: Office of Human Relations**

The Office of Human Relations projects a need of \$4,950 related to a cancelled prior-year encumbrance. This expense will be absorbed by the City Manager's Office and monitored.

#### **5. City Manager's Office: Office of Budget and Evaluation**

The Office of Budget and Evaluation projects no budget savings or need at this time, pending reimbursement processing.

#### **6. City Manager's Office: Emergency Communications Center (ECC)**

The Emergency Communications Center projects no budget savings or need at this time. However, a need may arise related to the 311 service line chat tool software.

**7. City Manager’s Office: Office of Environment and Sustainability**

The Office of Environment and Sustainability projects no budget savings or need at this time. However, a non-personnel need related to recycling may arise.

**8. City Manager’s Office: Office of Procurement**

The Office of Procurement projects no budget savings or need at this time, pending reimbursement processing.

**9. City Manager’s Office: Office of Performance and Data Analytics (OPDA)**

The Office of Performance and Data Analytics projects potential personnel savings, which will be monitored. No savings or needs are anticipated in the non-personnel budget.

**10. City Manager’s Office: Internal Audit**

Internal Audit projects a possible personnel need. The budget will be monitored for a possible shortfall, which can be resolved in the Final Adjustment Ordinance if necessary.

**11. Department of Law**

The Department of Law projects no budget savings or need at this time.

**12. Department of Human Resources**

The Department of Human Resources projects no budget savings or need at this time. However, several positions will be transferred from other departments to the Department of Human Resources as part of the ongoing HR centralization process. These transfers may require reimbursements between departments and adjustments as part of the Final Adjustment Ordinance. Finally, in prior monitoring reports, HR reported a need related to the replacement of their front door. Ordinance No. 0396-2022 authorized the transfer of \$10,000 to address this need.

**13. Department of Finance**

The Department of Finance projects a potential personnel need in the Treasury Division, which was authorized to add an unbudgeted Senior Accountant position. Transfers between agencies may be requested as part of the Final Adjustment Ordinance.

**14. Department of Community and Economic Development**

The Department of Community and Economic Development (DCED) projects a non-personnel need due to Shillito’s West annual operating expenses as well as the acquisition of the Saks building. Additionally, there is a potential personnel need in the Housing Division. These needs may be partially offset by personnel savings in the Economic Development Division. Transfers between agencies may be required as part of the Final Adjustment Ordinance.

### **15. Cincinnati Recreation Commission**

The Cincinnati Recreation Commission projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, transfers between agencies may be requested as part of a mid-year budget adjustment ordinance or the Final Adjustment Ordinance.

### **16. Cincinnati Parks Department**

The Parks Department projects no budget savings or need at this time, pending reimbursement processing. However, transfers between agencies may be required as part of the Final Adjustment Ordinance.

### **17. Department of Buildings and Inspections**

The Department of Buildings and Inspections projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, due to staffing and hiring issues, the department is engaging an external contractor to assist with plan reviews. This contractual service need can be offset by position vacancy savings, but transfers will be required as part of the Final Adjustment Ordinance.

### **18. Department of Transportation and Engineering**

The Department of Transportation and Engineering projects a potential personnel need, pending reimbursement processing. Adjustment between agencies may be required as part of the Final Adjustment Ordinance.

## **II. ENTERPRISE FUNDS**

Enterprise Funds account for any activity for which a fee is charged to external users for goods or services. If an activity's principal revenue source meets any one of the following criteria, it is required to be reported as an enterprise fund: (1) an activity financed with debt that is secured solely by pledge of the net revenues from fees and charges for the activity; (2) laws or regulations which require that the activity's costs of providing services, including capital costs, be recovered with fees and charges, rather than with taxes or similar revenues; or (3) pricing policies which establish fees and charges designed to recover the activity's costs.

### **A. Water Works Fund 101**

Water Works Fund 101 is 40.1% expended year to date. The Greater Cincinnati Water Works (GCWW) projects a potential need related to utility expenses, postage, and credit card processing fees, which can be offset by savings in expert services and materials and supplies. These needs will be monitored closely.



**B. Parking System Facilities Fund 102**

Parking System Facilities Fund 102 includes the budget for off-street parking enterprises, including garages. Fund 102 is currently 34.5% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development continues to experience an increase in rent expenses due to the rise in employee parking at the Seventh Street Garage and the Hennegan Lot. The division is responsible for covering the difference between what City employees pay and the contracted monthly rate. This need is expected to be offset with savings in contractual services.

**C. Duke Energy Convention Center Fund 103**

Duke Energy Convention Center Fund 103 is 47.9% expended year to date. The Finance Department projects no savings or need at this time.

**D. General Aviation Fund 104**

General Aviation Fund 104 is 34.9% expended year to date. The Department of Transportation and Engineering may have personnel and fringe benefits savings in Fund 104 due to position vacancies, which will be monitored. Possible non-personnel needs related to auto repairs and maintenance will also be monitored.

**E. Municipal Golf Fund 105**

Municipal Golf Fund 105 is 66.8% expended year to date, which reflects expenses for the calendar year (CY) 2022 golf season and exceeds expectations. The Cincinnati Recreation Commission projects a non-personnel need of \$1.4 million related to increased course usage and maintenance as well as increased costs for utilities. A mid-year adjustment ordinance may be required. Municipal Golf Fund 105 has sufficient resources to support this potential supplemental appropriation as increased course usage has led to increased revenue.

**F. Stormwater Management Fund 107**

Stormwater Management Fund 107 provides resources to various City departments and is 40.8% expended year to date. The major recipient of resources from this fund is the Stormwater Management Utility (SMU). The Department of Public Services, the Parks Department, and the Department of Buildings and Inspections, among others, also receive appropriations from this fund. The Stormwater Management Fund is 40.8% expended year to date. SMU, the Parks Department, and the Department of Buildings and Inspections project no budget savings or need at this time. The Department of Public Services projects potential savings in personnel due to position vacancies.

### **III. DEBT SERVICE FUNDS**

Debt Service Funds account for the accumulation of resources for, and the payment of, principal and interest on the City's bonds issued in support of governmental activities.

#### **A. Bond Retirement Fund 151**

Bond Retirement Fund 151 is 67.1% expended year to date. The Finance Department projects no budget savings or need for FY 2023.

### **IV. APPROPRIATED SPECIAL REVENUE FUNDS**

Special Revenue Funds account for the proceeds of specific revenue sources (other than trusts for individuals, private organizations, or other governments, or for major capital projects) that are legally restricted to expenditures for specific purposes.

The Office of Budget and Evaluation, in cooperation with various City departments, reviewed appropriated special revenue funds to ensure the Approved FY 2023 Budget Update remains in balance. Based on expenditures and revenues through December 31, 2022, most special revenue funds are on target with regards to their budget and require no additional appropriations at this time. Any identified issues are highlighted in the narrative summaries provided below. If warranted, budget adjustments will be addressed in the FAO later in the fiscal year.

#### **A. Street Construction, Maintenance & Repair Fund 301**

Street Construction, Maintenance & Repair Fund 301 is 33.7% expended year to date. The Department of Transportation and Engineering (DOTE) projects a potential personnel savings as well as possible non-personnel need. Adjustments within appropriations may be requested as part of the Final Adjustment Ordinance. The Department of Public Services anticipates personnel and fringe benefit savings in Fund 301; however, these savings are anticipated to be partially offset by automotive maintenance and repair expenses as well as increased winter emergency operations expenses due to the projected inclement weather conditions over the next few months.

#### **B. Income Tax-Infrastructure Fund 302**

Income Tax-Infrastructure Fund 302 provides resources to several City departments. The Department of Transportation and Engineering is the largest recipient of resources from this fund. The Department of Public Services also receives Income Tax-Infrastructure Fund resources. Fund 302 is 41.0% expended year to date. The Department of Transportation and Engineering projects potential personnel savings due to position vacancies, which is offset by a potential non-personnel need related to natural gas expenses. Transfers between agencies

may also be required as part of the Final Adjustment Ordinance. The Department of Public Services projects a possible personnel need of \$45,000 related to overtime expenses and the CODE retroactive salary adjustment implemented in November 2022. Additionally, the Department of Public Services projects a need of \$30,000 in non-personnel for a Cincinnati Police Department facility energy audit.

**C. Parking Meter Fund 303**

Parking Meter Fund 303 includes the budget for on-street parking enterprises, including parking meters. Fund 303 is currently 42.4% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development projects a personnel savings, which will be used to offset a potential need in non-personnel primarily due to expert services.

**D. Municipal Motor Vehicle License Tax Fund 306**

Municipal Motor Vehicle License Tax Fund 306 is 31.3% expended year to date. The Department of Transportation and Engineering projects no savings or needs at this time. The Department of Public Services currently projects possible fringe benefits savings at this time. However, depending on weather conditions over the next few months, a potential need could arise related to winter emergency operation expenses.

**E. Sawyer Point Fund 318**

Sawyer Point Fund 318 is 21.4% expended year to date. The Parks Department projects no budget savings or need in Fund 318.

**F. Recreation Special Activities Fund 323**

Fund 323 is currently 38.0% expended year to date. However, transfers within existing appropriations may be requested as part of a mid-year budget adjustment ordinance.

**G. Cincinnati Riverfront Park Fund 329**

Cincinnati Riverfront Park Fund 329 is the appropriated fund for Smale Park. Fund 329 is currently 10.6% expended year to date. The Parks Department projects no budget savings or need in Fund 329.

**H. Hazard Abatement Fund 347**

Hazard Abatement Fund 347 is 3.1% expended year to date. The Department of Buildings and Inspections projects no budget savings or need at this time.

**I. 9-1-1 Cell Phone Fees Fund 364**

9-1-1 Cell Phone Fees Fund 364 is the appropriated fund that governs the City portion of state collected revenue from mobile device fees. Fund 364 is currently 7.5% expended year to date. The Emergency Communications Center projects no budget savings or need in Fund 364.

**J. Safe and Clean Fund 377**

Safe and Clean Fund 377 is the appropriated fund that collects revenue associated with billboard leases. These resources are allocated to Keep Cincinnati Beautiful (KCB) expenditures. This fund is currently 1.8% expended year to date. The Department of Public Services projects no budget savings or need.

**K. Community Health Center Activities Fund 395**

Community Health Center Activities Fund 395 is 39.3% expended year to date. The Cincinnati Health Department (CHD) projects potential non-personnel needs related to temporary staffing, uniform expenses, and the unbudgeted repair and replacement of equipment. However, these needs may be offset by personnel savings resulting from position vacancies.

**L. Cincinnati Health District Fund 416**

General operational support to the Cincinnati Health Department is provided by Cincinnati Health District Fund 416. This fund is 39.6% expended year to date. The Cincinnati Health Department (CHD) projects a net need of \$82,000. There is a non-personnel need primarily in contractual services related to the search for the next Health Commissioner, uniform expenses, building repair costs, and temporary personnel services. Additionally, the department projects a personnel need in the Community Health Services Division and the School & Adolescent Health Division. Personnel needs are exacerbated by unbudgeted expenses resulting from the new CODE labor agreement, including the retroactive salary adjustment implemented in November 2022. These needs can be partially offset by personnel savings in the Office of the Commissioner, the Primary Health Care Programs Division, and the Primary Health Care Centers Division. Additional resources and transfers may be required as part of the Final Adjustment Ordinance.

**M. Cincinnati Area Geographic Information System (CAGIS) Fund 449**

Cincinnati Area Geographic Information System Fund 449 is 32.1% expended year to date. Enterprise Technology Solutions projects no budget savings or need at this time.

**N. Streetcar Operations Fund 455**

Streetcar Operations Fund 455 is 43.5% expended year to date. The Department of Transportation and Engineering projects a total non-personnel need of \$504,000, primarily due to police security details and SORTA expenses. These needs may be covered by anticipated Ohio Department of Transportation (ODOT) grant resources as well as possible position vacancy savings. These needs will be monitored closely.

**O. County Law Enforcement Applied Regionally (CLEAR) Fund 457**

The CLEAR Fund is 23.9% expended year to date. Enterprise Technology Solutions projects no budget savings or need for FY 2023.

**Summary**

Through December 31, 2022, major budget issues include overtime needs for both the Police Department and Fire Department, revenue decline in Community Health Center Activities Fund 395 and Parking Meter Fund 303, unbudgeted wage items resulting from collective bargaining agreements, and lasting impacts from the COVID-19 pandemic related to supply chain issues and the costs of various goods and services. Departments have identified possible savings and shortfalls, which will continue to be monitored and updated monthly.

Submitted herewith are the following Office of Budget & Evaluation reports:

1. Fund Summary Report for the month ended December 31, 2022.

Submitted herewith are the following Department of Finance reports:

2. Comparative Statement of Revenue (Actuals, Forecast and Prior Year) as of December 31, 2022.
3. Audit of the City Treasurer's Report for the month ended November 30, 2022.
4. Statement of Balances in the various funds as of December 31, 2022.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

cc: William "Billy" Weber, Assistant City Manager  
Karen Alder, Finance Director  
Andrew M. Dudas, Budget Director

**CITY OF CINCINNATI  
FUND SUMMARY  
FOR FISCAL YEAR 2023  
AS OF 12/31/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
050	General	PERSONNEL SERVICES	277,879,940.00	124,567,914.02	44.8%	.00	124,567,914.02	44.8%	153,312,025.98
		EMPLOYEE BENEFITS	111,509,260.00	57,634,758.10	51.7%	345,321.45	57,980,079.55	52.0%	53,529,180.45
		NON-PERSONNEL EXPENSES	85,388,922.89	34,904,988.53	40.9%	21,800,683.58	56,705,672.11	66.4%	28,683,250.78
		PROPERTIES	25,860.00	.00	0.0%	.00	.00	0.0%	25,860.00
		<b>*TOTAL FUND_CD 050</b>	<b>474,803,982.89</b>	<b>217,107,660.65</b>	<b>45.7%</b>	<b>22,146,005.03</b>	<b>239,253,665.68</b>	<b>50.4%</b>	<b>235,550,317.21</b>
101	Water Works	PERSONNEL SERVICES	43,725,650.00	16,582,549.61	37.9%	.00	16,582,549.61	37.9%	27,143,100.39
		EMPLOYEE BENEFITS	17,620,410.00	8,079,203.17	45.9%	.00	8,079,203.17	45.9%	9,541,206.83
		NON-PERSONNEL EXPENSES	54,898,230.00	18,704,070.97	34.1%	17,117,945.73	35,822,016.70	65.3%	19,076,213.30
		DEBT SERVICE	45,233,480.00	21,418,043.10	47.3%	2,486,405.59	23,904,448.69	52.8%	21,329,031.31
		<b>*TOTAL FUND_CD 101</b>	<b>161,477,770.00</b>	<b>64,783,866.85</b>	<b>40.1%</b>	<b>19,604,351.32</b>	<b>84,388,218.17</b>	<b>52.3%</b>	<b>77,089,551.83</b>
102	Parking System Facilities	PERSONNEL SERVICES	378,710.00	149,183.26	39.4%	.00	149,183.26	39.4%	229,526.74
		EMPLOYEE BENEFITS	142,290.00	79,630.69	56.0%	.00	79,630.69	56.0%	62,659.31
		NON-PERSONNEL EXPENSES	4,946,200.00	1,458,909.46	29.5%	1,781,442.28	3,240,351.74	65.5%	1,705,848.26
		DEBT SERVICE	2,187,280.00	951,461.42	43.5%	.00	951,461.42	43.5%	1,235,818.58
		<b>*TOTAL FUND_CD 102</b>	<b>7,654,480.00</b>	<b>2,639,184.83</b>	<b>34.5%</b>	<b>1,781,442.28</b>	<b>4,420,627.11</b>	<b>57.8%</b>	<b>3,233,852.89</b>
103	Convention-Exposition Center	PERSONNEL SERVICES	91,070.00	38,186.36	41.9%	.00	38,186.36	41.9%	52,883.64
		EMPLOYEE BENEFITS	38,440.00	12,382.68	32.2%	.00	12,382.68	32.2%	26,057.32
		NON-PERSONNEL EXPENSES	9,931,930.00	4,658,968.62	46.9%	196,122.08	4,855,090.70	48.9%	5,076,839.30
		DEBT SERVICE	299,580.00	255,176.54	85.2%	.00	255,176.54	85.2%	44,403.46
		<b>*TOTAL FUND_CD 103</b>	<b>10,361,020.00</b>	<b>4,964,714.20</b>	<b>47.9%</b>	<b>196,122.08</b>	<b>5,160,836.28</b>	<b>49.8%</b>	<b>5,200,183.72</b>
104	General Aviation	PERSONNEL SERVICES	891,610.00	321,816.09	36.1%	.00	321,816.09	36.1%	569,793.91
		EMPLOYEE BENEFITS	367,700.00	140,544.24	38.2%	.00	140,544.24	38.2%	227,155.76
		NON-PERSONNEL EXPENSES	962,490.00	288,448.48	30.0%	107,422.32	395,870.80	41.1%	566,619.20
		DEBT SERVICE	44,420.00	40,394.64	90.9%	.00	40,394.64	90.9%	4,025.36
		<b>*TOTAL FUND_CD 104</b>	<b>2,266,220.00</b>	<b>791,203.45</b>	<b>34.9%</b>	<b>107,422.32</b>	<b>898,625.77</b>	<b>39.7%</b>	<b>1,367,594.23</b>
105	Municipal Golf	PERSONNEL SERVICES	224,490.00	66,196.53	29.5%	.00	66,196.53	29.5%	158,293.47
		EMPLOYEE BENEFITS	80,740.00	22,925.77	28.4%	.00	22,925.77	28.4%	57,814.23
		NON-PERSONNEL EXPENSES	4,700,510.00	3,347,255.83	71.2%	789,999.25	4,137,255.08	88.0%	563,254.92
		DEBT SERVICE	614,550.00	319,437.50	52.0%	.00	319,437.50	52.0%	295,112.50
		<b>*TOTAL FUND_CD 105</b>	<b>5,620,290.00</b>	<b>3,755,815.63</b>	<b>66.8%</b>	<b>789,999.25</b>	<b>4,545,814.88</b>	<b>80.9%</b>	<b>1,074,475.12</b>

**CITY OF CINCINNATI  
FUND SUMMARY  
FOR FISCAL YEAR 2023  
AS OF 12/31/2022**

<b>FUND</b>	<b>FUND NAME</b>	<b>EXPENDITURE CATEGORY</b>	<b>CURRENT BUDGET</b>	<b>EXPENDED</b>	<b>PERCENT EXPENDED</b>	<b>ENCUMBERED</b>	<b>TOTAL COMMITTED</b>	<b>PERCENT COMMITTED</b>	<b>REMAINING BALANCE</b>
107	Stormwater Management	PERSONNEL SERVICES	9,545,820.00	3,772,146.66	39.5%	.00	3,772,146.66	39.5%	5,773,673.34
		EMPLOYEE BENEFITS	4,063,860.00	1,569,346.06	38.6%	.00	1,569,346.06	38.6%	2,494,513.94
		NON-PERSONNEL EXPENSES	11,846,260.00	4,317,067.12	36.4%	1,766,706.30	6,083,773.42	51.4%	5,762,486.58
		PROPERTIES	50,000.00	.00	0.0%	47,175.00	47,175.00	94.4%	2,825.00
		DEBT SERVICE	1,957,310.00	1,542,426.68	78.8%	.00	1,542,426.68	78.8%	414,883.32
		<b>*TOTAL FUND_CD 107</b>	<b>27,463,250.00</b>	<b>11,200,986.52</b>	<b>40.8%</b>	<b>1,813,881.30</b>	<b>13,014,867.82</b>	<b>47.4%</b>	<b>14,448,382.18</b>
151	Bond Retirement - City	PERSONNEL SERVICES	298,180.00	100,750.33	33.8%	.00	100,750.33	33.8%	197,429.67
		EMPLOYEE BENEFITS	111,490.00	33,685.57	30.2%	.00	33,685.57	30.2%	77,804.43
		NON-PERSONNEL EXPENSES	3,528,470.00	438,902.58	12.4%	38,302.50	477,205.08	13.5%	3,051,264.92
		DEBT SERVICE	125,523,250.00	86,327,697.36	68.8%	.00	86,327,697.36	68.8%	39,195,552.64
		<b>*TOTAL FUND_CD 151</b>	<b>129,461,390.00</b>	<b>86,901,035.84</b>	<b>67.1%</b>	<b>38,302.50</b>	<b>86,939,338.34</b>	<b>67.2%</b>	<b>42,522,051.66</b>
301	Street Construction Maintenance & Repair	PERSONNEL SERVICES	6,750,870.00	2,417,280.07	35.8%	.00	2,417,280.07	35.8%	4,333,589.93
		EMPLOYEE BENEFITS	2,959,660.00	1,255,140.59	42.4%	.00	1,255,140.59	42.4%	1,704,519.41
		NON-PERSONNEL EXPENSES	6,963,000.00	1,938,678.96	27.8%	1,414,841.82	3,353,520.78	48.2%	3,609,479.22
		<b>*TOTAL FUND_CD 301</b>	<b>16,673,530.00</b>	<b>5,611,099.62</b>	<b>33.7%</b>	<b>1,414,841.82</b>	<b>7,025,941.44</b>	<b>42.1%</b>	<b>9,647,588.56</b>
302	Income Tax-Infrastructure	PERSONNEL SERVICES	13,383,110.00	5,066,980.54	37.9%	.00	5,066,980.54	37.9%	8,316,129.46
		EMPLOYEE BENEFITS	5,233,660.00	2,480,410.70	47.4%	.00	2,480,410.70	47.4%	2,753,249.30
		NON-PERSONNEL EXPENSES	5,878,120.00	2,486,916.84	42.3%	499,167.18	2,986,084.02	50.8%	2,892,035.98
		<b>*TOTAL FUND_CD 302</b>	<b>24,494,890.00</b>	<b>10,034,308.08</b>	<b>41.0%</b>	<b>499,167.18</b>	<b>10,533,475.26</b>	<b>43.0%</b>	<b>13,961,414.74</b>
303	Parking Meter	PERSONNEL SERVICES	1,827,660.00	678,190.99	37.1%	.00	678,190.99	37.1%	1,149,469.01
		EMPLOYEE BENEFITS	794,580.00	378,703.74	47.7%	.00	378,703.74	47.7%	415,876.26
		NON-PERSONNEL EXPENSES	2,298,250.00	1,027,489.99	44.7%	593,726.10	1,621,216.09	70.5%	677,033.91
		<b>*TOTAL FUND_CD 303</b>	<b>4,920,490.00</b>	<b>2,084,384.72</b>	<b>42.4%</b>	<b>593,726.10</b>	<b>2,678,110.82</b>	<b>54.4%</b>	<b>2,242,379.18</b>
306	Municipal Motor Vehicle License Tax	PERSONNEL SERVICES	1,577,010.00	583,433.31	37.0%	.00	583,433.31	37.0%	993,576.69
		EMPLOYEE BENEFITS	785,010.00	312,343.27	39.8%	.00	312,343.27	39.8%	472,666.73
		NON-PERSONNEL EXPENSES	1,611,270.00	346,113.75	21.5%	159,071.72	505,185.47	31.4%	1,106,084.53
		<b>*TOTAL FUND_CD 306</b>	<b>3,973,290.00</b>	<b>1,241,890.33</b>	<b>31.3%</b>	<b>159,071.72</b>	<b>1,400,962.05</b>	<b>35.3%</b>	<b>2,572,327.95</b>

CITY OF CINCINNATI  
FUND SUMMARY  
FOR FISCAL YEAR 2023  
AS OF 12/31/2022

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
318	Sawyer Point	PERSONNEL SERVICES	410,810.00	64,066.34	15.6%	.00	64,066.34	15.6%	346,743.66
		EMPLOYEE BENEFITS	115,560.00	21,808.36	18.9%	.00	21,808.36	18.9%	93,751.64
		NON-PERSONNEL EXPENSES	693,570.00	175,360.33	25.3%	141,333.67	316,694.00	45.7%	376,876.00
		<b>*TOTAL FUND_CD 318</b>	<b>1,219,940.00</b>	<b>261,235.03</b>	<b>21.4%</b>	<b>141,333.67</b>	<b>402,568.70</b>	<b>33.0%</b>	<b>817,371.30</b>
323	Recreation Special Activities	PERSONNEL SERVICES	3,663,260.00	1,170,247.99	31.9%	.00	1,170,247.99	31.9%	2,493,012.01
		EMPLOYEE BENEFITS	284,470.00	108,253.12	38.1%	.00	108,253.12	38.1%	176,216.88
		NON-PERSONNEL EXPENSES	1,669,070.00	862,926.63	51.7%	203,931.00	1,066,857.63	63.9%	602,212.37
		PROPERTIES	13,720.00	.00	0.0%	.00	.00	0.0%	13,720.00
		<b>*TOTAL FUND_CD 323</b>	<b>5,630,520.00</b>	<b>2,141,427.74</b>	<b>38.0%</b>	<b>203,931.00</b>	<b>2,345,358.74</b>	<b>41.7%</b>	<b>3,285,161.26</b>
329	Cincinnati Riverfront Park	PERSONNEL SERVICES	670,710.00	.00	0.0%	.00	.00	0.0%	670,710.00
		EMPLOYEE BENEFITS	342,840.00	6,242.50	1.8%	.00	6,242.50	1.8%	336,597.50
		NON-PERSONNEL EXPENSES	505,010.00	154,988.94	30.7%	136,068.83	291,057.77	57.6%	213,952.23
		<b>*TOTAL FUND_CD 329</b>	<b>1,518,560.00</b>	<b>161,231.44</b>	<b>10.6%</b>	<b>136,068.83</b>	<b>297,300.27</b>	<b>19.6%</b>	<b>1,221,259.73</b>
347	Hazard Abatement Fund	PERSONNEL SERVICES	455,010.00	7,482.86	1.6%	.00	7,482.86	1.6%	447,527.14
		EMPLOYEE BENEFITS	231,830.00	10,757.36	4.6%	.00	10,757.36	4.6%	221,072.64
		NON-PERSONNEL EXPENSES	10,720.00	3,283.85	30.6%	.00	3,283.85	30.6%	7,436.15
		<b>*TOTAL FUND_CD 347</b>	<b>697,560.00</b>	<b>21,524.07</b>	<b>3.1%</b>	<b>.00</b>	<b>21,524.07</b>	<b>3.1%</b>	<b>676,035.93</b>
364	9-1-1 Cell Phone Fees	PERSONNEL SERVICES	573,480.00	.00	0.0%	.00	.00	0.0%	573,480.00
		EMPLOYEE BENEFITS	243,880.00	.00	0.0%	.00	.00	0.0%	243,880.00
		NON-PERSONNEL EXPENSES	646,160.00	109,464.21	16.9%	12,872.73	122,336.94	18.9%	523,823.06
		<b>*TOTAL FUND_CD 364</b>	<b>1,463,520.00</b>	<b>109,464.21</b>	<b>7.5%</b>	<b>12,872.73</b>	<b>122,336.94</b>	<b>8.4%</b>	<b>1,341,183.06</b>
377	Safe & Clean	NON-PERSONNEL EXPENSES	52,040.00	927.48	1.8%	50,592.52	51,520.00	99.0%	520.00
		<b>*TOTAL FUND_CD 377</b>	<b>52,040.00</b>	<b>927.48</b>	<b>1.8%</b>	<b>50,592.52</b>	<b>51,520.00</b>	<b>99.0%</b>	<b>520.00</b>
395	Community Health Center Activities	PERSONNEL SERVICES	13,050,900.00	4,996,631.83	38.3%	.00	4,996,631.83	38.3%	8,054,268.17
		EMPLOYEE BENEFITS	5,547,470.00	2,342,626.68	42.2%	.00	2,342,626.68	42.2%	3,204,843.32
		NON-PERSONNEL EXPENSES	8,675,950.00	3,385,116.43	39.0%	3,675,017.07	7,060,133.50	81.4%	1,615,816.50
		<b>*TOTAL FUND_CD 395</b>	<b>27,274,320.00</b>	<b>10,724,374.94</b>	<b>39.3%</b>	<b>3,675,017.07</b>	<b>14,399,392.01</b>	<b>52.8%</b>	<b>12,874,927.99</b>



**CITY OF CINCINNATI  
FUND SUMMARY  
FOR FISCAL YEAR 2023  
AS OF 12/31/2022**

<b>FUND</b>	<b>FUND NAME</b>	<b>EXPENDITURE CATEGORY</b>	<b>CURRENT BUDGET</b>	<b>EXPENDED</b>	<b>PERCENT EXPENDED</b>	<b>ENCUMBERED</b>	<b>TOTAL COMMITTED</b>	<b>PERCENT COMMITTED</b>	<b>REMAINING BALANCE</b>
416	Cincinnati Health District	PERSONNEL SERVICES	13,018,010.00	5,029,412.29	38.6%	.00	5,029,412.29	38.6%	7,988,597.71
		EMPLOYEE BENEFITS	5,175,870.00	2,126,358.47	41.1%	.00	2,126,358.47	41.1%	3,049,511.53
		NON-PERSONNEL EXPENSES	1,367,550.00	592,796.35	43.3%	478,898.15	1,071,694.50	78.4%	295,855.50
		PROPERTIES	2,980.00	.00	0.0%	.00	.00	0.0%	2,980.00
		<b>*TOTAL FUND_CD 416</b>	<b>19,564,410.00</b>	<b>7,748,567.11</b>	<b>39.6%</b>	<b>478,898.15</b>	<b>8,227,465.26</b>	<b>42.1%</b>	<b>11,336,944.74</b>
449	Cincinnati Area Geographic Information Systems (CAGIS)	PERSONNEL SERVICES	1,934,950.00	743,032.87	38.4%	.00	743,032.87	38.4%	1,191,917.13
		EMPLOYEE BENEFITS	666,210.00	320,598.44	48.1%	.00	320,598.44	48.1%	345,611.56
		NON-PERSONNEL EXPENSES	2,180,710.00	471,974.18	21.6%	61,204.35	533,178.53	24.4%	1,647,531.47
		<b>*TOTAL FUND_CD 449</b>	<b>4,781,870.00</b>	<b>1,535,605.49</b>	<b>32.1%</b>	<b>61,204.35</b>	<b>1,596,809.84</b>	<b>33.4%</b>	<b>3,185,060.16</b>
455	Streetcar Operations	PERSONNEL SERVICES	619,270.00	217,258.99	35.1%	.00	217,258.99	35.1%	402,011.01
		EMPLOYEE BENEFITS	164,660.00	14,908.10	9.1%	.00	14,908.10	9.1%	149,751.90
		NON-PERSONNEL EXPENSES	4,356,489.00	2,004,410.56	46.0%	2,304,869.08	4,309,279.64	98.9%	47,209.36
		<b>*TOTAL FUND_CD 455</b>	<b>5,140,419.00</b>	<b>2,236,577.65</b>	<b>43.5%</b>	<b>2,304,869.08</b>	<b>4,541,446.73</b>	<b>88.3%</b>	<b>598,972.27</b>
457	County Law Enforcement Applied Regionally (CLEAR)	PERSONNEL SERVICES	1,572,400.00	430,240.69	27.4%	.00	430,240.69	27.4%	1,142,159.31
		EMPLOYEE BENEFITS	479,030.00	168,010.97	35.1%	.00	168,010.97	35.1%	311,019.03
		NON-PERSONNEL EXPENSES	3,494,640.00	726,652.94	20.8%	539,524.37	1,266,177.31	36.2%	2,228,462.69
		<b>*TOTAL FUND_CD 457</b>	<b>5,546,070.00</b>	<b>1,324,904.60</b>	<b>23.9%</b>	<b>539,524.37</b>	<b>1,864,428.97</b>	<b>33.6%</b>	<b>3,681,641.03</b>
<b>TOTAL</b>			<b>942,059,831.89</b>	<b>437,381,990.48</b>	<b>46.4%</b>	<b>56,748,644.67</b>	<b>494,130,635.15</b>	<b>52.5%</b>	<b>447,929,196.74</b>

**March 8, 2023**

**To:** Mayor and Members of City Council 202300756

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

**Subject:** **Emergency Ordinance – Cincinnati Recreation Commission:  
Accept & Appropriate Ohio Child Care Stabilization Sub-Grant**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN 93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

Approval of this Emergency Ordinance will authorize the City Manager to accept and appropriate a grant award of \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association (OCCRA) and the Ohio Department of Job and Family Services (ODJFS) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission (CRC) licensed neighborhood childcare programs. This Emergency Ordinance also authorizes the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

On November 16, 2022, the City Council approved Ordinance No. 0353-2022, which authorized the City Manager to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the OCCRA and ODJFS for the purpose of supporting approximately thirteen of the CRC's licensed neighborhood childcare programs. CRC has since been notified of the grant award in the full amount of \$2,535,400.

The grant resources will allow CRC to increase the benefits provided by licensed neighborhood childcare programs in neighborhoods such as Bond Hill, Corryville, East Walnut Hills, Evanston, Madisonville, Millvale, Northside, Pleasant Ridge, Price Hill, Sayler Park, Walnut Hills, West End, and Winton Hills.

There are no new FTEs or local match requirements associated with this grant.

Providing resources for neighborhood childcare programs is in accordance with “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities,” as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and utilize the grant resources before the deadline of June 30, 2023.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**EMERGENCY**

**KKF**

**- 2023**

**AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN 93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

WHEREAS, on November 16, 2022, Council approved Ordinance No. 353-2022, which authorized the City Manager to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services for the purpose of supporting approximately thirteen Cincinnati Recreation Commission (“CRC”) licensed neighborhood childcare programs; and

WHEREAS, CRC was notified the City was awarded a grant in the amount of \$2,535,400; and

WHEREAS, the grant funding will allow CRC to increase the benefits provided to the Cincinnati community through licensed neighborhood childcare programs in the neighborhoods of Bond Hill, Corryville, East Walnut Hills, Evanston, Madisonville, Millvale, Northside, Pleasant Ridge, Price Hill, Saylor Park, Walnut Hills, West End, and Winton Hills; and

WHEREAS, there are no additional FTEs associated with this grant, and there are no matching fund requirements; and

WHEREAS, providing resources for neighborhood childcare programs is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities,” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to accept and appropriate a grant of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN

{00379504-4}

93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs.

Section 2. That the Finance Director is authorized to deposit the funds into Recreation Federal Grant Projects Fund 324.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept and utilize the grant resources before the deadline of June 30, 2023.

Passed: \_\_\_\_\_, 2023

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

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

March 8, 2023

**To:** Mayor and Members of City Council 202300757  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Emergency Ordinance – Police: Amending Ordinance No. 0243-2022

Attached is an Emergency Ordinance captioned:

**AMENDING** Ordinance No. 243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067).

This Emergency Ordinance would amend Ordinance No. 0243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency (HCEMA) with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (UASI) (ALN 97.067).

On August 3, 2022, the City Council passed Ordinance No. 0243-2022, which authorized the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$591,655, effective FY 2023, from the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067), for the purpose of providing funding for clothing, communications equipment, physical barriers, and license plate reader mobile cameras for the Cincinnati Police Department's Special Weapons and Tactics (SWAT) team and Civil Disturbance Response Team (CDRT).

The grant was ultimately awarded to the Cincinnati Police Department in the amount of \$310,000, consisting of \$50,000 for the purchase of tactical entry communications equipment, \$196,000 for the purchase of physical barrier devices, and \$64,000 for the purchase of intelligence surveillance equipment. When the City Council originally approved Ordinance No. 0243-2022, it was mistakenly believed that the City would receive the grant funds through the Hamilton County Emergency Management Agency, then use those funds to purchase the SWAT equipment. In actuality, HCEMA is the regional fiscal agent and uses the grant funds to purchase the SWAT equipment for the City, then transfers ownership of the SWAT equipment to the City. Ordinance No. 0243-2022 must be amended to allow the City to accept the SWAT equipment purchased by HCEMA.

The reason for the emergency is the immediate need to accept the transfer of Grant-funded equipment in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

**EMERGENCY**

**IMD**

**- 2023**

**AMENDING** Ordinance No. 243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067).

WHEREAS, on August 3, 2022, Council approved Ordinance No. 243-2022, which authorized the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$591,655, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency, through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “Grant”), for the purpose of providing funding for clothing, communications equipment, physical barriers, and license plate reader mobile cameras for the Cincinnati Police Department’s Special Weapons and Tactics team and Civil Disturbance Response Team; and

WHEREAS, the Grant funds that were ultimately awarded to the City totaled \$310,000, consisting of \$50,000 for the purchase of tactical entry communications equipment, \$196,000 for the purchase of physical barrier devices, and \$64,000 for the purchase of intelligence surveillance equipment (collectively, “SWAT Equipment”); and

WHEREAS, the Hamilton County Emergency Management Agency (“HCEMA”) serves as the regional fiscal agent for the Grant funds; and

WHEREAS, when Council approved Ordinance No. 0243-2022, it was believed that the City would receive the Grant funds through HCEMA, then use those Grant funds to purchase the SWAT Equipment; and

WHEREAS, in actuality, HCEMA uses the Grant funds to purchase the SWAT Equipment for the City, then transfers ownership of the SWAT Equipment to the City; and

WHEREAS, Ordinance No. 0243-2022 must be amended to allow the City to accept the SWAT Equipment purchased by HCEMA with the Grant funds; now, therefore;

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

Section 1. That Sections 1, 3, and 4 of Ordinance No. 0243-2022, approved by Council on August 3, 2022, are hereby amended as follows:

Section 1. That the City Manager is hereby authorized to apply for, ~~accept, and appropriate~~ a grant in the amount of up to \$591,655, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency, through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the "Grant"), for the purpose of providing funding for clothing, communications equipment, physical barriers, and license plate reader mobile cameras for the Cincinnati Police Department's Special Weapons and Tactics team and Civil Disturbance Response Team, and to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency with funds awarded through the Grant.

~~Section 3~~ Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the ~~grant~~ Grant and ~~Sections 1 and 2~~ Section 1 hereof.

~~Section 4~~ Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to apply for the Grant funds and accept the awarded funds transfer of Grant-funded equipment in a timely manner.

Section 2. That Section 2 of Ordinance No. 0243-2022 is hereby deleted in its entirety.

Section 3. That all terms of Ordinance No. 243-2022 not amended or removed in this Ordinance remain in full force and effect.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the transfer of Grant-funded equipment in a timely manner.

Passed: \_\_\_\_\_, 2023

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

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

\_\_\_\_\_  
Deletions are struck through. Additions are underlined.



March 8, 2023

**To:** Mayor and Members of City Council 202300758  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – Health: Ohio Environmental Protection Agency Water Pollution Control Loan Fund Grant**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$50,000 from the Ohio Environmental Protection Agency’s Water Pollution Control Loan Fund for the purpose of providing financial aid to Cincinnati homeowners with defective household sewage treatment systems; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$50,000 from the Ohio Environmental Protection Agency’s (OEPA) Water Pollution Control Loan Fund (WPCLF) to help provide financial assistance to Cincinnati homeowners with defective household sewage treatment systems. This Emergency Ordinance authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

There are no new FTEs associated with this grant and no local match is required.

The Cincinnati Health Department applied for the grant on August 31, 2022, and was notified of the status of receiving the award on January 30, 2023, but funding will not be accepted without authorization from the City Council.

Acceptance of the OEPA WPCLF grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding to assist Cincinnati homeowners with expenses associated with defective household sewage treatment systems that can lead to public health issues.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**EMERGENCY**

**IMD**

- **2023**

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$50,000 from the Ohio Environmental Protection Agency’s Water Pollution Control Loan Fund for the purpose of providing financial aid to Cincinnati homeowners with defective household sewage treatment systems; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

WHEREAS, a grant is available from the Ohio Environmental Protection Agency’s (“OEPA”) Water Pollution Control Loan Fund (“WPCLF”), and funding from the OEPA WPCLF grant will assist Cincinnati homeowners with expenses associated with defective household sewage treatment systems; and

WHEREAS, there is no local match required and no FTEs associated with the OEPA WPCLF grant; and

WHEREAS, the Cincinnati Health Department applied for the OEPA WPCLF grant on August 31, 2022, and was notified of the status of receiving the award on January 30, 2023, but funding will not be accepted without authorization from Council; and

WHEREAS, acceptance of the OEPA WPCLF grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant in an amount up to \$50,000 from the Ohio Environmental Protection Agency’s Water Pollution Control Loan Fund for the purpose of providing financial assistance to Cincinnati homeowners with defective household sewage treatment systems.

Section 2. That Council hereby authorizes the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of this grant and Sections 1 and 2 hereof.

Section 4. 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 funding to assist Cincinnati homeowners with expenses associated with defective household sewage treatment systems that can lead to public health issues.

Passed: \_\_\_\_\_, 2023

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

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

March 8, 2023

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

202300755

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

**Subject: Ordinance – DOTE: CROWN Donation for Wasson Way Trail**

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Attached is an Ordinance captioned:

**AUTHORIZING** the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

This Ordinance authorizes the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network (CROWN) in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to existing capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network.

Ordinance No. 0132-2018 was passed on June 6, 2018 and authorized the City Manager and City officials to solicit donations for the Wasson Way Trail Network. Ordinance No. 0132-2018 also established Fund No. 437, “Wasson Way Trail Donations,” and authorized the City Manager to review and accept donations into the fund for the purpose of providing resources for the Wasson Way Trail Network.

This donation represents the first donation from CROWN to reimburse the City for local match requirements associated with the Federal Surface Transportation Block Grants awarded for Wasson Way Phases 3, 4, 5, and 6A. The CROWN donation does not require matching resources or new FTEs.

The Wasson Way Trail Network is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as with strategies to “[e]xpand options for non-automotive travel” and to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



**AUTHORIZING** the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

WHEREAS, Ordinance No. 132-2018, passed June 6, 2018, authorized the City Manager and City officials to solicit donations for the Wasson Way Trail Network from the Cincinnati business community, individual benefactors, and other available sources; and

WHEREAS, Ordinance No. 132-2018 also established Fund No. 437, “Wasson Way Trail Donations,” and authorized the City Manager to review and accept donations into the fund for the purpose of providing funding for the Wasson Way Trail Network; and

WHEREAS, the Cincinnati Riding Or Walking Network (“CROWN”) fundraising group is making a donation which represents the first payment from CROWN to reimburse the City for local match requirements associated with the Federal Surface Transportation Block Grants awarded for Wasson Way Phases 3, 4, 5, and 6A; and

WHEREAS, CROWN’s donation does not require any local matching resources, and there are no new FTEs associated with this donation; and

WHEREAS, the Wasson Way Trail Network is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as with strategies to “[e]xpand options for non-automotive travel” and to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and appropriation of an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” is hereby authorized for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way

Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

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

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

Passed: \_\_\_\_\_, 2023

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

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

March 08, 2023

To: Mayor and Members of City Council  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Utility Easement Garden Grove Development

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202300767

Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being part of the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder’s Office.

The attached ordinance accepts and confirms the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through portions of real property within the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681-Garden Grove-E-1089* and which easement has been granted by 643 COV, LLC, an Ohio limited liability company. The plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer and the City Manager in consultation with the Greater Cincinnati Water Works recommends that Council accept and confirm the acceptance of the public utility easement.

The Administration recommends passage of this Ordinance.

cc: Verna J. Arnette, GCWW, Interim Executive Director

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being part of the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder’s Office.

WHEREAS, 643 COV, LLC, an Ohio limited liability company, has granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Delhi Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder’s Office; and

WHEREAS, the aforementioned plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer, who has found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the easement granted by 643 COV, LLC, an Ohio limited liability company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property in Delhi Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder’s Office and incorporated



herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situated in Section 12, Town 3, Fractional Range 1 Between the Miamis, Delhi Township, Hamilton County, Ohio and being all of 643 COV, LLC as recorded in Official Record 14335, Page 1702, Official Record 14335, Page 1980 and Official Record 14335, Page 2955 of the Hamilton County. Ohio Recorder's Office, containing 6.4255 acres being further described as follows:

Begin at a found 5/8" iron pin capped "Allen" at the northeast corner of Foley Square Condominium, Phase II as recorded in Plat Book 326, Page 7, said pin being on the west right of way of Covedale Avenue (40') and being the True Point of Beginning;

thence, from the True Point of Beginning, departing the west right of way of said Covedale Avenue with and departing said Foley Square Condominium, Phase II, North 88° 34' 17" West, 294.90 feet to a set 5/8" iron pin at a north corner of Foley Square Condominium, Phase I, as recorded in Plat Book 323, Page 24;

thence, with said Foley Square Condominium, Phase I, South 05° 50' 43" West, 2.92 feet to a set 5/8" iron pin;

thence, North 88° 34' 17" West, 277.52 feet to a set 5/8" iron pin on the northwest corner of Steven L. & Tracey A. Schatzman as recorded in Deed Book 4326, Page 1391, said pin being on the east line of Savanna G. Hayes as recorded in Official Record 13722, Page 1780;

thence, departing said Schatzman and with said Hayes the following two courses: North 05°55' 43" East, 75.78 feet to a set 5/8" iron pin;

thence, North 88° 34' 17" West, 75.00 feet to a set 5/8" iron pin on the east line of Lot 48 of Melody Acres Subdivision, Block "B" as recorded in Plat Book 126, Page 53;

thence, departing said Hayes and with the east line of said Melody Acres Subdivision, Block "B", North 05° 55' 43' East, 367.92 feet to a set 5/8" iron pin at the southwest corner of the City of Cincinnati land as recorded in Deed Book 3141, Page 388;

thence, departing said Melody Acres Subdivision, Block "B" and with the south line of said City of Cincinnati land, South 88° 37' 23' East, passing a found 1-1/2" iron pipe at 351.72 feet, a found concrete monument at 641.82 feet, a total distance of 646.82 feet to a set 5/8" iron pin on the west right of way of said Covedale Avenue;

thence, departing said City of Cincinnati land and with the west right of way of said Covedale Avenue, South 05° 50' 43" West, 441.31 feet to the True Point of Beginning containing 6.4255 acres of land more or less subject to all legal highways, easements, restrictions and agreements of record.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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

Passed: \_\_\_\_\_, 2023

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

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

March 08, 2023

To: Mayor and Members of City Council  
From: Sheryl M.M. Long, City Manager  
Subject: Ordinance Utility Easement Dunlap Grove Subdivision

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202300768

Attached is an Ordinance captioned:

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office.

The attached ordinance accepts and confirms the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through portions of real property within the Dunlap Grove Subdivision in Colerain Township, Ohio, in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, and which easement has been granted by Dunlap Development, LLC, an Ohio limited liability company. The plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer and the City Manager in consultation with the Greater Cincinnati Water Works recommends that Council accept and confirm the acceptance of the public utility easement.

The Administration recommends passage of this Ordinance.

cc: Verna J. Arnette, GCWW, Interim Executive Director

**ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio, in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office.

WHEREAS, Dunlap Development, LLC, an Ohio limited liability company, has granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Colerain Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer, who has found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the easement granted by Dunlap Development, LLC, an Ohio limited liability company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office and incorporated herein by reference, is hereby accepted and confirmed.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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

Passed: \_\_\_\_\_, 2023

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

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

January 25, 2023

**To:** Mayor and Members of City Council 202300392  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – FY 2023 Mid-Year Budget Adjustment for Judgments Against the City Account**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of \$1,480,602.25 from the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of \$3,280,602.25 from the unappropriated surplus of General Fund 050 to the non-departmental Judgments Against the City General Fund non-personnel operating budget account no. 050x951x7400 for the purpose of satisfying a legal judgment against the City as well as associated legal fees in *White v. The City of Cincinnati*.

This Emergency Ordinance authorizes the transfer of \$1,480,602.25 from the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” to the unappropriated surplus of General Fund 050. This Emergency Ordinance further authorizes the transfer and appropriation of \$3,280,602.25 from the unappropriated surplus of General Fund 050 to the non-departmental Judgments Against the City General Fund non-personnel operating budget account no. 050x951x7400 for the purpose of satisfying a legal judgment against the City as well as associated legal fees in *White v. The City of Cincinnati*.

City Council passed Ordinance No. 0448-1986 on December 17, 1986 enacting Chapter 807 of the Cincinnati Municipal Code (CMC), which authorized assessment of registration fees and penalties on alarm system users arising from issuance of false alarms. The City was a defendant in a lawsuit captioned *White v. The City of Cincinnati*, 2021-Ohio-4003, which challenged the fees and penalties contained in CMC Chapter 807.

The First Appellate District of Ohio reversed the trial court’s ruling and held that the residential and nonresidential alarm user fees imposed by CMC Chapter 807 were an unconstitutional tax. Therefore, the City has been ordered to pay an estimated judgment of \$2,559,486.25 to the plaintiffs in the litigation, as well as attorney fees of \$721,116.00.

The Finance Department has increased FY 2023 revenue estimates due to FY 2023 State Shared Revenues from the Local Government Fund exceeding estimates by \$1,800,000, which has increased the unappropriated surplus of the General Fund and will serve as a source for a portion of the settlement of the judgment. The General Fund balance sheet reserve account no. 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," is the source of funds for the remaining \$759,486.25 needed for the settlement payment to the plaintiffs and the \$721,116.00 for legal fees.

The reason for the emergency is the immediate need to meet a legally required deadline for payment of the judgment.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment

## EMERGENCY

CFG

-2023

**AUTHORIZING** the transfer of \$1,480,602.25 from the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” to the unappropriated surplus of General Fund 050; and **AUTHORIZING** the transfer and appropriation of \$3,280,602.25 from the unappropriated surplus of General Fund 050 to the non-departmental Judgments Against the City General Fund non-personnel operating budget account no. 050x951x7400 for the purpose of satisfying a legal judgment against the City as well as associated legal fees in *White v. The City of Cincinnati*.

WHEREAS, Council passed Ordinance No. 0448-1986 on December 17, 1986 enacting Chapter 807 of the Cincinnati Municipal Code (“CMC”), which authorized assessment of registration fees and penalties on alarm system users arising from issuance of false alarms; and

WHEREAS, the City was a defendant in a lawsuit captioned *White v. The City of Cincinnati*, 2021-Ohio-4003 (“the litigation”), which challenged the fees and penalties contained in CMC Chapter 807; and

WHEREAS, the First Appellate District of Ohio reversed the trial court’s ruling in the litigation and held that the residential and nonresidential alarm user fees imposed by CMC Chapter 807 were an unconstitutional tax; and

WHEREAS, the City has been ordered to pay an estimated judgment of \$2,559,486.25 to the plaintiffs in the litigation, as well as attorney fees of \$721,116; and

WHEREAS, in order to comply with a legally required deadline, the attorney fees have already been paid from the Cincinnati Police Department’s General Fund non-personnel operating budget, but the payment from that fund needs to be reimbursed; and

WHEREAS, an additional \$2,559,486.25 is needed for the settlement payment to the plaintiffs; and

WHEREAS, the Finance Department has increased FY 2023 revenue estimates due to FY 2023 State Shared Revenues from the Local Government Fund exceeding estimates by \$1,800,000, which has increased the unappropriated surplus of the General Fund, which will serve as a source for a portion of the settlement of the judgment; and

WHEREAS, the General Fund balance sheet reserve account no. 050x2580, “Reserve for Weather Related Events, Other Emergency and One-Time Needs,” is the source of funds for the remaining \$759,486.25 needed for the settlement payment to the plaintiffs and the \$721,116 for



the reimbursement of the Cincinnati Police Department's General Fund non-personnel operating budget; now, therefore,

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

Section 1. That the sum of \$1,480,602.25 is hereby transferred from the General Fund balance sheet reserve account no. 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," to the unappropriated surplus of General Fund 050.

Section 2. That the sum of \$ 3,280,602.25 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to the non-departmental Judgments Against the City General Fund non-personnel operating budget account no. 050x951x7400 for the purpose of satisfying a legal judgment against the City as well as associated legal fees in *White v. The City of Cincinnati*.

Section 3. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 and 2 herein.

Section 4. 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 meet a legally required deadline for payment of the judgment.

Passed: \_\_\_\_\_, 2023

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

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

**March 13, 2023**

**To:** Mayor and Members of Budget and Finance

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

202300857

**Subject: Emergency Ordinance – Whex Garage Acquisition – Convention District Redevelopment**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to enter into a Funding Agreement with Whex Garage LLC, a wholly owned subsidiary of Cincinnati Center City Development Corporation (3CDC), and take such other steps as may be necessary in order to facilitate the company’s financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; **AUTHORIZING** the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to the Department of Finance non-personnel operating budget account no. 481x133x7200 for the purpose of providing resources to facilitate Whex Garage LLC’s financing to acquire certain real property located 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; and **DECLARING** that expenditures from the Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and 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 District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

**Background**

Approval of this Emergency Ordinance will authorize transfer and appropriation of the sum of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 for the purpose of providing resources for the acquisition of an existing parking garage at 212 W. Fourth Street as part of the Convention District redevelopment undertaken by Cincinnati Center City Development Corporation (3CDC). 3CDC has been selected by the City and Hamilton County for planning and management services related to the Convention District (City Council Resolution No. 6-2022). Furthermore, this Emergency Ordinance authorizes the appropriation of \$275,000 within the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 for the purpose of funding a debt service reserve fund. This debt service reserve fund will be utilized to support loans taken out by 3CDC from the Ohio Department of Development and the Cincinnati Equity Fund III for the acquisition of 212 W. Fourth Street. Hamilton County will also be providing an equal amount of funding towards a debt service reserve fund to similarly support the repayment of these loans. It is anticipated that the funds will be held in the debt service reserve and only drawn upon (i) if the garage revenues are insufficient to pay the debt service on the loans, (ii) the loans are refinanced and the debt service reserve

is used to pay down the principal balance of the loan, or (iii) to pay off any remaining principal balance of the loans at the end of the seven-year term of the loans.

Additionally, 3CDC has requested an annual appropriation to this debt service reserve to be made each fiscal year for the next six fiscal years for a total debt service reserve allocation of \$1,925,000 over the seven year term. Following this appropriation, Council would be asked each fiscal year to make the additional six appropriations to the Debt Service Reserve. However, the additional appropriations are still subject to future action by City Council.

Providing resources for the acquisition of an existing parking garage as part of the Convention District redevelopment is in accordance with the “Compete” goals to “[c]ultivate our position as the most vibrant and healthiest part of our region” and to “[b]ecome nationally and internationally recognized as a vibrant and unique city,” as described on pages 114-125 of Plan Cincinnati (2012). The Downtown Residents Council has provided a letter of support for the funding appropriation. The City Administration hosted a Community Engagement Meeting on February 22, 2023, details of which can be found here: <https://www.cincinnati.oh.gov/planning/community-engagement-meetings1/upcoming-community-engagement-meetings/community-engagement-meeting-for-proposed-tif-dollars-for-whex-garage-in-downtown/>

### **Summary**

The reason for the emergency is the need to close on the acquisition financing by the end of March 2023 in furtherance of the overall Convention District redevelopment efforts.

The Administration recommends passage of this Emergency Ordinance.

cc: Markiea Carter, Director of Community & Economic Development

An Ordinance No. \_\_\_\_\_ - 2023

EESW

**AUTHORIZING** the City Manager to enter into a Funding Agreement with Whex Garage LLC, a wholly owned subsidiary of Cincinnati Center City Development Corporation (3CDC), and take such other steps as may be necessary in order to facilitate the company’s financing to acquire certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; **AUTHORIZING** the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to the Department of Finance non-personnel operating budget account no. 481x133x7200 for the purpose of providing resources to facilitate Whex Garage LLC’s financing to acquire certain real property located 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage; and **DECLARING** that expenditures from the Department of Finance non-personnel operating budget account no. 481x133x7200 are for a public purpose and 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 District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, pursuant to Resolution No. 6-2022, approved by Council on January 26, 2022, the Mayor and Council expressed their support for the City of Cincinnati (the “City”) to generate a comprehensive strategy for redevelopment of the Duke Energy Convention Center (the “DECC”) and the surrounding area generally bounded by Race Street, Central Avenue, Fourth Street, and Sixth Street (collectively, the “District”), including through the engagement of Cincinnati Center City Development Corporation (“3CDC”) for planning and management services related to the District (the “Services”); and

WHEREAS, as part of the Services and in furtherance of the redevelopment efforts within the District, 3CDC entered into an agreement to purchase certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati (the “Property”), upon which is a located a 780-space parking garage commonly known as the Whex Garage (the “Garage”), and which is located within the District; and

WHEREAS, Whex Garage LLC (“Developer”), a wholly owned subsidiary of 3CDC, anticipates working with the Port of Greater Cincinnati Development Authority, or affiliate thereof (the “Port Authority”), for the Port Authority to acquire title to the Property and lease it back to Developer; and

WHEREAS, Developer is financing the acquisition of the Property by obtaining (i) a loan in the amount of \$7,000,000 from the Ohio Department of Development (the “State Loan”), and (ii) a loan in the amount of \$4,100,000 (the “CEFIII Loan”); and

WHEREAS, to facilitate the acquisition of the Property and promote its economic feasibility, the City is agreeable to annually provide City funds, subject to appropriation, in an amount not to exceed \$275,000 for a period of up to seven years, for a total contribution not to exceed \$1,925,000 (the “Funds”), which funds will be set aside and made available (i) to make debt service payments on the State Loan to the extent revenues from the Garage are insufficient (the “Loan Obligations”); and (ii) to the extent there are Funds left over following satisfaction of the Loan Obligations, to be applied to the final payment of any outstanding amounts due on the State Loan or, as necessary, the CEFIII Loan, all as more particularly described in the proposed Funding Agreement between the City and Developer, a copy of which is attached hereto as Attachment A (the “Agreement”); and

WHEREAS, the City currently anticipates that the Funds will be paid from revenues it receives in connection with the District 2-Downtown South/Riverfront District Incentive District; and

WHEREAS, in determining to provide the Funds, the City is acting in material reliance on the Board of County Commissioners of Hamilton County, Ohio providing a matching annual contribution of \$275,000 for up to seven years in support of acquiring the Property; and

WHEREAS, following the acquisition of the Property, Developer will maintain the Garage as a public parking garage in support of the District while developing a more comprehensive redevelopment plan for how the Property will be utilized in support of the DECC and the District; and

WHEREAS, the City, upon recommendation of the Department of Community and Economic Development, believes that the acquisition of the Property is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; for this reason, the City desires to facilitate the acquisition of the Property by providing the assistance as described in the Agreement; 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 enter into a Funding Agreement with Whex Garage LLC (“Developer”), in substantially the form attached hereto as Attachment A, to facilitate Developer’s financing to acquire certain real property located 212 W. Fourth

Street in the Central Business District of Cincinnati (the "Property"), upon which is located a 780-space parking garage commonly known as the Whex Garage.

Section 2. That Council hereby authorizes the transfer and appropriation of \$275,000 from the unappropriated surplus of Downtown South/Riverfront Equivalent Fund 481 to the Department of Finance non-personnel operating budget account no. 481x133x7200 for the purpose of providing resources to facilitate Developer's financing to acquire the Property.

Section 3. That the City Manager is hereby authorized to take such actions as are necessary and appropriate, including, without limitation, entering into a Deposit Control Account Agreement with the Ohio Department of Development, if necessary, to facilitate Developer's financing to acquire the Property.

Section 4. That Council hereby declares that providing resources to facilitate Developer's financing to acquire the Property (a) constitutes a "Public Infrastructure Improvement" (as defined in Section 5709.40(A)(8) of the Ohio Revised Code ("R.C.)) that will benefit and/or serve the District 2-Downtown South/Riverfront District Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43; and (b) serves a public purpose because the Whex Garage will be utilized by Developer in support of the Duke Energy Convention Center and surrounding areas.

Section 5. That the proper City officials are hereby 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 facilitate Developer's closing on its acquisition of the Property and associated financing in order to meet the agreed-upon closing timeline.

Passed: \_\_\_\_\_, 2023

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

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

ATTACHMENT A



Contract No. \_\_\_\_\_

**FUNDING AGREEMENT**

*between the*

**CITY OF CINCINNATI**

*and*

**WHEX GARAGE LLC**

**Project Name: Whex Garage Acquisition  
(contribution of City funds for acquisition of Whex Garage located at 212 W. Fourth Street  
in the Central Business District of Cincinnati)**

**Date: \_\_\_\_\_, 2023**

**FUNDING AGREEMENT**  
(Whex Garage Acquisition)

This Funding Agreement (this “**Agreement**”) is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, Ohio 45202 (the “**City**”), and **WHEX GARAGE LLC**, an Ohio limited liability company (“**Developer**”), a wholly owned subsidiary of CINCINNATI CENTER CITY DEVELOPMENT CORPORATION (“**3CDC**”).

Recitals:

A. Pursuant to Resolution No. 6-2022, approved by City Council on January 26, 2022, the Mayor and Council of the City expressed their support for the City to generate a comprehensive strategy for redevelopment of the Duke Energy Convention Center (the “**DECC**”) and the surrounding area generally bounded by Race Street, Central Avenue, 4<sup>th</sup> Street, and 6<sup>th</sup> Street (collectively, the “**District**”), including through the engagement of 3CDC for planning and management services related to the District.

B. Pursuant to that certain *Development Management Services Agreement* dated [\_\_\_\_], 2023, between the City, the Board of County Commissioners of Hamilton County, Ohio (the “**County**”), and 3CDC Development Manager, LLC (“**Manager**”), an affiliate of Developer and wholly owned subsidiary of 3CDC, the City and the County engaged Manager to, among other things, provide general planning and development services as it relates to property within the District (the “**Services**”).

C. As part of the Services and in furtherance of the parties’ redevelopment efforts within the District, 3CDC entered into a *Membership Interest Purchase Agreement* dated August 29, 2022 (the “**Purchase Agreement**”), with Carell Ohio, LLC (“**Seller**”), to purchase certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage (the “**Garage**”), which property is located within the District and is more particularly described on Exhibit A (Legal Description) hereto (the “**Property**”).

D. Pursuant to the Purchase Agreement and other separate agreement(s) with the Port of Greater Cincinnati Development Authority (the “**Port**”), the Port or a wholly owned subsidiary of the Port will acquire title and lease the Property to Developer.

E. Developer is financing the acquisition of the Property (the “**Acquisition**”) by obtaining (i) a 166 loan from the State of Ohio (the “**State**”) in the amount of \$7,000,000 (the “**State Loan**”) and (ii) a loan from The Cincinnati Equity Fund III, Ltd. (“**CEFIII**”) in the amount of \$4,100,000 (the “**CEFIII Loan**,” and collectively with the State Loan, the “**Loans**”). Any documents with respect to the Acquisition with Developer, the Port, the State, CEFIII, and/or the County to which the City is a party, or executed by Developer in favor of the City, are referred to herein as the “**Project Documents**”.

F. To facilitate the Acquisition and promote its economic feasibility, the City will, subject to appropriation, transfer to a separate City account (the “**City Account**”) City funds in an amount not to exceed \$275,000 per year for 7 years (each such appropriation and transfer being referred to herein as “**Pledged Funds**”), for a total contribution not to exceed \$1,925,000 (collectively, the “**City Funds**”), to be set aside and made available to the extent the other sources of repayment for the State Loan are insufficient to pay principal, interest, and other amounts due with respect to the State Loan (the “**Loan Obligations**”), until all Loan Obligations have been satisfied. The City currently anticipates that any City Funds will be paid from revenues the City receives in connection with the District 2-Downtown South/Riverfront District Incentive District.

G. In determining to provide the City Funds, the City has acted in material reliance on the County providing a matching contribution of \$275,000 per year for 7 years, for a total contribution of \$1,925,000, in support of the Acquisition (the “**County Funds**”).

H. The parties currently anticipate that the sources of repayment for the State Loan will include the following, in the order of application: (i) first, net operating income from the Garage; (ii) second, if

available, funds from the Debt Service Reserve (as defined below); (iii) third, to be drawn on equally, (a) subject to Council appropriation, the Pledged Funds, and (b) the annual contribution of the County Funds; and (iv) fourth, as necessary, 3CDC's corporate payment guaranty to the State (the "Guaranty").

I. Following the Acquisition, Developer will provide to the City a more comprehensive redevelopment plan for how the Property will be utilized in support of the DECC and the District (the "Redevelopment"; and collectively with the Acquisition, the "Project").

J. The City, upon recommendation of the City's Department of Community and Economic Development ("DCED"), believes that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; for this reason, the City desires to facilitate the Project by providing the assistance as described herein.

K. Execution of this Agreement was authorized by Ordinance No. \_\_\_\_-2023, passed by City Council on \_\_\_\_\_, 2023.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Term.** The term of this Agreement shall commence on the Effective Date, and unless sooner terminated as herein provided, shall end on the date that the Loan Obligations have been satisfied and Developer has satisfied all other obligations to the City under this Agreement (the "Term"). Any and all obligations of Developer that have accrued but have not been fully performed as of such termination or expiration date shall survive such termination or expiration until fully performed.

2. **Project.** Subject to the terms of this Agreement, Developer shall complete the Project in accordance with Exhibit B (*Statement of Work and Budget*) hereto.

(A) **Acquisition.** Not later than March 31, 2023, Developer shall cause the Property to be acquired by the Port (the "Closing"). Developer warrants that, at Closing, the Port shall obtain fee simple title to the Property and lease the same to Developer, free and clear of all liens and encumbrances except for recorded utility easements, mortgages associated with the Loans, and other encumbrances, if any, that will not impair or impede the Redevelopment or the future use of the Property in support of the District (collectively, the "Permitted Encumbrances"). At Closing, Port and/or Developer, as applicable, shall execute all customary closing documents and provide copies to the City. Developer shall be responsible for all costs of Closing, including, without limitation, closing, escrow, and recording fees and any other commercially reasonable costs or expenses necessary to complete the transaction contemplated by this Agreement. Notwithstanding anything to the contrary in this Agreement, this Agreement shall automatically terminate, and thereafter neither party shall have any right or obligations to the other, if for any reason the Closing does not occur by April 30, 2023; *provided however*, upon Developer's request, the Director of DCED may, in his or her sole and absolute discretion, extend such timeframe by providing written notice to Developer.

(B) **Redevelopment.** Subject to the terms of this Agreement, Developer shall complete the Redevelopment in accordance with Exhibit B hereto.

3. **Due Diligence Materials.** Developer shall provide the below due diligence materials to the City (the "Due Diligence Materials"). Once the Due Diligence Materials have been approved by the City, Developer shall not make or permit any changes thereto without the prior written consent of the Director of DCED. Prior to Closing, among other things, the following conditions must have been satisfied or waived in writing in the City's sole and absolute discretion:

(A) **Title Commitment.** Developer must present a commitment of title insurance for the Property, for issuance of both an owner's policy, prepared by a reputable national title insurance company and in such form acceptable to the City, evidencing the title company's commitment to issue an Owner's Policy of Title Insurance to the Port.

(B) Evidence of Clear Title. Developer must present evidence, satisfactory to the City, that the Port has acquired title or will acquire title to the Property in fee simple absolute, and that said title is free, clear, and unencumbered, except for the Permitted Encumbrances.

(C) Environmental Report. Developer must present the City with an up-to-date Phase I Environmental Assessment showing no recognized environmental conditions on the Property. The Phase I must be in such form acceptable to the City, and the City must be permitted to rely on such Phase I.

(D) Final Budget. Developer must provide the City with a final itemized budget for the Project, generally consistent with the budget shown on Exhibit B.

(E) Insurance. Developer must present evidence that all insurance policies required under this Agreement have been secured.

(F) Financing. Developer must provide the City with evidence, satisfactory to the City, that it has secured all financing necessary for the Acquisition. Any changes in Acquisition financing and/or costs are subject to further review and approval by the City.

(G) Other Information. Developer must provide to the City such other information and documents pertaining to Developer or the Project as the City may reasonably require.

(H) No Default. Developer shall be in full compliance with all requirements under this Agreement.

#### 4. Acquisition Financing.

(A) Garage Revenues. As used in this Section, (i) "**Garage Revenues**" means all user fees or other revenue generated from the operation of the Garage; (ii) "**Capital Expenses**" means expenses of any work or purchases that are reasonably required to be performed in the Garage, that are not routine, and which are necessitated by any damage, destruction, ordinary wear and tear, defects in construction or design, or any other cause; and (iii) "**Operating Expenses**" means commercially reasonable costs associated with the operations of the Garage, including charges for gas, electricity, water, sewer, telephone and other utilities, insurance costs, real estate taxes and installments of assessments that become due and payable after the Acquisition, salaries, wages, and benefits paid to persons employed in connection with the operation of the Garage, and routine repair and maintenance.

(i) Allocation of Parking Revenues. Developer shall cause the Garage Revenues to be allocated in the following order of priority:

- (a) First, to the payment of Operating Expenses;
- (b) Second, to the payment of all scheduled principal and interest payments on the Loans;
- (c) Third, to the payment of a management fee to Developer in an amount not to exceed 5% of Garage Revenues;
- (d) Fourth, to the replenishment of the Operating and Capital Improvement Reserve (as defined below), as necessary; and
- (e) Fifth, to the payment of any remainder amount into the Debt Service Reserve (this amount, being the Garage Revenues less (a)-(d) above, being referred to herein as the "**Net Garage Revenues**").

(ii) Operating and Capital Improvement Reserve. As used in this Section, "**Operating and Capital Improvement Reserve**" means an amount that Developer will set aside, which will pay (a) Operating Expenses when Garage Revenues are insufficient and (b) Capital Expenses. While the Loan Obligations remain outstanding, Developer shall cause the Operating and Capital Improvement Reserve to have an initial balance of \$200,000. For the avoidance of doubt, the Operating and Capital Improvement Reserve does not have to be a separate account; *provided, however*, that Developer shall maintain the Operating and Capital Improvement Reserve as a separate line item in the budget at all times.

(iii) **Debt Service Reserve.** As used in this Section, “**Debt Service Reserve**” means an amount managed by Developer, which will pay scheduled principal and interest payments on the Loans in the event the Garage Revenues are insufficient to do so. While the Loan Obligations remain outstanding, Developer shall cause the Debt Service Reserve to be established and maintained, if funded from excess amounts in accordance with Section 4(A)(i). To the extent there are Net Garage Revenues in the Debt Service Reserve in any year, Developer agrees and acknowledges that those funds shall be drawn upon before the City’s Pledged Funds. For the avoidance of doubt, the Debt Service Reserve does not have to be a separate account; *provided, however*, that Developer shall maintain the Debt Service Reserve as a separate line item in the budget at all times.

(B) **Pledged Funds.** To facilitate the Acquisition financing, subject to the terms and conditions of this Agreement, the City shall, subject to appropriation, transfer the Pledged Funds to the City Account. For the avoidance of doubt, Developer acknowledges that the City’s direct financial assistance is limited to the City Funds identified in this Agreement, which shall be used exclusively to facilitate the Acquisition financing.

(i) **Use of Pledged Funds.** The Pledged Funds shall be made available to the State, by means of a Deposit Account Control Agreement substantially in the form of Exhibit C (Form of DACA) attached hereto (the “**DACA**”), to the extent that the Garage Revenues are insufficient to pay the Loan Obligations then due and payable. At maturity on the State Loan, any funds remaining in the City Account may (a) first, be applied to the final payment of any outstanding amounts due on the State Loan or, as necessary, to the payment of any outstanding amounts due on the CEFIII Loan; and (b) second, removed from the City Account, to be retained by the City and used by the City for any lawful purpose.

(ii) **Conditions of Pledged Funds.** The City’s funding commitment provided for herein shall be subject to and contingent upon (a) the execution and continued effectiveness of this Agreement, the DACA, and all other Project Documents; and (b) the continued effectiveness of Developer’s agreement with the County for the County to provide the County Funds. For the avoidance of doubt, once all Loan Obligations have been satisfied, the City’s obligation hereunder to provide any City Funds shall terminate, and any amounts that remain outstanding in the City Account shall be removed from the City Account, to be retained by the City and used by the City for any lawful purpose.

(C) **County Funds.** Developer represents to the City that the County is providing the County Funds to facilitate the Acquisition financing. Developer hereby agrees that the City Funds and the County Funds shall be drawn on a pro rata basis, such that the City and the County will be contributing equal amounts to pay any Loan Obligations then due and payable, subject to and in accordance with Section 4(B)(i) above.

5. **Reserved.**

6. **Insurance; Indemnity.**

(A) **Insurance.** Throughout the Term, Developer shall maintain, or cause to be maintained, the following insurance: (i) Commercial General Liability insurance of at least \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, naming the City as an additional insured, (ii) worker’s compensation insurance in such amount as required by law, (iii) all insurance as may be required by Developer’s lenders for the Project, and (iv) such other insurance as may be reasonably required by the City. All insurance policies shall (a) be written in standard form by companies of recognized responsibility and credit reasonably acceptable to the City, that are authorized to do business in Ohio, and that have an A.M. Best rating of A VII or better, and (b) provide that they may not be cancelled or modified without at least 30 days’ prior written notice to the City. Within 10 days following execution of this Agreement, Developer shall send proof of all such insurance to DCED at 805 Central Avenue, Suite 700, Cincinnati, Ohio 45202, Attention: Monitoring and Compliance Division, or such other address as may be specified by the City from time to time.

(B) Waiver of Subrogation in Favor of City. Developer hereby waives all claims and rights of recovery, and on behalf of Developer's insurers, rights of subrogation, against the City, its employees, agents, contractors, and subcontractors with respect to any and all damage to or loss of property that is covered or that would ordinarily be covered by the insurance required under this Agreement to be maintained by Developer, even if such loss or damage arises from the negligence of the City, its employees, agents, contractors, or subcontractors; it being the agreement of the parties that Developer shall at all times protect itself against such loss or damage by maintaining adequate insurance. Developer shall cause its insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

(C) Indemnity. Notwithstanding anything in this Agreement to the contrary, as a material inducement to the City to enter into this Agreement, Developer shall defend, indemnify, and hold the City, its officers, council members, employees, and agents (collectively, the "Indemnified Parties") harmless from and against any and all actions, suits, claims, losses, costs (including, without limitation, attorneys' fees), demands, judgments, liability, and damages (collectively, "Claims") suffered or incurred by or asserted against the Indemnified Parties as a result of or arising from the acts of Developer, its agents, employees, contractors, subcontractors, licensees, invitees, or anyone else acting at the request of Developer in connection with the Project. Developer's indemnification obligations under this paragraph shall survive the termination or expiration of this Agreement with respect to Claims arising prior thereto.

7. Casualty; Eminent Domain. If the Project or the Property, or any improvements thereon made pursuant to the Project, is damaged or destroyed by fire or other casualty during construction, or if any portion of the Property is taken by exercise of eminent domain (federal, state, or local), Developer shall cause the Property to be repaired and restored, as expeditiously as possible, and to the extent practicable, to substantially the same condition that existed immediately prior to such occurrence. If the proceeds are insufficient to fully repair and restore the affected property, the City shall not be required to make up the deficiency. Developer shall handle all reconstruction in accordance with the applicable requirements set forth herein, including, without limitation, obtaining the City's approval of the plans and specifications for the construction of the Project if they deviate from the final Plans and Specifications as initially approved by the City hereunder. Developer shall not be relieved of any obligations, financial or otherwise, under this Agreement during any period in which the Project or the affected Property is being repaired or restored.

## 8. Default; Remedies.

(A) Default. The occurrence of any of the following shall be an "event of default" under this Agreement:

(i) the failure by Developer to use any of the City Funds in accordance with this Agreement;

(ii) the dissolution, other than in connection with a merger, of Developer, the filing of any bankruptcy or insolvency proceedings by Developer, or the making by Developer of an assignment for the benefit of creditors, or the filing of any bankruptcy or insolvency proceedings by or against Developer, the appointment of a receiver (temporary or permanent) for Developer or the Property, the attachment of, levy upon, or seizure by legal process of any property of Developer, or the insolvency of Developer, unless such appointment, attachment, levy, seizure, or insolvency is cured, dismissed, or otherwise resolved to the City's satisfaction within 30 days following the date thereof;

(iii) The occurrence of a Specified Default (as defined below), or any failure of Developer to perform or observe (or cause to be performed or observed, if applicable), any obligation, duty, or responsibility under this Agreement, or any other agreement or other instrument executed by Developer in favor of the City in connection with the Project, and failure by Developer to correct such default within 30 days after Developer's receipt of written notice thereof from the City (the "Cure Period"); *provided, however*, that if the nature of the default is such that it cannot reasonably be cured during the Cure Period, Developer shall not be in default under this Agreement so long as Developer commences to cure the default within such Cure Period and thereafter diligently completes such cure within 60 days after Developer's receipt of the City's initial notice of default. Notwithstanding the foregoing, if Developer's failure to perform or observe any obligation, duty, or responsibility under this Agreement creates a dangerous condition or otherwise

constitutes an emergency as determined by the City in good faith, an event of default shall be deemed to have occurred if Developer fails to take reasonable corrective action immediately upon discovering such dangerous condition or emergency. As used in this section, "**Specified Default**" means the occurrence of:

- (a) **Misrepresentation.** Any representation, warranty, or certification of Developer or of its affiliates made in connection with this Agreement, any other Project Documents, or any other agreement or instrument executed by Developer or its affiliates in favor of the City in connection with the Project shall prove to have been false or materially misleading when made.
- (b) **Financing Default.** Developer otherwise defaults beyond any applicable notice and/or cure period under (1) this Agreement, or (2) the documentation for either the State Loan or the CEFIII Loan.

(B) **Remedies.** Upon the occurrence and during the continuation of an event of default under this Agreement which is not cured or corrected within any applicable Cure Period, the City shall be entitled to (i) terminate this Agreement by giving Developer written notice thereof and, without limitation of its other rights and remedies, and with or without terminating this Agreement, declare all amounts disbursed by the City with respect to the Loan to be immediately due and payable and demand that Developer repay to the City all such amounts, (ii) take such actions in the way of "self-help" as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of Developer, and (iii) exercise any and all remedies available under the this Agreement, and (iv) exercise any and all other rights and remedies available at law or in equity, including, without limitation, pursuing an action for specific performance, all such rights and remedies being cumulative. Developer shall be liable for all costs and damages, including, without limitation, attorneys' fees, suffered or incurred by the City in connection with administration, enforcement, or termination of this Agreement or as a result of a default of Developer under this Agreement or the City's termination of this Agreement. The failure of the City to insist upon the strict performance of any covenant or duty or to pursue any remedy shall not constitute a waiver of the breach of such covenant or of such remedy.

9. **Notices.** All notices, requests, or other communications hereunder shall be deemed given if personally delivered, or delivered by Federal Express, UPS or other recognized overnight courier, or if mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:

Director  
Dept. of Community and Economic Development  
City of Cincinnati  
805 Central Avenue, 7<sup>th</sup> Floor  
Cincinnati, Ohio 45202

To Developer:

Whex Garage LLC  
c/o Cincinnati Center City Development Corporation  
1203 Walnut Street, 4<sup>th</sup> Floor  
Cincinnati, Ohio 45202  
Attn: Legal

If Developer sends a notice to the City alleging that the City is in default under this Agreement, Developer shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, Ohio 45202.

10. **Representations, Warranties, and Covenants.** Developer makes the following representations, warranties, and covenants to induce the City to enter into this Agreement (and Developer shall be deemed as having made these representations, warranties, and covenants again upon Developer's receipt of each disbursement of any portion of the City Funds):

- (i) Developer is a limited liability company duly organized and validly existing under the laws of the State of Ohio, is qualified to do business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws of the State of Ohio relevant to the transactions contemplated by this Agreement.

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

(iii) The execution, delivery, and performance by Developer of this Agreement and the consummation of the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or the organizational documents of Developer, or any mortgage, indenture, contract, agreement, or other undertaking to which Developer is a party or which purports to be binding upon Developer or upon any of its assets, nor is Developer in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of Developer, threatened against or affecting Developer, or its parents, subsidiaries, or affiliates, or the Project, at law or in equity or before or by any governmental authority, which would materially adversely affect Developer's ability to perform Developer's obligations set forth in this Agreement.

(v) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute, or governmental proceeding or investigation affecting Developer that could reasonably be expected to interfere substantially with its normal operations or materially and adversely affect its financial condition or its completion of the Project.

(vi) The statements made and information contained in the documentation provided by Developer to the City that are descriptive of Developer or the Project have been reviewed by Developer and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) Pursuant to Section 301-20, Cincinnati Municipal Code, neither Developer nor any of its affiliates are currently delinquent in paying any fines, penalties, judgments, water or other utility charges, or any other amounts owed by them to the City.

## **11. Reporting Requirements.**

(A) **Submission of Records and Reports; Records Retention.** Developer shall collect, maintain, and furnish to the City upon the City's request such accounting, financial, business, administrative, operational, and other reports, records, statements, and information as may be requested by the City pertaining to Developer, the Project, or this Agreement, including, without limitation, audited financial statements, bank statements, income tax returns, information pertinent to the determination of finances of the Project, and such reports and information as may be required for compliance with programs and projects funded by the City, Hamilton County, the State of Ohio, or any federal agency (collectively, "**Records and Reports**"). All Records and Reports compiled by Developer and furnished to the City shall be in such form as the City may from time to time require. Developer shall retain all Records and Reports for a period of 3 years after the expiration or termination of this Agreement.

(B) **Specific Reporting Requirements.** Throughout the Term, Developer shall provide DCED with the following information and reports.

(i) ***Budget.*** At the beginning of each calendar year thereafter during the Term, Developer shall provide the City with an operating budget for the Garage for the upcoming year, which shall include any and all anticipated estimated Garage Revenues, estimated Operating Expenses, estimated Capital Expenses, and estimated management fees. The budget shall be in a form acceptable to the City.

(ii) ***Operating Report.*** No later than March 31<sup>st</sup> of each calendar year during the Term, Developer shall provide the City with a reasonably detailed, professionally-prepared operating statement, balance sheet, and report for the Garage (and such other financial statements and information as may be reasonably requested by the City) for the year then just ended showing in detail (a) the Garage Revenues,



Operating Expenses, Capital Expenses, and management fees for the calendar year; (b) the balances in the Operating and Capital Improvement Reserve as of the end of such year; (c) an attendance report showing the number of motor vehicles that were parked at the Garage during such year; (d) evidence of insurance policies required to be maintained under this Agreement; (e) information on activities in furtherance of the plan identified in Exhibit B; and (f) any and all other information regarding operations of the Garage as the City may from time to time reasonably request (each an “**Operating Report**”). The Operating Report shall be in a form acceptable to the City.

(C) City’s Right to Inspect and Audit. Throughout the Term and for a period of 3 years after the expiration or termination of this Agreement, Developer shall permit the City, its employees, agents, and auditors to have full access to and to inspect and audit Developer’s Records and Reports. In the event any such inspection or audit discloses a material discrepancy with information previously provided by Developer to the City, Developer shall reimburse the City for its out-of-pocket costs associated with such inspection or audit.

## 12. General Provisions.

(A) Assignment. During the Term of this Agreement, Developer shall not assign its rights or interests under this Agreement to a third party without the prior written consent of the City; and *provided*, that the City may require the execution of an amendment hereto or other clerical documentation to effect such assignment or substitution of parties. Any attempt by Developer to assign its rights or obligations under this Agreement without the City’s consent shall, at the City’s option, render this Agreement null and void.

(B) Entire Agreement; Conflicting Provisions. This Agreement (including the Exhibits hereto) and the other agreements referred to herein contain the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof. In the event that any of the provisions of this Agreement purporting to describe specific provisions of other agreements are in conflict with the specific provisions of such other agreements, the provisions of such other agreements shall control. In the event that any of the provisions of this Agreement are in conflict or are inconsistent, the provision determined by the City to provide the greatest legal and practical safeguards with respect to the use of the Loan and the City’s interests in connection with this Agreement shall control.

(C) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(D) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and Developer agrees that venue in such court is proper. Developer hereby waives trial by jury with respect to any and all disputes arising under this Agreement.

(E) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(F) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(G) Severability. If any part of this Agreement is held by a court of law to be void, illegal, or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(H) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder’s office.

(I) Time. Time is of the essence with respect to Developer’s performance of its obligations

under this Agreement.

(J) Recognition of City Assistance. Developer shall acknowledge the financial support of the City with respect to this Agreement in all printed promotional materials (including, without limitation, informational releases, pamphlets and brochures, construction signs, project and identification signage and stationery) and any publicity (such as but not limited to materials appearing on the Internet, television, cable television, radio or in the press or any other printed media) relating to the Project. In identifying the City as a funding source, Developer shall use either the phrase "Funded by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

(K) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

(L) No Brokers. The parties represent that they have not dealt with a real estate broker, salesperson, or other person who might claim entitlement to a fee or other compensation as a result of the parties' execution of this Agreement.

(M) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future officer, agent, employee, or attorney of the City in other than his or her official capacity.

(N) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(O) Administrative Actions. To the extent permitted by applicable laws, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement or the funding hereunder.

(P) Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

(Q) Transfer of Fee Title to Port. Nothing in this Agreement shall be construed to prohibit Developer from entering into a sale (or lease) and leaseback arrangement with respect to portion(s) of the Property in which fee or leasehold title to the Property (or any portion thereof) is held by the Port (the "**Port Arrangement**"); *provided, however*, that Developer shall provide the City with such documents and other information with respect to this arrangement as the City may reasonably request, including the final form of the Port Arrangement, at least 10 business days prior to any conveyance of any portion of the Property to the Port. Developer may not assign its rights, obligations, or any other interest under this Agreement to any other party except as in accordance with Section 12(A), but at any time, subject to the provisions of this paragraph, once Developer has obtained the fee interest in the Property, Developer may convey fee or leasehold interest to the Port, in the manner, and subject to the terms described, above. It is also understood and agreed that the Port may convey such interest back to Developer pursuant to the terms contained in the agreement memorializing the Port Arrangement. Developer hereby provides notice to the City that Developer will enter into the Port Arrangement.

13. Exhibits. The following Exhibits are attached hereto and made a part hereof:

Exhibit A – Legal Description

Exhibit B – Statement of Work and Budget

Exhibit C – *Form of DACA*  
Exhibit D – *Additional Requirements*

Remainder of this page intentionally left blank. Signatures to follow.

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

**WHEX GARAGE LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

**CITY OF CINCINNATI**

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

Exhibit A  
to Funding Agreement

*Legal Description*

TO BE ATTACHED

Exhibit B  
to Funding Agreement

*Statement of Work and Budget*

**I. Statement of Work.**

Developer is financing the Acquisition of the Property and will work with the Port, the City, and the County to redevelop and incorporate the Property into the broader plan for the District. Developer will maintain the Garage as a public parking garage as Developer completes its broader redevelopment plan for the Convention District.

The Developer's work for the Property will include, without limitation:

- Developer will provide to the City a third-party capital needs assessment. Developer will utilize such assessment to inform the redevelopment strategy for the Property.
- Developer will continue providing public parking at the Property until Developer determines (i) to fully renovate the Garage to ensure long term public parking to serve the Convention District or (ii) to demolish or otherwise repurpose the Property to serve another function within the Convention District.

**II. Budget.**

<b>Uses</b>	
Acquisition	\$ 11,900,000
Loan Origination Fee	52,424
Operating Reserve	200,000
Title	25,000
Legal	50,000
Misc Costs	15,000
<b>Total Uses</b>	<b>12,242,424</b>

<b>Sources</b>	
ODOD	7,000,000
CEFIll	4,018,182
Equity	1,224,242
<b>Total Sources</b>	<b>12,242,424</b>

Exhibit C  
to Funding Agreement

*Form of DACA*

TO BE ATTACHED

Exhibit D  
to Funding Agreement

*Additional Requirements*

Developer and Developer's general contractor shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati (collectively, "**Government Requirements**"), including the Government Requirements listed below, to the extent that they are applicable. Developer hereby acknowledges and agrees that (a) the below listing of Government Requirements is not intended to be an exhaustive list of Government Requirements applicable to the Project, Developer, or Developer's contractors, subcontractors, or employees, either on the City's part or with respect to any other governmental entity, and (b) neither the City nor its Law Department is providing legal counsel to or creating an attorney-client relationship with Developer by attaching this Exhibit to the Agreement.

This Exhibit serves two functions:

(i) Serving as a Source of Information With Respect to Government Requirements. This Exhibit identifies certain Government Requirements that may be applicable to the Project, Developer, or its contractors and subcontractors. Because this Agreement requires that Developer comply with all applicable laws, regulations, and other Government Requirements (and in certain circumstances to cause others to do so), this Exhibit flags certain Government Requirements that Developers, contractors, and subcontractors regularly face in constructing projects or doing business with the City. To the extent a Developer is legally required to comply with a Government Requirement, failure to comply with such a Government Requirement is a violation of the Agreement.

(ii) Affirmatively Imposing Contractual Obligations. If certain conditions for applicability are met, this Exhibit also affirmatively imposes contractual obligations on Developer, even where such obligations are not imposed on Developer by Government Requirements. As described below, the affirmative obligations imposed hereby are typically a result of policies adopted by City Council which, per Council's directive, are to be furthered by the inclusion of certain specified language in some or all City contracts. The City administration (including the City's Department of Community and Economic Development) is responsible for implementing the policy directives promulgated by Council (which typically takes place via the adoption of motions or resolutions by Council), including, in certain circumstances, by adding specific contractual provisions in City contracts such as this Agreement.

(A) Construction Workforce.

(i) Applicability. Consistent with the limitations contained within the City Resolutions identified in clause (ii) below, this Section (A) shall not apply to contracts with the City other than construction contracts, or to construction contracts to which the City is not a party. For the avoidance of doubt, this Agreement is a construction contract solely to the extent that it directly obligates Developer to assume the role of a general contractor on a construction project for public improvements such as police stations or other government buildings, public parks, or public roadways.

The Construction Workforce Goals are not applicable to future work (such as repairs or modifications) on any portion of the Project. The Construction Workforce Goals are not applicable to the purchase of specialty fixtures and trade fixtures.

(ii) Requirement. In furtherance of the policy enumerated in City Resolutions No. 32-1983 and 21-1998 concerning the inclusion of minorities and women in City construction work, if Developer is performing construction work for the City under a construction contract to which the City is a party, Developer shall use Best Efforts to achieve a standard of no less than 11.8% Minority Persons (as defined below) and 6.9% females (of whom at least one-half shall be Minority Persons) in each craft trade in Developer and its general contractor's aggregate workforce in Hamilton County, to be achieved at least halfway through the construction contract (or in the case of a construction contract of six months or more, within 60 days of beginning the construction contract) (collectively, the "**Construction Workforce Goals**").



As used herein, the following terms shall have the following meanings:

(a) "**Best Efforts**" means substantially complying with all of the following as to any of its employees performing such construction, and requiring that all of its construction subcontractors substantially comply with all of the following: (1) solicitation of Minority Persons as potential employees through advertisements in local minority publications; and (2) contacting government agencies, private agencies, and/or trade unions for the job referral of qualified Minority Persons.

(b) "**Minority Person**" means any person who is Black, Asian or Pacific Islander, Hispanic, American Indian, or Alaskan Native.

(c) "**Black**" means a person having origin in the black racial group of Africa.

(d) "**Asian or Pacific Islander**" means a person having origin in the original people of the Far East or the Pacific Islands, which includes, among others, China, India, Japan, Korea, the Philippine Islands, Malaysia, Hawaii, and Samoa.

(e) "**Hispanic**" means a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultural origin.

(f) "**American Indian**" or "**Alaskan Native**" means a person having origin in any of the original people of North America and who maintains cultural identification through tribal affiliation.

(B) Trade Unions; Subcontracts; Competitive Bidding.

(i) Meeting and Conferring with Trade Unions.

(a) Applicability. Per City of Cincinnati, Ordinance No. 130-2002, this requirement is limited to transactions in which Developer receives City funds or other assistance (including, without limitation, the City's construction of public improvements to specifically benefit the Project, or the City's sale of real property to Developer at below fair market value).

(b) Requirement. This Agreement may be subject to the requirements of City of Cincinnati, Ordinance No. 130-2002, as amended or superseded, providing that, if Developer receives City funds or other assistance, Developer and its general contractor, prior to the commencement of construction of the Project and prior to any expenditure of City funds, and with the aim of reaching comprehensive and efficient project agreements covering all work done by Developer or its general contractor, shall meet and confer with: the trade unions representing all of the crafts working on the Project, and minority, female, and locally-owned contractors and suppliers potentially involved with the construction of the Project. At this meeting, Developer and/or its general contractor shall make available copies of the scope of work and if prevailing wage rates apply, the rates pertaining to all proposed work on the Project. Not later than 10 days following Developer and/or its general contractor's meet and confer activity, Developer shall provide to the City, in writing, a summary of Developer and/or its general contractor's meet and confer activity.

(ii) Contracts and Subcontracts; Competitive Bidding.

(a) Applicability. This clause (ii) is applicable to "construction contracts" under Cincinnati Municipal Code ("**CMC**") Chapter 321. CMC Chapter 321 defines "construction" as "any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than four thousand dollars and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority," and "contract" as "all written agreements of the City of Cincinnati, its boards or commissions, prepared and signed by the

city purchasing agent or a board or commission for the procurement or disposal of supplies, service or construction.”

(b) Requirement. If CMC Chapter 321 applies to the Project, Developer is required to ensure that all contracts and subcontracts for the Project are awarded pursuant to a competitive bidding process that is approved by the City in writing. All bids shall be subject to review by the City. All contracts and subcontracts shall be expressly required by written agreement to comply with the provisions of this Agreement and the applicable City and State of Ohio laws, ordinances and regulations with respect to such matters as allocation of subcontracts among trade crafts, Small Business Enterprise Program, Equal Employment Opportunity, and Construction Workforce Goals.

(iii) Competitive Bidding for Certain City-Funded Development Agreements.

(a) Applicability. Pursuant to Ordinance No. 273-2002, the provision in clause (b) below applies solely where the Project receives in \$250,000 or more in direct City funding, and where such funding comprises at least 25% of the Project's budget. For the purposes of this clause (iii), "direct City funding" means a direct subsidy of City funds in the form of cash, including grants and forgivable loans, but not including public improvements, land acquisitions and sales, job creation tax credits, or tax abatements or exemptions.

(b) Requirement. This Agreement requires that Developer issue an invitation to bid on the construction components of the development by trade craft through public notification and that the bids be read aloud in a public forum. For purposes of this provision, the following terms shall be defined as set forth below:

(1) "Bid" means an offer in response to an invitation for bids to provide construction work.

(2) "Invitation to Bid" means the solicitation for quoted prices on construction specifications and setting a time, date and place for the submission of and public reading of bids. The place for the public reading of bids shall be chosen at the discretion of Developer; however, the place chosen must be accessible to the public on the date and time of the public reading and must have sufficient room capacity to accommodate the number of respondents to the invitation to bid.

(3) "Trade Craft" means (a) general construction work, (b) electrical equipment, (c) plumbing and gas fitting, (d) steam and hot water heating and air conditioning and ventilating apparatus, and steam power plant, (e) elevator work, and (f) fire protection.

(4) "Public Notification" means (a) advertisement of an invitation to bid with ACI (Allied Construction Industries) and the Dodge Report, and (b) dissemination of the advertisement (either by mail or electronically) to the South Central Ohio Minority Business Council, Greater Cincinnati Northern Kentucky African-American Chamber of Commerce, and the Hispanic Chamber of Commerce. The advertisement shall include a description of the "scope of work" and any other information reasonably necessary for the preparation of a bid, and it shall be published and disseminated no less than fourteen days prior to the deadline for submission of bids stated in the invitation to bid.

(5) "Read Aloud in a Public Forum" means all bids shall be read aloud at the time, date and place specified in the invitation for bids, and the bids shall be available for public inspection at the reading.

(C) City Building Code. All construction work must be performed in compliance with City building code requirements.

(D) Lead Paint Regulations. All work must be performed in compliance with Chapter 3742 of the Ohio Revised Code ("ORC"), Chapter 3701-32 of the Ohio Administrative Code, and must comply with

OSHA's Lead in Construction Regulations and the OEPA's hazardous waste rules. All lead hazard abatement work must be supervised by an Ohio Licensed Lead Abatement Contractor/Supervisor.

(E) Displacement. If the Project involves the displacement of tenants, Developer shall comply with all Government Requirements in connection with such displacement. If the City shall become obligated to pay any relocation costs or benefits or other sums in connection with the displacement of tenants, under CMC Chapter 740 or otherwise, Developer shall reimburse the City for any and all such amounts paid by the City in connection with such displacement within twenty (20) days after the City's written demand.

(F) Small Business Enterprise Program.<sup>1</sup>

(i) Applicability. The applicability of CMC Chapter 323 (Small Business Enterprise Program) is limited to construction contracts in excess of \$5,000. CMC Chapter 323 defines "contract" as "a contract in excess of \$5,000.00, except types of contracts listed by the City purchasing agent as exempt and approved by the City Manager, for (a) construction, (b) supplies, (c) services, or (d) professional services." It defines "construction" as "any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than \$4,000 and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority." To the extent CMC Chapter 323 does not apply to this Agreement, Developer is not subject to the various reporting requirements described in this Section (F).

(ii) Requirement. The City has an aspirational goal that 30% of its total dollars spent for construction and 15% of its total dollars spent for supplies/services and professional services be spent with Small Business Enterprises ("SBE"s), which include SBEs owned by minorities and women. Accordingly, subject to clause (i) above, Developer and its general contractor shall use its best efforts and take affirmative steps to assure that SBEs are utilized as sources of supplies, equipment, construction, and services, with the goal of meeting 30% SBE participation for construction contracts and 15% participation for supplies/services and professional services contracts. An SBE means a consultant, supplier, contractor or subcontractor who is certified as an SBE by the City in accordance with CMC Chapter 323. (A list of SBEs may be obtained from the Department of Economic Inclusion or from the City's web page, <http://cincinnati.diversitycompliance.com>.) Developer and its general contractor may refer interested firms to the Department of Economic Inclusion for review and possible certification as an SBE, and applications may also be obtained from such web page. If the SBE program is applicable to this Agreement, as described in clause (i) above, Developer agrees to take (or cause its general contractor to take) at least the following affirmative steps:

- (1) Including qualified SBEs on solicitation lists.
- (2) Assuring that SBEs are solicited whenever they are potential sources. Contractor must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials or to bid on construction contracts for the Project. Contractor is encouraged to use the internet and similar types of advertising to reach a broader audience, but these additional types of advertising cannot be used as substitutes for the above.
- (3) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (4) When needs permit, establishing delivery schedules that will encourage participation by SBEs.

(iii) Subject to clause (i) above, if any subcontracts are to be let, Developer shall require the prime contractor to take the above affirmative steps.

(iv) Subject to clause (i) above, Developer shall provide to the City, prior to commencement of the Project, a report listing all of the contractors and subcontractors for the Project, including information as

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<sup>1</sup> Note: DCED is currently evaluating revisions to this SBE section due to recent legislative changes adopted by Council. If DCED implements these policy changes prior to the execution of this Agreement, this section will be revised.

to the owners, dollar amount of the contract or subcontract, and other information that may be deemed necessary by the City Manager. Developer or its general contractor shall update the report monthly by the 15<sup>th</sup>. Developer or its general contractor shall enter all reports required in this subsection via the City's web page referred to in clause (i) above or any successor site or system the City uses for this purpose. Upon execution of this Agreement, Developer and its general contractor shall contact the Department of Economic Inclusion to obtain instructions, the proper internet link, login information, and password to access the site and set up the necessary reports.

(v) Subject to clause (i) above, Developer and its general contractor shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by notarized affidavits executed in a form acceptable to the City, submitted upon the written request of the City. The City shall have the right to review records and documentation relevant to the affidavits. If affidavits are found to contain false statements, the City may prosecute the affiant pursuant to ORC Section 2921.12.

(vi) Subject to clause (i) above, failure of Developer or its general contractor to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach the minimum percentage goals for SBE participation as set forth in CMC Chapter 323, may be construed by the City as failure of Developer to use best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this section.

(G) Equal Employment Opportunity.

(i) Applicability. CMC Chapter 325 (Equal Employment Opportunity) applies (a) where the City expends more than \$5,000 under a non-construction contract, or (b) where the City spends or receives over \$5,000 to (1) employ another party to construct public improvements, (2) purchase services, or (3) lease any real or personal property to or from another party. CMC Chapter 325 does not apply where the contract is (a) for the purchase of real or personal property to or from another party, (b) for the provision by the City of services to another party, (c) between the City and another governmental agency, or (d) for commodities such as utilities.

(ii) Requirement. If this Agreement is subject to the provisions of CMC Chapter 325, the provisions thereof are hereby incorporated by reference into this Agreement.

(H) Prevailing Wage. Developer shall comply, and shall cause all contractors working on the Project to comply, with all any prevailing wage requirements that may be applicable to the Project. In the event that the City is directed by the State of Ohio to make payments to construction workers based on violations of such requirements, Developer shall make such payments or reimburse the City for such payments within twenty (20) days of demand therefor. A copy of the City's prevailing wage determination may be attached to this Exhibit as Addendum I to Additional Requirements Exhibit (City's Prevailing Wage Determination) hereto.

(I) Compliance with the Immigration and Nationality Act. In the performance of its construction obligations under this Agreement, Developer shall comply with the following provisions of the federal Immigration and Nationality Act: 8 U.S.C.A. 1324a(a)(1)(A) and 8 U.S.C.A. 1324a(a)(2). Compliance or noncompliance with those provisions shall be solely determined by final determinations resulting from the actions by the federal agencies authorized to enforce the Immigration and Nationality Act, or by determinations of the U.S.

(J) Prompt Payment. The provisions of CMC Chapter 319, which provides for a "Prompt Payment System", may apply to this Agreement. CMC Chapter 319 also (i) provides certain requirements for invoices from contractors with respect to the Prompt Payment System, and (ii) obligates contractors to pay subcontractors for satisfactory work in a timely fashion as provided therein.

(K) Conflict of Interest. Pursuant to ORC Section 102.03, no officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project may have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(L) Ohio Means Jobs. If this Agreement constitutes a construction contract (pursuant to the guidance with respect to the definition of that term provided in Section (A) above), then, pursuant to Ordinance No. 238-2010: To the extent allowable by law, Developer and its general contractor shall use its best efforts to post available employment opportunities with Developer, the general contractor's organization, or the organization of any subcontractor working with Developer or its general contractor with the OhioMeansJobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-946-7200.

(M) Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained CMC Chapter 326 (Wage Enforcement) (the "**Wage Enforcement Chapter**"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. CMC Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous

notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the city shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

(N) Americans With Disabilities Act; Accessibility.

(i) Applicability. Cincinnati City Council adopted Motion No. 201600188 on February 3, 2016 (the "**Accessibility Motion**"). This motion directs City administration, including DCED, to include language specifically requiring compliance with the Americans With Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and imposing certain minimum accessibility standards on City-subsidized projects regardless of whether there are arguably exceptions or reductions in accessibility standards available under the ADA or State law.

(ii) Requirement. In furtherance of the policy objectives set forth in the Accessibility Motion, (A) the Project shall comply with the ADA, and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then Developer shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

(O) Electric Vehicle Charging Stations in Garages.

(i) Applicability. Cincinnati City Council passed Ordinance No. 89-2017 on May 10, 2017. This ordinance requires all agreements in which the City provides any amount of "qualifying incentives" for projects involving the construction of a parking garage to include a provision requiring the inclusion of certain features in the garage relating to electric vehicles. The ordinance defines "qualifying incentives" as the provision of incentives or support for the construction of a parking garage in the form of (a) the provision of any City monies or monies controlled by the City including, without limitation, the provision of funds in the form of loans or grants; (b) the provision of service payments in lieu of taxes in connection with tax increment financing, including rebates of service payments in lieu of taxes; and (c) the provision of the proceeds of bonds issued by the City or with respect to which the City has provided any source of collateral security or repayment, including, but not limited to, the pledge of assessment revenues or service payments in lieu of taxes. For the avoidance of doubt, "qualifying incentives" does not include (1) tax abatements such as Community Reinvestment Area abatements pursuant to ORC Section 3735.67, et seq., or Job Creation Tax Credits pursuant to ORC Section 718.15; (2) the conveyance of City-owned real property for less than fair market value; and (3) any other type of City support in which the City provides non-monetary assistance to a project, regardless of value.

(ii) Requirement. If the applicability criteria of Ordinance No. 89-2017 are met, then the following requirements shall apply to any parking garage included within the Project: (a) at least one percent of parking spaces, rounding up to the nearest integer, shall be fitted with Level 2 minimum 7.2 kilowatt per hour electric car charging stations; provided that if one percent of parking spaces is less than two parking spaces, the minimum number of parking spaces subject to this clause shall be two parking spaces; and (b) the parking garage's electrical raceway to the electrical supply panel serving the garage shall be capable

of providing a minimum of 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer, and the electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer.

(P) Certification as to Non-Debarment. Developer represents that neither it nor any of its principals is presently suspended or debarred by any federal, state, or local government agency. In completing the Project, Developer shall not solicit bids from any contractors or subcontractors who are identified as being suspended or debarred by any federal, state, or local government agency. If Developer or any of its principals becomes suspended or debarred by any federal, state, or local government agency during the term of this Agreement, Developer shall be considered in default under this Agreement.

Contract No. \_\_\_\_\_

**FUNDING AGREEMENT**

*between the*

CITY OF CINCINNATI

*and*

WHEX GARAGE LLC

Project Name: Whex Garage Acquisition  
(contribution of City funds for acquisition of Whex Garage located at 212 W. Fourth Street  
in the Central Business District of Cincinnati)

Date: \_\_\_\_\_, 2023



**FUNDING AGREEMENT**  
(Whex Garage Acquisition)

This Funding Agreement (this “**Agreement**”) is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, Ohio 45202 (the “**City**”), and **WHEX GARAGE LLC**, an Ohio limited liability company (“**Developer**”), a wholly owned subsidiary of CINCINNATI CENTER CITY DEVELOPMENT CORPORATION (“**3CDC**”).

Recitals:

A. Pursuant to Resolution No. 6-2022, approved by City Council on January 26, 2022, the Mayor and Council of the City expressed their support for the City to generate a comprehensive strategy for redevelopment of the Duke Energy Convention Center (the “**DECC**”) and the surrounding area generally bounded by Race Street, Central Avenue, 4<sup>th</sup> Street, and 6<sup>th</sup> Street (collectively, the “**District**”), including through the engagement of 3CDC for planning and management services related to the District.

B. Pursuant to that certain *Development Management Services Agreement* dated [\_\_\_\_], 2023, between the City, the Board of County Commissioners of Hamilton County, Ohio (the “**County**”), and 3CDC Development Manager, LLC (“**Manager**”), an affiliate of Developer and wholly owned subsidiary of 3CDC, the City and the County engaged Manager to, among other things, provide general planning and development services as it relates to property within the District (the “**Services**”).

C. As part of the Services and in furtherance of the parties’ redevelopment efforts within the District, 3CDC entered into a *Membership Interest Purchase Agreement* dated August 29, 2022 (the “**Purchase Agreement**”), with Carell Ohio, LLC (“**Seller**”), to purchase certain real property located at 212 W. Fourth Street in the Central Business District of Cincinnati, upon which is located a 780-space parking garage commonly known as the Whex Garage (the “**Garage**”), which property is located within the District and is more particularly described on Exhibit A (*Legal Description*) hereto (the “**Property**”).

D. Pursuant to the Purchase Agreement and other separate agreement(s) with the Port of Greater Cincinnati Development Authority (the “**Port**”), the Port or a wholly owned subsidiary of the Port will acquire title and lease the Property to Developer.

E. Developer is financing the acquisition of the Property (the “**Acquisition**”) by obtaining (i) a 166 loan from the State of Ohio (the “**State**”) in the amount of \$7,000,000 (the “**State Loan**”) and (ii) a loan from The Cincinnati Equity Fund III, Ltd. (“**CEFIII**”) in the amount of \$4,100,000 (the “**CEFIII Loan**,” and collectively with the State Loan, the “**Loans**”). Any documents with respect to the Acquisition with Developer, the Port, the State, CEFIII, and/or the County to which the City is a party, or executed by Developer in favor of the City, are referred to herein as the “**Project Documents**”.

F. To facilitate the Acquisition and promote its economic feasibility, the City will, subject to appropriation, transfer to a separate City account (the “**City Account**”) City funds in an amount not to exceed \$275,000 per year for 7 years (each such appropriation and transfer being referred to herein as “**Pledged Funds**”), for a total contribution not to exceed \$1,925,000 (collectively, the “**City Funds**”), to be set aside and made available to the extent the other sources of repayment for the State Loan are insufficient to pay principal, interest, and other amounts due with respect to the State Loan (the “**Loan Obligations**”), until all Loan Obligations have been satisfied. The City currently anticipates that any City Funds will be paid from revenues the City receives in connection with the District 2-Downtown South/Riverfront District Incentive District.

G. In determining to provide the City Funds, the City has acted in material reliance on the County providing a matching contribution of \$275,000 per year for 7 years, for a total contribution of \$1,925,000, in support of the Acquisition (the “**County Funds**”).

H. The parties currently anticipate that the sources of repayment for the State Loan will include the following, in the order of application: (i) first, net operating income from the Garage; (ii) second, if

available, funds from the Debt Service Reserve (as defined below); (iii) third, to be drawn on equally, (a) subject to Council appropriation, the Pledged Funds, and (b) the annual contribution of the County Funds; and (iv) fourth, as necessary, 3CDC's corporate payment guaranty to the State (the "**Guaranty**").

I. Following the Acquisition, Developer will provide to the City a more comprehensive redevelopment plan for how the Property will be utilized in support of the DECC and the District (the "**Redevelopment**"); and collectively with the Acquisition, the "**Project**").

J. The City, upon recommendation of the City's Department of Community and Economic Development ("**DCED**"), believes that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements; for this reason, the City desires to facilitate the Project by providing the assistance as described herein.

K. Execution of this Agreement was authorized by Ordinance No. \_\_\_\_-2023, passed by City Council on \_\_\_\_\_, 2023.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Term.** The term of this Agreement shall commence on the Effective Date, and unless sooner terminated as herein provided, shall end on the date that the Loan Obligations have been satisfied and Developer has satisfied all other obligations to the City under this Agreement (the "**Term**"). Any and all obligations of Developer that have accrued but have not been fully performed as of such termination or expiration date shall survive such termination or expiration until fully performed.

2. **Project.** Subject to the terms of this Agreement, Developer shall complete the Project in accordance with Exhibit B (*Statement of Work and Budget*) hereto.

(A) **Acquisition.** Not later than March 31, 2023, Developer shall cause the Property to be acquired by the Port (the "**Closing**"). Developer warrants that, at Closing, the Port shall obtain fee simple title to the Property and lease the same to Developer, free and clear of all liens and encumbrances except for recorded utility easements, mortgages associated with the Loans, and other encumbrances, if any, that will not impair or impede the Redevelopment or the future use of the Property in support of the District (collectively, the "**Permitted Encumbrances**"). At Closing, Port and/or Developer, as applicable, shall execute all customary closing documents and provide copies to the City. Developer shall be responsible for all costs of Closing, including, without limitation, closing, escrow, and recording fees and any other commercially reasonable costs or expenses necessary to complete the transaction contemplated by this Agreement. Notwithstanding anything to the contrary in this Agreement, this Agreement shall automatically terminate, and thereafter neither party shall have any right or obligations to the other, if for any reason the Closing does not occur by April 30, 2023; *provided however*, upon Developer's request, the Director of DCED may, in his or her sole and absolute discretion, extend such timeframe by providing written notice to Developer.

(B) **Redevelopment.** Subject to the terms of this Agreement, Developer shall complete the Redevelopment in accordance with Exhibit B hereto.

3. **Due Diligence Materials.** Developer shall provide the below due diligence materials to the City (the "**Due Diligence Materials**"). Once the Due Diligence Materials have been approved by the City, Developer shall not make or permit any changes thereto without the prior written consent of the Director of DCED. Prior to Closing, among other things, the following conditions must have been satisfied or waived in writing in the City's sole and absolute discretion:

(A) **Title Commitment.** Developer must present a commitment of title insurance for the Property, for issuance of both an owner's policy, prepared by a reputable national title insurance company and in such form acceptable to the City, evidencing the title company's commitment to issue an Owner's Policy of Title Insurance to the Port.

(B) Evidence of Clear Title. Developer must present evidence, satisfactory to the City, that the Port has acquired title or will acquire title to the Property in fee simple absolute, and that said title is free, clear, and unencumbered, except for the Permitted Encumbrances.

(C) Environmental Report. Developer must present the City with an up-to-date Phase I Environmental Assessment showing no recognized environmental conditions on the Property. The Phase I must be in such form acceptable to the City, and the City must be permitted to rely on such Phase I.

(D) Final Budget. Developer must provide the City with a final itemized budget for the Project, generally consistent with the budget shown on Exhibit B.

(E) Insurance. Developer must present evidence that all insurance policies required under this Agreement have been secured.

(F) Financing. Developer must provide the City with evidence, satisfactory to the City, that it has secured all financing necessary for the Acquisition. Any changes in Acquisition financing and/or costs are subject to further review and approval by the City.

(G) Other Information. Developer must provide to the City such other information and documents pertaining to Developer or the Project as the City may reasonably require.

(H) No Default. Developer shall be in full compliance with all requirements under this Agreement.

#### 4. Acquisition Financing.

(A) Garage Revenues. As used in this Section, (i) "**Garage Revenues**" means all user fees or other revenue generated from the operation of the Garage; (ii) "**Capital Expenses**" means expenses of any work or purchases that are reasonably required to be performed in the Garage, that are not routine, and which are necessitated by any damage, destruction, ordinary wear and tear, defects in construction or design, or any other cause; and (iii) "**Operating Expenses**" means commercially reasonable costs associated with the operations of the Garage, including charges for gas, electricity, water, sewer, telephone and other utilities, insurance costs, real estate taxes and installments of assessments that become due and payable after the Acquisition, salaries, wages, and benefits paid to persons employed in connection with the operation of the Garage, and routine repair and maintenance.

(i) Allocation of Parking Revenues. Developer shall cause the Garage Revenues to be allocated in the following order of priority:

- (a) First, to the payment of Operating Expenses;
- (b) Second, to the payment of all scheduled principal and interest payments on the Loans;
- (c) Third, to the payment of a management fee to Developer in an amount not to exceed 5% of Garage Revenues;
- (d) Fourth, to the replenishment of the Operating and Capital Improvement Reserve (as defined below), as necessary; and
- (e) Fifth, to the payment of any remainder amount into the Debt Service Reserve (this amount, being the Garage Revenues less (a)-(d) above, being referred to herein as the "**Net Garage Revenues**").

(ii) Operating and Capital Improvement Reserve. As used in this Section, "**Operating and Capital Improvement Reserve**" means an amount that Developer will set aside, which will pay (a) Operating Expenses when Garage Revenues are insufficient and (b) Capital Expenses. While the Loan Obligations remain outstanding, Developer shall cause the Operating and Capital Improvement Reserve to have an initial balance of \$200,000. For the avoidance of doubt, the Operating and Capital Improvement Reserve does not have to be a separate account; *provided, however*, that Developer shall maintain the Operating and Capital Improvement Reserve as a separate line item in the budget at all times.

(iii) *Debt Service Reserve.* As used in this Section, “**Debt Service Reserve**” means an amount managed by Developer, which will pay scheduled principal and interest payments on the Loans in the event the Garage Revenues are insufficient to do so. While the Loan Obligations remain outstanding, Developer shall cause the Debt Service Reserve to be established and maintained, if funded from excess amounts in accordance with Section 4(A)(i). To the extent there are Net Garage Revenues in the Debt Service Reserve in any year, Developer agrees and acknowledges that those funds shall be drawn upon before the City’s Pledged Funds. For the avoidance of doubt, the Debt Service Reserve does not have to be a separate account; *provided, however,* that Developer shall maintain the Debt Service Reserve as a separate line item in the budget at all times.

(B) Pledged Funds. To facilitate the Acquisition financing, subject to the terms and conditions of this Agreement, the City shall, subject to appropriation, transfer the Pledged Funds to the City Account. For the avoidance of doubt, Developer acknowledges that the City’s direct financial assistance is limited to the City Funds identified in this Agreement, which shall be used exclusively to facilitate the Acquisition financing.

(i) *Use of Pledged Funds.* The Pledged Funds shall be made available to the State, by means of a Deposit Account Control Agreement substantially in the form of Exhibit C (Form of DACA) attached hereto (the “**DACA**”), to the extent that the Garage Revenues are insufficient to pay the Loan Obligations then due and payable. At maturity on the State Loan, any funds remaining in the City Account may (a) first, be applied to the final payment of any outstanding amounts due on the State Loan or, as necessary, to the payment of any outstanding amounts due on the CEFIII Loan; and (b) second, removed from the City Account, to be retained by the City and used by the City for any lawful purpose.

(ii) *Conditions of Pledged Funds.* The City’s funding commitment provided for herein shall be subject to and contingent upon (a) the execution and continued effectiveness of this Agreement, the DACA, and all other Project Documents; and (b) the continued effectiveness of Developer’s agreement with the County for the County to provide the County Funds. For the avoidance of doubt, once all Loan Obligations have been satisfied, the City’s obligation hereunder to provide any City Funds shall terminate, and any amounts that remain outstanding in the City Account shall be removed from the City Account, to be retained by the City and used by the City for any lawful purpose.

(C) County Funds. Developer represents to the City that the County is providing the County Funds to facilitate the Acquisition financing. Developer hereby agrees that the City Funds and the County Funds shall be drawn on a pro rata basis, such that the City and the County will be contributing equal amounts to pay any Loan Obligations then due and payable, subject to and in accordance with Section 4(B)(i) above.

**5. Reserved.**

**6. Insurance; Indemnity.**

(A) Insurance. Throughout the Term, Developer shall maintain, or cause to be maintained, the following insurance: (i) Commercial General Liability insurance of at least \$1,000,000 per occurrence, combined single limit/\$2,000,000 aggregate, naming the City as an additional insured, (ii) worker’s compensation insurance in such amount as required by law, (iii) all insurance as may be required by Developer’s lenders for the Project, and (iv) such other insurance as may be reasonably required by the City. All insurance policies shall (a) be written in standard form by companies of recognized responsibility and credit reasonably acceptable to the City, that are authorized to do business in Ohio, and that have an A.M. Best rating of A VII or better, and (b) provide that they may not be cancelled or modified without at least 30 days’ prior written notice to the City. Within 10 days following execution of this Agreement, Developer shall send proof of all such insurance to DCED at 805 Central Avenue, Suite 700, Cincinnati, Ohio 45202, Attention: Monitoring and Compliance Division, or such other address as may be specified by the City from time to time.

(B) Waiver of Subrogation in Favor of City. Developer hereby waives all claims and rights of recovery, and on behalf of Developer's insurers, rights of subrogation, against the City, its employees, agents, contractors, and subcontractors with respect to any and all damage to or loss of property that is covered or that would ordinarily be covered by the insurance required under this Agreement to be maintained by Developer, even if such loss or damage arises from the negligence of the City, its employees, agents, contractors, or subcontractors; it being the agreement of the parties that Developer shall at all times protect itself against such loss or damage by maintaining adequate insurance. Developer shall cause its insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

(C) Indemnity. Notwithstanding anything in this Agreement to the contrary, as a material inducement to the City to enter into this Agreement, Developer shall defend, indemnify, and hold the City, its officers, council members, employees, and agents (collectively, the "**Indemnified Parties**") harmless from and against any and all actions, suits, claims, losses, costs (including, without limitation, attorneys' fees), demands, judgments, liability, and damages (collectively, "**Claims**") suffered or incurred by or asserted against the Indemnified Parties as a result of or arising from the acts of Developer, its agents, employees, contractors, subcontractors, licensees, invitees, or anyone else acting at the request of Developer in connection with the Project. Developer's indemnification obligations under this paragraph shall survive the termination or expiration of this Agreement with respect to Claims arising prior thereto.

**7. Casualty; Eminent Domain.** If the Project or the Property, or any improvements thereon made pursuant to the Project, is damaged or destroyed by fire or other casualty during construction, or if any portion of the Property is taken by exercise of eminent domain (federal, state, or local), Developer shall cause the Property to be repaired and restored, as expeditiously as possible, and to the extent practicable, to substantially the same condition that existed immediately prior to such occurrence. If the proceeds are insufficient to fully repair and restore the affected property, the City shall not be required to make up the deficiency. Developer shall handle all reconstruction in accordance with the applicable requirements set forth herein, including, without limitation, obtaining the City's approval of the plans and specifications for the construction of the Project if they deviate from the final Plans and Specifications as initially approved by the City hereunder. Developer shall not be relieved of any obligations, financial or otherwise, under this Agreement during any period in which the Project or the affected Property is being repaired or restored.

## **8. Default; Remedies.**

(A) Default. The occurrence of any of the following shall be an "**event of default**" under this Agreement:

(i) the failure by Developer to use any of the City Funds in accordance with this Agreement;

(ii) the dissolution, other than in connection with a merger, of Developer, the filing of any bankruptcy or insolvency proceedings by Developer, or the making by Developer of an assignment for the benefit of creditors, or the filing of any bankruptcy or insolvency proceedings by or against Developer, the appointment of a receiver (temporary or permanent) for Developer or the Property, the attachment of, levy upon, or seizure by legal process of any property of Developer, or the insolvency of Developer, unless such appointment, attachment, levy, seizure, or insolvency is cured, dismissed, or otherwise resolved to the City's satisfaction within 30 days following the date thereof;

(iii) The occurrence of a Specified Default (as defined below), or any failure of Developer to perform or observe (or cause to be performed or observed, if applicable), any obligation, duty, or responsibility under this Agreement, or any other agreement or other instrument executed by Developer in favor of the City in connection with the Project, and failure by Developer to correct such default within 30 days after Developer's receipt of written notice thereof from the City (the "**Cure Period**"); *provided, however*, that if the nature of the default is such that it cannot reasonably be cured during the Cure Period, Developer shall not be in default under this Agreement so long as Developer commences to cure the default within such Cure Period and thereafter diligently completes such cure within 60 days after Developer's receipt of the City's initial notice of default. Notwithstanding the foregoing, if Developer's failure to perform or observe any obligation, duty, or responsibility under this Agreement creates a dangerous condition or otherwise

constitutes an emergency as determined by the City in good faith, an event of default shall be deemed to have occurred if Developer fails to take reasonable corrective action immediately upon discovering such dangerous condition or emergency. As used in this section, “**Specified Default**” means the occurrence of:

- (a) Misrepresentation. Any representation, warranty, or certification of Developer or of its affiliates made in connection with this Agreement, any other Project Documents, or any other agreement or instrument executed by Developer or its affiliates in favor of the City in connection with the Project shall prove to have been false or materially misleading when made.
- (b) Financing Default. Developer otherwise defaults beyond any applicable notice and/or cure period under (1) this Agreement, or (2) the documentation for either the State Loan or the CEFIII Loan.

(B) Remedies. Upon the occurrence and during the continuation of an event of default under this Agreement which is not cured or corrected within any applicable Cure Period, the City shall be entitled to (i) terminate this Agreement by giving Developer written notice thereof and, without limitation of its other rights and remedies, and with or without terminating this Agreement, declare all amounts disbursed by the City with respect to the Loan to be immediately due and payable and demand that Developer repay to the City all such amounts, (ii) take such actions in the way of “self-help” as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of Developer, and (iii) exercise any and all remedies available under the this Agreement, and (iv) exercise any and all other rights and remedies available at law or in equity, including, without limitation, pursuing an action for specific performance, all such rights and remedies being cumulative. Developer shall be liable for all costs and damages, including, without limitation, attorneys’ fees, suffered or incurred by the City in connection with administration, enforcement, or termination of this Agreement or as a result of a default of Developer under this Agreement or the City’s termination of this Agreement. The failure of the City to insist upon the strict performance of any covenant or duty or to pursue any remedy shall not constitute a waiver of the breach of such covenant or of such remedy.

**9. Notices.** All notices, requests, or other communications hereunder shall be deemed given if personally delivered, or delivered by Federal Express, UPS or other recognized overnight courier, or if mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:  
Director  
Dept. of Community and Economic Development  
City of Cincinnati  
805 Central Avenue, 7<sup>th</sup> Floor  
Cincinnati, Ohio 45202

To Developer:  
Whex Garage LLC  
c/o Cincinnati Center City Development Corporation  
1203 Walnut Street, 4<sup>th</sup> Floor  
Cincinnati, Ohio 45202  
Attn: Legal

If Developer sends a notice to the City alleging that the City is in default under this Agreement, Developer shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, Ohio 45202.

**10. Representations, Warranties, and Covenants.** Developer makes the following representations, warranties, and covenants to induce the City to enter into this Agreement (and Developer shall be deemed as having made these representations, warranties, and covenants again upon Developer’s receipt of each disbursement of any portion of the City Funds):

(i) Developer is a limited liability company duly organized and validly existing under the laws of the State of Ohio, is qualified to do business in the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws of the State of Ohio relevant to the transactions contemplated by this Agreement.

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

(iii) The execution, delivery, and performance by Developer of this Agreement and the consummation of the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or the organizational documents of Developer, or any mortgage, indenture, contract, agreement, or other undertaking to which Developer is a party or which purports to be binding upon Developer or upon any of its assets, nor is Developer in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of Developer, threatened against or affecting Developer, or its parents, subsidiaries, or affiliates, or the Project, at law or in equity or before or by any governmental authority, which would materially adversely affect Developer's ability to perform Developer's obligations set forth in this Agreement.

(v) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute, or governmental proceeding or investigation affecting Developer that could reasonably be expected to interfere substantially with its normal operations or materially and adversely affect its financial condition or its completion of the Project.

(vi) The statements made and information contained in the documentation provided by Developer to the City that are descriptive of Developer or the Project have been reviewed by Developer and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) Pursuant to Section 301-20, Cincinnati Municipal Code, neither Developer nor any of its affiliates are currently delinquent in paying any fines, penalties, judgments, water or other utility charges, or any other amounts owed by them to the City.

## **11. Reporting Requirements.**

(A) Submission of Records and Reports; Records Retention. Developer shall collect, maintain, and furnish to the City upon the City's request such accounting, financial, business, administrative, operational, and other reports, records, statements, and information as may be requested by the City pertaining to Developer, the Project, or this Agreement, including, without limitation, audited financial statements, bank statements, income tax returns, information pertinent to the determination of finances of the Project, and such reports and information as may be required for compliance with programs and projects funded by the City, Hamilton County, the State of Ohio, or any federal agency (collectively, "**Records and Reports**"). All Records and Reports compiled by Developer and furnished to the City shall be in such form as the City may from time to time require. Developer shall retain all Records and Reports for a period of 3 years after the expiration or termination of this Agreement.

(B) Specific Reporting Requirements. Throughout the Term, Developer shall provide DCED with the following information and reports.

(i) *Budget.* At the beginning of each calendar year thereafter during the Term, Developer shall provide the City with an operating budget for the Garage for the upcoming year, which shall include any and all anticipated estimated Garage Revenues, estimated Operating Expenses, estimated Capital Expenses, and estimated management fees. The budget shall be in a form acceptable to the City.

(ii) *Operating Report.* No later than March 31<sup>st</sup> of each calendar year during the Term, Developer shall provide the City with a reasonably detailed, professionally-prepared operating statement, balance sheet, and report for the Garage (and such other financial statements and information as may be reasonably requested by the City) for the year then just ended showing in detail (a) the Garage Revenues,

Operating Expenses, Capital Expenses, and management fees for the calendar year; (b) the balances in the Operating and Capital Improvement Reserve as of the end of such year; (c) an attendance report showing the number of motor vehicles that were parked at the Garage during such year; (d) evidence of insurance policies required to be maintained under this Agreement; (e) information on activities in furtherance of the plan identified in Exhibit B; and (f) any and all other information regarding operations of the Garage as the City may from time to time reasonably request (each an “**Operating Report**”). The Operating Report shall be in a form acceptable to the City.

(C) City’s Right to Inspect and Audit. Throughout the Term and for a period of 3 years after the expiration or termination of this Agreement, Developer shall permit the City, its employees, agents, and auditors to have full access to and to inspect and audit Developer’s Records and Reports. In the event any such inspection or audit discloses a material discrepancy with information previously provided by Developer to the City, Developer shall reimburse the City for its out-of-pocket costs associated with such inspection or audit.

## 12. General Provisions.

(A) Assignment. During the Term of this Agreement, Developer shall not assign its rights or interests under this Agreement to a third party without the prior written consent of the City; and *provided*, that the City may require the execution of an amendment hereto or other clerical documentation to effect such assignment or substitution of parties. Any attempt by Developer to assign its rights or obligations under this Agreement without the City’s consent shall, at the City’s option, render this Agreement null and void.

(B) Entire Agreement; Conflicting Provisions. This Agreement (including the Exhibits hereto) and the other agreements referred to herein contain the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof. In the event that any of the provisions of this Agreement purporting to describe specific provisions of other agreements are in conflict with the specific provisions of such other agreements, the provisions of such other agreements shall control. In the event that any of the provisions of this Agreement are in conflict or are inconsistent, the provision determined by the City to provide the greatest legal and practical safeguards with respect to the use of the Loan and the City’s interests in connection with this Agreement shall control.

(C) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(D) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and Developer agrees that venue in such court is proper. Developer hereby waives trial by jury with respect to any and all disputes arising under this Agreement.

(E) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(F) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(G) Severability. If any part of this Agreement is held by a court of law to be void, illegal, or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(H) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder’s office.

(I) Time. Time is of the essence with respect to Developer’s performance of its obligations



under this Agreement.

(J) Recognition of City Assistance. Developer shall acknowledge the financial support of the City with respect to this Agreement in all printed promotional materials (including, without limitation, informational releases, pamphlets and brochures, construction signs, project and identification signage and stationery) and any publicity (such as but not limited to materials appearing on the Internet, television, cable television, radio or in the press or any other printed media) relating to the Project. In identifying the City as a funding source, Developer shall use either the phrase "Funded by the City of Cincinnati" or a City of Cincinnati logotype or other form of acknowledgement that has been approved in advance in writing by the City.

(K) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

(L) No Brokers. The parties represent that they have not dealt with a real estate broker, salesperson, or other person who might claim entitlement to a fee or other compensation as a result of the parties' execution of this Agreement.

(M) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future officer, agent, employee, or attorney of the City in other than his or her official capacity.

(N) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(O) Administrative Actions. To the extent permitted by applicable laws, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement or the funding hereunder.

(P) Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

(Q) Transfer of Fee Title to Port. Nothing in this Agreement shall be construed to prohibit Developer from entering into a sale (or lease) and leaseback arrangement with respect to portion(s) of the Property in which fee or leasehold title to the Property (or any portion thereof) is held by the Port (the "**Port Arrangement**"); *provided, however*, that Developer shall provide the City with such documents and other information with respect to this arrangement as the City may reasonably request, including the final form of the Port Arrangement, at least 10 business days prior to any conveyance of any portion of the Property to the Port. Developer may not assign its rights, obligations, or any other interest under this Agreement to any other party except as in accordance with Section 12(A), but at any time, subject to the provisions of this paragraph, once Developer has obtained the fee interest in the Property, Developer may convey fee or leasehold interest to the Port, in the manner, and subject to the terms described, above. It is also understood and agreed that the Port may convey such interest back to Developer pursuant to the terms contained in the agreement memorializing the Port Arrangement. Developer hereby provides notice to the City that Developer will enter into the Port Arrangement.

13. Exhibits. The following Exhibits are attached hereto and made a part hereof:

Exhibit A – Legal Description

Exhibit B – Statement of Work and Budget

Exhibit C – *Form of DACA*  
Exhibit D – *Additional Requirements*

Remainder of this page intentionally left blank. Signatures to follow.

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

**WHEX GARAGE LLC**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_, 2023

**CITY OF CINCINNATI**

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

Date: \_\_\_\_\_, 2023

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

Exhibit A  
to Funding Agreement

*Legal Description*

TO BE ATTACHED

Exhibit B  
to Funding Agreement

*Statement of Work and Budget*

**I. Statement of Work.**

Developer is financing the Acquisition of the Property and will work with the Port, the City, and the County to redevelop and incorporate the Property into the broader plan for the District. Developer will maintain the Garage as a public parking garage as Developer completes its broader redevelopment plan for the Convention District.

The Developer's work for the Property will include, without limitation:

- Developer will provide to the City a third-party capital needs assessment. Developer will utilize such assessment to inform the redevelopment strategy for the Property.
- Developer will continue providing public parking at the Property until Developer determines (i) to fully renovate the Garage to ensure long term public parking to serve the Convention District or (ii) to demolish or otherwise repurpose the Property to serve another function within the Convention District.

**II. Budget.**

<b>Uses</b>	
Acquisition	\$ 11,900,000
Loan Origination Fee	52,424
Operating Reserve	200,000
Title	25,000
Legal	50,000
Misc Costs	15,000
<b>Total Uses</b>	<b>12,242,424</b>

<b>Sources</b>	
ODOD	7,000,000
CEFIII	4,018,182
Equity	1,224,242
<b>Total Sources</b>	<b>12,242,424</b>

Exhibit C  
to Funding Agreement

*Form of DACA*

TO BE ATTACHED

Exhibit D  
to Funding Agreement

*Additional Requirements*

Developer and Developer's general contractor shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati (collectively, "**Government Requirements**"), including the Government Requirements listed below, to the extent that they are applicable. Developer hereby acknowledges and agrees that (a) the below listing of Government Requirements is not intended to be an exhaustive list of Government Requirements applicable to the Project, Developer, or Developer's contractors, subcontractors, or employees, either on the City's part or with respect to any other governmental entity, and (b) neither the City nor its Law Department is providing legal counsel to or creating an attorney-client relationship with Developer by attaching this Exhibit to the Agreement.

This Exhibit serves two functions:

(i) Serving as a Source of Information With Respect to Government Requirements. This Exhibit identifies certain Government Requirements that may be applicable to the Project, Developer, or its contractors and subcontractors. Because this Agreement requires that Developer comply with all applicable laws, regulations, and other Government Requirements (and in certain circumstances to cause others to do so), this Exhibit flags certain Government Requirements that Developers, contractors, and subcontractors regularly face in constructing projects or doing business with the City. To the extent a Developer is legally required to comply with a Government Requirement, failure to comply with such a Government Requirement is a violation of the Agreement.

(ii) Affirmatively Imposing Contractual Obligations. If certain conditions for applicability are met, this Exhibit also affirmatively imposes contractual obligations on Developer, even where such obligations are not imposed on Developer by Government Requirements. As described below, the affirmative obligations imposed hereby are typically a result of policies adopted by City Council which, per Council's directive, are to be furthered by the inclusion of certain specified language in some or all City contracts. The City administration (including the City's Department of Community and Economic Development) is responsible for implementing the policy directives promulgated by Council (which typically takes place via the adoption of motions or resolutions by Council), including, in certain circumstances, by adding specific contractual provisions in City contracts such as this Agreement.

(A) Construction Workforce.

(i) Applicability. Consistent with the limitations contained within the City Resolutions identified in clause (ii) below, this Section (A) shall not apply to contracts with the City other than construction contracts, or to construction contracts to which the City is not a party. For the avoidance of doubt, this Agreement is a construction contract solely to the extent that it directly obligates Developer to assume the role of a general contractor on a construction project for public improvements such as police stations or other government buildings, public parks, or public roadways.

The Construction Workforce Goals are not applicable to future work (such as repairs or modifications) on any portion of the Project. The Construction Workforce Goals are not applicable to the purchase of specialty fixtures and trade fixtures.

(ii) Requirement. In furtherance of the policy enumerated in City Resolutions No. 32-1983 and 21-1998 concerning the inclusion of minorities and women in City construction work, if Developer is performing construction work for the City under a construction contract to which the City is a party, Developer shall use Best Efforts to achieve a standard of no less than 11.8% Minority Persons (as defined below) and 6.9% females (of whom at least one-half shall be Minority Persons) in each craft trade in Developer and its general contractor's aggregate workforce in Hamilton County, to be achieved at least halfway through the construction contract (or in the case of a construction contract of six months or more, within 60 days of beginning the construction contract) (collectively, the "**Construction Workforce Goals**").

As used herein, the following terms shall have the following meanings:

(a) “**Best Efforts**” means substantially complying with all of the following as to any of its employees performing such construction, and requiring that all of its construction subcontractors substantially comply with all of the following: (1) solicitation of Minority Persons as potential employees through advertisements in local minority publications; and (2) contacting government agencies, private agencies, and/or trade unions for the job referral of qualified Minority Persons.

(b) “**Minority Person**” means any person who is Black, Asian or Pacific Islander, Hispanic, American Indian, or Alaskan Native.

(c) “**Black**” means a person having origin in the black racial group of Africa.

(d) “**Asian or Pacific Islander**” means a person having origin in the original people of the Far East or the Pacific Islands, which includes, among others, China, India, Japan, Korea, the Philippine Islands, Malaysia, Hawaii, and Samoa.

(e) “**Hispanic**” means a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultural origin.

(f) “**American Indian**” or “**Alaskan Native**” means a person having origin in any of the original people of North America and who maintains cultural identification through tribal affiliation.

(B) Trade Unions; Subcontracts; Competitive Bidding.

(i) Meeting and Confering with Trade Unions.

(a) Applicability. Per City of Cincinnati, Ordinance No. 130-2002, this requirement is limited to transactions in which Developer receives City funds or other assistance (including, without limitation, the City’s construction of public improvements to specifically benefit the Project, or the City’s sale of real property to Developer at below fair market value).

(b) Requirement. This Agreement may be subject to the requirements of City of Cincinnati, Ordinance No. 130-2002, as amended or superseded, providing that, if Developer receives City funds or other assistance, Developer and its general contractor, prior to the commencement of construction of the Project and prior to any expenditure of City funds, and with the aim of reaching comprehensive and efficient project agreements covering all work done by Developer or its general contractor, shall meet and confer with: the trade unions representing all of the crafts working on the Project, and minority, female, and locally-owned contractors and suppliers potentially involved with the construction of the Project. At this meeting, Developer and/or its general contractor shall make available copies of the scope of work and if prevailing wage rates apply, the rates pertaining to all proposed work on the Project. Not later than 10 days following Developer and/or its general contractor’s meet and confer activity, Developer shall provide to the City, in writing, a summary of Developer and/or its general contractor’s meet and confer activity.

(ii) Contracts and Subcontracts; Competitive Bidding.

(a) Applicability. This clause (ii) is applicable to “construction contracts” under Cincinnati Municipal Code (“**CMC**”) Chapter 321. CMC Chapter 321 defines “construction” as “any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than four thousand dollars and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority,” and “contract” as “all written agreements of the City of Cincinnati, its boards or commissions, prepared and signed by the



city purchasing agent or a board or commission for the procurement or disposal of supplies, service or construction.”

(b) Requirement. If CMC Chapter 321 applies to the Project, Developer is required to ensure that all contracts and subcontracts for the Project are awarded pursuant to a competitive bidding process that is approved by the City in writing. All bids shall be subject to review by the City. All contracts and subcontracts shall be expressly required by written agreement to comply with the provisions of this Agreement and the applicable City and State of Ohio laws, ordinances and regulations with respect to such matters as allocation of subcontracts among trade crafts, Small Business Enterprise Program, Equal Employment Opportunity, and Construction Workforce Goals.

(iii) Competitive Bidding for Certain City-Funded Development Agreements.

(a) Applicability. Pursuant to Ordinance No. 273-2002, the provision in clause (b) below applies solely where the Project receives in \$250,000 or more in direct City funding, and where such funding comprises at least 25% of the Project’s budget. For the purposes of this clause (iii), “direct City funding” means a direct subsidy of City funds in the form of cash, including grants and forgivable loans, but not including public improvements, land acquisitions and sales, job creation tax credits, or tax abatements or exemptions.

(b) Requirement. This Agreement requires that Developer issue an invitation to bid on the construction components of the development by trade craft through public notification and that the bids be read aloud in a public forum. For purposes of this provision, the following terms shall be defined as set forth below:

(1) “Bid” means an offer in response to an invitation for bids to provide construction work.

(2) “Invitation to Bid” means the solicitation for quoted prices on construction specifications and setting a time, date and place for the submission of and public reading of bids. The place for the public reading of bids shall be chosen at the discretion of Developer; however, the place chosen must be accessible to the public on the date and time of the public reading and must have sufficient room capacity to accommodate the number of respondents to the invitation to bid.

(3) “Trade Craft” means (a) general construction work, (b) electrical equipment, (c) plumbing and gas fitting, (d) steam and hot water heating and air conditioning and ventilating apparatus, and steam power plant, (e) elevator work, and (f) fire protection.

(4) “Public Notification” means (a) advertisement of an invitation to bid with ACI (Allied Construction Industries) and the Dodge Report, and (b) dissemination of the advertisement (either by mail or electronically) to the South Central Ohio Minority Business Council, Greater Cincinnati Northern Kentucky African-American Chamber of Commerce, and the Hispanic Chamber of Commerce. The advertisement shall include a description of the “scope of work” and any other information reasonably necessary for the preparation of a bid, and it shall be published and disseminated no less than fourteen days prior to the deadline for submission of bids stated in the invitation to bid.

(5) “Read Aloud in a Public Forum” means all bids shall be read aloud at the time, date and place specified in the invitation for bids, and the bids shall be available for public inspection at the reading.

(C) City Building Code. All construction work must be performed in compliance with City building code requirements.

(D) Lead Paint Regulations. All work must be performed in compliance with Chapter 3742 of the Ohio Revised Code (“**ORC**”), Chapter 3701-32 of the Ohio Administrative Code, and must comply with

OSHA's Lead in Construction Regulations and the OEPA's hazardous waste rules. All lead hazard abatement work must be supervised by an Ohio Licensed Lead Abatement Contractor/Supervisor.

(E) Displacement. If the Project involves the displacement of tenants, Developer shall comply with all Government Requirements in connection with such displacement. If the City shall become obligated to pay any relocation costs or benefits or other sums in connection with the displacement of tenants, under CMC Chapter 740 or otherwise, Developer shall reimburse the City for any and all such amounts paid by the City in connection with such displacement within twenty (20) days after the City's written demand.

(F) Small Business Enterprise Program.<sup>1</sup>

(i) Applicability. The applicability of CMC Chapter 323 (Small Business Enterprise Program) is limited to construction contracts in excess of \$5,000. CMC Chapter 323 defines "contract" as "a contract in excess of \$5,000.00, except types of contracts listed by the City purchasing agent as exempt and approved by the City Manager, for (a) construction, (b) supplies, (c) services, or (d) professional services." It defines "construction" as "any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than \$4,000 and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority." To the extent CMC Chapter 323 does not apply to this Agreement, Developer is not subject to the various reporting requirements described in this Section (F).

(ii) Requirement. The City has an aspirational goal that 30% of its total dollars spent for construction and 15% of its total dollars spent for supplies/services and professional services be spent with Small Business Enterprises ("SBE"s), which include SBEs owned by minorities and women. Accordingly, subject to clause (i) above, Developer and its general contractor shall use its best efforts and take affirmative steps to assure that SBEs are utilized as sources of supplies, equipment, construction, and services, with the goal of meeting 30% SBE participation for construction contracts and 15% participation for supplies/services and professional services contracts. An SBE means a consultant, supplier, contractor or subcontractor who is certified as an SBE by the City in accordance with CMC Chapter 323. (A list of SBEs may be obtained from the Department of Economic Inclusion or from the City's web page, <http://cincinnati.diversitycompliance.com>.) Developer and its general contractor may refer interested firms to the Department of Economic Inclusion for review and possible certification as an SBE, and applications may also be obtained from such web page. If the SBE program is applicable to this Agreement, as described in clause (i) above, Developer agrees to take (or cause its general contractor to take) at least the following affirmative steps:

- (1) Including qualified SBEs on solicitation lists.
- (2) Assuring that SBEs are solicited whenever they are potential sources. Contractor must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials or to bid on construction contracts for the Project. Contractor is encouraged to use the internet and similar types of advertising to reach a broader audience, but these additional types of advertising cannot be used as substitutes for the above.
- (3) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (4) When needs permit, establishing delivery schedules that will encourage participation by SBEs.

(iii) Subject to clause (i) above, if any subcontracts are to be let, Developer shall require the prime contractor to take the above affirmative steps.

(iv) Subject to clause (i) above, Developer shall provide to the City, prior to commencement of the Project, a report listing all of the contractors and subcontractors for the Project, including information as

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<sup>1</sup> Note: DCED is currently evaluating revisions to this SBE section due to recent legislative changes adopted by Council. If DCED implements these policy changes prior to the execution of this Agreement, this section will be revised.

to the owners, dollar amount of the contract or subcontract, and other information that may be deemed necessary by the City Manager. Developer or its general contractor shall update the report monthly by the 15<sup>th</sup>. Developer or its general contractor shall enter all reports required in this subsection via the City's web page referred to in clause (i) above or any successor site or system the City uses for this purpose. Upon execution of this Agreement, Developer and its general contractor shall contact the Department of Economic Inclusion to obtain instructions, the proper internet link, login information, and password to access the site and set up the necessary reports.

(v) Subject to clause (i) above, Developer and its general contractor shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by notarized affidavits executed in a form acceptable to the City, submitted upon the written request of the City. The City shall have the right to review records and documentation relevant to the affidavits. If affidavits are found to contain false statements, the City may prosecute the affiant pursuant to ORC Section 2921.12.

(vi) Subject to clause (i) above, failure of Developer or its general contractor to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach the minimum percentage goals for SBE participation as set forth in CMC Chapter 323, may be construed by the City as failure of Developer to use best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this section.

(G) Equal Employment Opportunity.

(i) Applicability. CMC Chapter 325 (Equal Employment Opportunity) applies (a) where the City expends more than \$5,000 under a non-construction contract, or (b) where the City spends or receives over \$5,000 to (1) employ another party to construct public improvements, (2) purchase services, or (3) lease any real or personal property to or from another party. CMC Chapter 325 does not apply where the contract is (a) for the purchase of real or personal property to or from another party, (b) for the provision by the City of services to another party, (c) between the City and another governmental agency, or (d) for commodities such as utilities.

(ii) Requirement. If this Agreement is subject to the provisions of CMC Chapter 325, the provisions thereof are hereby incorporated by reference into this Agreement.

(H) Prevailing Wage. Developer shall comply, and shall cause all contractors working on the Project to comply, with all any prevailing wage requirements that may be applicable to the Project. In the event that the City is directed by the State of Ohio to make payments to construction workers based on violations of such requirements, Developer shall make such payments or reimburse the City for such payments within twenty (20) days of demand therefor. A copy of the City's prevailing wage determination may be attached to this Exhibit as Addendum I to Additional Requirements Exhibit (City's Prevailing Wage Determination) hereto.

(I) Compliance with the Immigration and Nationality Act. In the performance of its construction obligations under this Agreement, Developer shall comply with the following provisions of the federal Immigration and Nationality Act: 8 U.S.C.A. 1324a(a)(1)(A) and 8 U.S.C.A. 1324a(a)(2). Compliance or noncompliance with those provisions shall be solely determined by final determinations resulting from the actions by the federal agencies authorized to enforce the Immigration and Nationality Act, or by determinations of the U.S.

(J) Prompt Payment. The provisions of CMC Chapter 319, which provides for a "Prompt Payment System", may apply to this Agreement. CMC Chapter 319 also (i) provides certain requirements for invoices from contractors with respect to the Prompt Payment System, and (ii) obligates contractors to pay subcontractors for satisfactory work in a timely fashion as provided therein.

(K) Conflict of Interest. Pursuant to ORC Section 102.03, no officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project may have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(L) Ohio Means Jobs. If this Agreement constitutes a construction contract (pursuant to the guidance with respect to the definition of that term provided in Section (A) above), then, pursuant to Ordinance No. 238-2010: To the extent allowable by law, Developer and its general contractor shall use its best efforts to post available employment opportunities with Developer, the general contractor's organization, or the organization of any subcontractor working with Developer or its general contractor with the OhioMeansJobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-946-7200.

(M) Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained CMC Chapter 326 (Wage Enforcement) (the "**Wage Enforcement Chapter**"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. CMC Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively "investigative bodies") to release to the City's Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City's request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous

notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the city shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

(N) Americans With Disabilities Act: Accessibility.

(i) Applicability. Cincinnati City Council adopted Motion No. 201600188 on February 3, 2016 (the “**Accessibility Motion**”). This motion directs City administration, including DCED, to include language specifically requiring compliance with the Americans With Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the “**ADA**”), and imposing certain minimum accessibility standards on City-subsidized projects regardless of whether there are arguably exceptions or reductions in accessibility standards available under the ADA or State law.

(ii) Requirement. In furtherance of the policy objectives set forth in the Accessibility Motion, (A) the Project shall comply with the ADA, and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a “place of public accommodation” or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then Developer shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, “**Contractual Minimum Accessibility Requirements**” means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building’s primary point of entry, conspicuous signage directing persons to such accessible point of entry.

(O) Electric Vehicle Charging Stations in Garages.

(i) Applicability. Cincinnati City Council passed Ordinance No. 89-2017 on May 10, 2017. This ordinance requires all agreements in which the City provides any amount of “qualifying incentives” for projects involving the construction of a parking garage to include a provision requiring the inclusion of certain features in the garage relating to electric vehicles. The ordinance defines “qualifying incentives” as the provision of incentives or support for the construction of a parking garage in the form of (a) the provision of any City monies or monies controlled by the City including, without limitation, the provision of funds in the form of loans or grants; (b) the provision of service payments in lieu of taxes in connection with tax increment financing, including rebates of service payments in lieu of taxes; and (c) the provision of the proceeds of bonds issued by the City or with respect to which the City has provided any source of collateral security or repayment, including, but not limited to, the pledge of assessment revenues or service payments in lieu of taxes. For the avoidance of doubt, “qualifying incentives” does not include (1) tax abatements such as Community Reinvestment Area abatements pursuant to ORC Section 3735.67, et seq., or Job Creation Tax Credits pursuant to ORC Section 718.15; (2) the conveyance of City-owned real property for less than fair market value; and (3) any other type of City support in which the City provides non-monetary assistance to a project, regardless of value.

(ii) Requirement. If the applicability criteria of Ordinance No. 89-2017 are met, then the following requirements shall apply to any parking garage included within the Project: (a) at least one percent of parking spaces, rounding up to the nearest integer, shall be fitted with Level 2 minimum 7.2 kilowatt per hour electric car charging stations; provided that if one percent of parking spaces is less than two parking spaces, the minimum number of parking spaces subject to this clause shall be two parking spaces; and (b) the parking garage’s electrical raceway to the electrical supply panel serving the garage shall be capable

of providing a minimum of 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer, and the electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer.

(P) Certification as to Non-Debarment. Developer represents that neither it nor any of its principals is presently suspended or debarred by any federal, state, or local government agency. In completing the Project, Developer shall not solicit bids from any contractors or subcontractors who are identified as being suspended or debarred by any federal, state, or local government agency. If Developer or any of its principals becomes suspended or debarred by any federal, state, or local government agency during the term of this Agreement, Developer shall be considered in default under this Agreement.

February 23, 2023

**To:** Mayor and Members of City Council 202300672  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Ordinance for the Rezoning of 644-664 Crown Street in Walnut Hills

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Transmitted is an Ordinance captioned:

**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 644-664 Crown Street in the Walnut Hills neighborhood from the T5N.LS-O “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district to allow for the construction of attached single-family rowhouses.

The City Planning Commission recommended approval of the zone change at its February 17, 2023 meeting.

**Summary:**

The petitioner, Onyx + East, requests a zone change located at 644 to 664 Crown Street in Walnut Hills from T5N.LS-O – Neighborhood Large Setback-Open to T5N.SS-O – Neighborhood Small Setback-Open to permit the future construction of single-family attached rowhouses on their own separate lots. Currently, the subject property consists of nine parcels that will be consolidated into a single parcel consisting of 1.45 acres to be reclassified.

The City Planning Commission recommended the following on February 17, 2023, to City Council:

**APPROVE** the proposed zone change from T5N.LS-O (Neighborhood Large Setback-Open) to T5N.SS-O (Neighborhood Small Setback-Open) located at 644-664 Crown Street in Walnut Hills.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property generally located at 644-664 Crown Street in the Walnut Hills neighborhood from the T5N.LS-O, “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district to allow for the construction of attached single-family rowhouses.

WHEREAS, Onyx and East, LLC (“Petitioner”) has petitioned to rezone approximately 1.45 acres of real property located at 644-664 Crown Street in the Walnut Hills neighborhood (“Property”) from the T5N.LS-O, “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district; and

WHEREAS, the Petitioner desires to construct 22 three-story attached single-family rowhouses on the Property; and

WHEREAS, a zone change is necessary to permit the construction of attached single-family rowhouses at the Property because the current T5N.LS-O, “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district does not permit the construction of rowhouses; and

WHEREAS, the proposed zone change from the T5N.LS-O, “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district would allow the Petitioner to develop the Property in a manner that is consistent with adjacent properties located south of Crown Street and west of May Street and along Dix Street, which adjacent properties are presently zoned under the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district and on which properties the Petitioner intends to construct an additional 17 three-story attached single-family rowhouses; and

WHEREAS, the proposed zone change is consistent with the goals of the *Walnut Hills Reinvestment Plan* (2017) to encourage development fronting along Interstate 71 to “transition to that of the three-story neighborhood” (page 43); and

WHEREAS, the proposed zone change is consistent with *Plan Cincinnati* (2012), specifically the goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability,” (page 164), as well as the strategy to “[o]ffer housing options of varied sizes and types for residents at all stages of life” (page 169); and



WHEREAS, at its regularly scheduled meeting on February 17, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the T5N.LS-O, “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the T5N.LS-O, “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district, finding it to be in the interest of the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati’s official zoning map in the location of the real property located at 644-664 Crown Street in the Walnut Hills neighborhood, shown on the map attached hereto as Exhibit “A” and incorporated herein by reference, and being more particularly described on the legal description contained in Exhibit “B” attached hereto and incorporated herein by reference, is hereby amended from the T5N.LS-O, “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district.

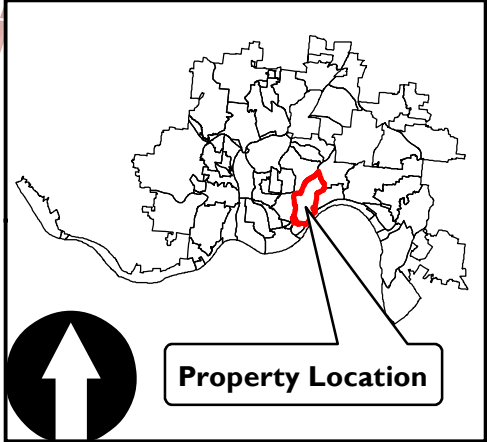
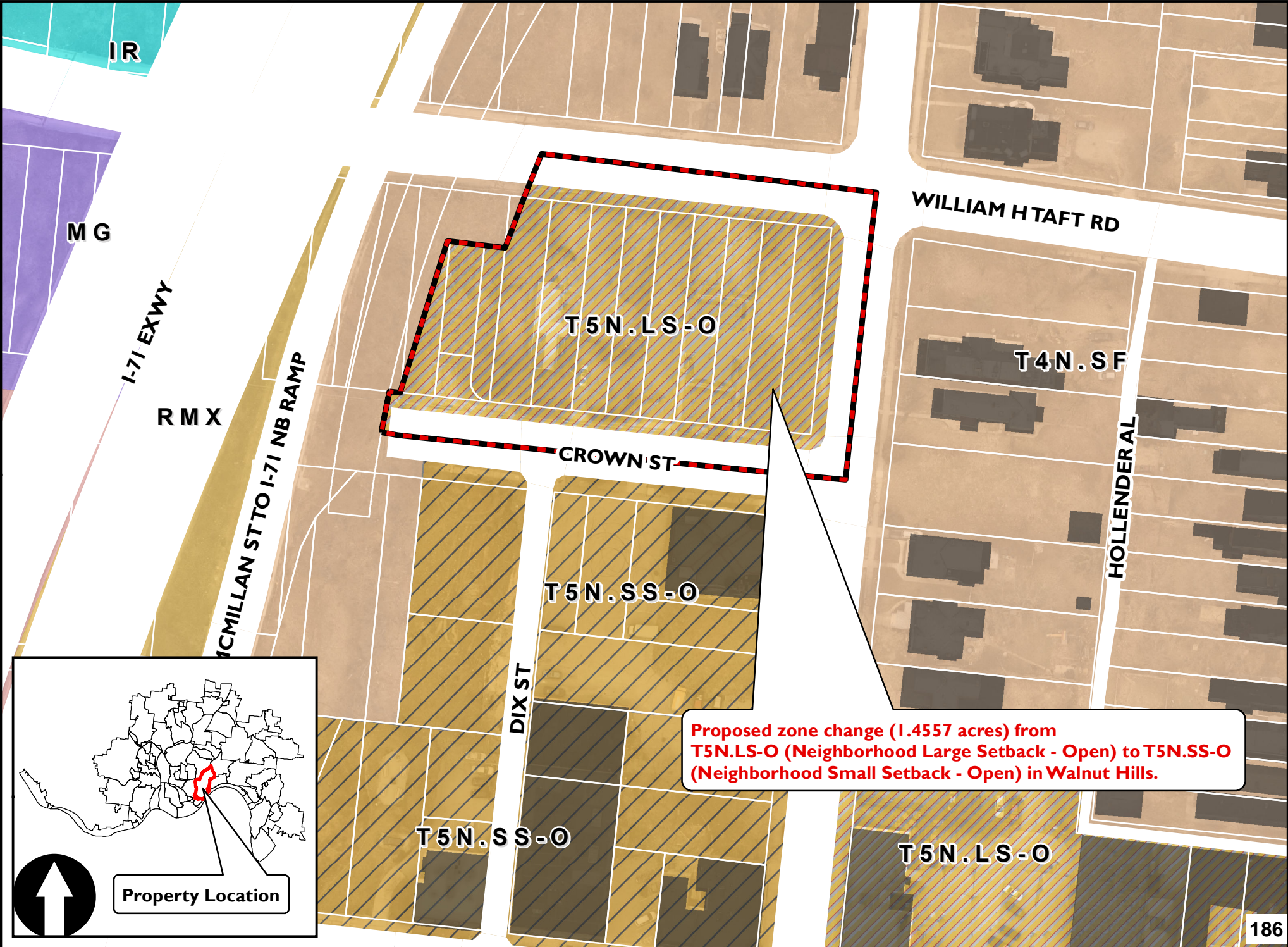
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2023

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

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

# Proposed Zone Change at 664 Crown Street in Walnut Hills



## LEGAL DESCRIPTION

### 1.4557 ACRE

Situated in Section 8, Town 3, Fractional Range 2, Miami Purchase, City of Cincinnati, being all of lots 1-9 and part of lots 10-12 of Arnd Kattenhorn's Subdivision as recorded in P.B. 3, Pg. 313 and all of the tracts of land conveyed by deed to 648 Crown Street LLC in O.R. 13251 Pg. 372, O.R. 13189 Pg. 384, 656 Crown Street, LLC in O.R. 13247 Pg. 679, 658 Crown Street LLC in O.R. 13189 Pg. 304 and 664 Crown Street, LLC in O.R. 13378 Pg. 259 the boundary of which being more particularly described as follows:

BEGINNING at the centerline intersection of William H. Taft and May Street;

Thence along the centerline of May Street, South  $05^{\circ}52'16''$  West a distance of 210.51 feet to the centerline of Crown Street;

Thence along the centerline of Crown Street North  $83^{\circ}56'07''$  West a distance of 336.90 feet to the east right of way line of Interstate 75:

Thence along said right of way the following five (5) courses:

1. North  $05^{\circ}57'26''$  East a distance of 30.00 feet;
2. South  $83^{\circ}56'07''$  East a distance of 6.54 feet;
3. North  $17^{\circ}25'36''$  East a distance of 114.76 feet;
4. South  $83^{\circ}56'10''$  East a distance of 42.00 feet;
5. North  $20^{\circ}37'19''$  East a distance of 70.26 feet to the centerline of William H. Taft;

Thence along said centerline, South  $83^{\circ}56'07''$  East a distance of 247.44 feet to the POINT OF BEGINNING;

Said parcel contains 1.4557 acres, more or less.

The bearings of this description are based on State Plane Coordinates, Ohio South Zone, NAD 83.

This legal description was based on a field survey under the direction of Daniel K. York, Ohio Professional Surveyor Number S-8729 in December of 2018.

Honorable City Planning Commission  
Cincinnati, Ohio

**SUBJECT:** A report and recommendation on a proposed zone change from T5N.LS-O (Neighborhood Large Setback-Open) to T5N.SS-O (Neighborhood Small Setback-Open) located at 644-664 Crown Street in Walnut Hills.

**GENERAL INFORMATION:**

**Location:** 644-664 Crown Street, Cincinnati, OH 45206

**Petitioner:** Onyx + East  
1828 N Central Avenue  
Indianapolis, IN 46202

**Property Owner:** Investing for Good LLC – Samir Kulkarni  
731 E. McMillan Street Ste. B  
Cincinnati, OH 45206

**EXHIBITS:**

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Zone Change Application
- Exhibit C Zone Change Plat
- Exhibit D Legal Description
- Exhibit E Proposed Development
- Exhibit F Coordinated Site Review Letter
- Exhibit G Community Engagement Summary
- Exhibit H Letter of Support

**BACKGROUND:**

The petitioner, Onyx + East, requests a zone change located at 644 to 664 Crown Street in Walnut Hills from T5N.LS-O – Neighborhood Large Setback-Open to T5N.SS-O – Neighborhood Small Setback-Open to permit the future construction of single-family attached rowhouses on their own separate lots. Currently, the subject property consists of nine parcels that will be consolidated into a single parcel consisting of 1.45 acres to be reclassified.

The existing zoning (T5N.LS-O) does not permit any sort of rowhouses, but it does permit other residential options such as stacked flats, mid-rises and carriage houses. T5N.SS-O permits rowhouses as an allowed building type following the 1703-3.90 Standards of the Cincinnati Zoning Code – Title XVII – Land Development Code.

These properties consist of a larger development entitled “May Square” which is planned to involve a major subdivision development of 39 single-family attached rowhouses. This development plans to incorporate the properties south of Crown Street. The properties that are requesting to be rezoned would have 22 of the single-family homes constructed on them with the remaining being constructed on the southern side of Crown Street located along Dix Street and on the western side of May Street. The southern portion of the proposed development (the properties not being rezoned) is already zoned

T5N.SS-O – Neighborhood Small Setback – Open.

In 2019, the properties south of Crown Street, along Dix Street and May Street, received a zone change from T4N.SF – Neighborhood Small Footprint to the existing zoning T5N.SS-O – Neighborhood Small Setback-Open. This proposal was through a different petitioner, Paramount Redevelopment Group, which had requested the zone change to permit a multi-use development with retail on the ground floor and multi-family workforce housing on the upper floors. This project is no longer in development.

In 2020, the subject property (644-664 Crown Street, under the property owner Samir Kulkarni) also received a zone change from T4N.SF – Neighborhood Small Footprint to the existing zoning T5N.LS-O – Neighborhood Large Setback-Open to permit a four-story, multi-family residential building with 78 units and a public parking lot. This project is also no longer in development.

With this existing proposal to change the zoning, the entire development site (consisting of all properties previously mentioned north and south of Crown Street “May Square”) would all be zoned the same zoning of T5N.SS-O – Neighborhood Small Setback-Open. The open sub-zone provides the same building form but allows for a more diverse mix of uses. The applicant is intending to provide only single-family residential uses.

**ADJACENT LAND USE AND ZONING:**

The subject properties are currently zoned T5N.LS-O – Neighborhood Large Setback-Open as shown on the attached map (Exhibit A). The zoning and land uses surrounding the subject properties are as follows:

**North:**

Zoning: T4N.SF – Neighborhood Small Footprint  
Existing Use: Single/Multi-family houses

**East:**

Zoning: T4N.SF – Neighborhood Small Footprint  
Existing Use: Single/Multi-family houses and some vacant lots

**South:**

Zoning: T5N.SS-O – Neighborhood Small Setback-Open  
Existing Use: Vacant lots that will be a part of the whole complete development, church/parking, businesses along E. McMillan Street

**West:**

Zoning: T4N.SF – Neighborhood Small Footprint  
Existing Use: Interstate 71

**PROPOSED DEVELOPMENT:**

The proposed zone change will allow the planned future construction of 39 attached single-family rowhouses. These rowhouses will be 3-floors with garages in the rear, connected with private driveways. These rowhouses will have the front of the structures face May Street, Crown Street (both north and south), Dix Street (both east and west) and south of William Howard Taft. There will also be new sidewalks implemented within the development. The brick church building located at the southwestern

corner of Crown Street and May Street is outside the project scope but is planned to be saved and redeveloped.

If the zone change is approved, all new construction will have to conform to the development regulations set forth in the Cincinnati Zoning Code in the T5N.SS-O – Neighborhood Small Setback-Open zone.

**COORDINATED SITE REVIEW:**

The applicant submitted their proposed project for Coordinated Site Review in November of 2022. The applicant stated their desire for a zone change during this process, from T5N.LS-O – Neighborhood Large Setback-Open to T5N.SS-O – Neighborhood Small Setback-Open. This is where it was identified that rowhouses are not permitted in T5N.LS-O but are allowed in the T5N.SS-O zoning district.

Many departments had comments regarding future permits and the applicant will need to provide more detailed dimensions and items on their site plan for further zoning review and when they submit for the Major Subdivision process. The Cincinnati Fire Department identified the need to have two readily accessible fire hydrants near the project scope and the Department of Transportation and Engineering (DOT) highly recommended a Traffic Impact Study among other criteria for street adjustments and further requirements. The applicant team is aware of these recommendations and are working on addressing all of them accordingly.

**PUBLIC COMMENT:**

The applicant team submitted a summary of the extensive community engagement completed in advance of filing for the proposed zone change (Exhibit G). The applicant team has met with the Walnut Hills Area Council numerous times and the Council has submitted a letter of support (Exhibit H).

The Department of City Planning and Engagement held a virtual public staff conference on this proposed zone change on January 12, 2023. Notices were sent to property owners within a 400-foot radius of the subject properties, including the Walnut Hills Area Council and Walnut Hills Redevelopment Foundation. There was a total of nine (9) individuals present at the staff conference, which included three (3) members of the public in addition to City staff and multiple members from the applicant team. The members of the public supported the proposed zone change and some expressed excitement for the future development.

All property owners within a 400-foot radius of the subject properties, the Walnut Hills Area Council, and the Walnut Hills Redevelopment Foundation were also notified of the City Planning Commission meeting. No additional correspondence was received as of February 9, 2023.

**CONSISTENCY WITH PLANS:**

*Plan Cincinnati (2012)*

The proposed zone change is consistent with the Live Initiative Area of *Plan Cincinnati*, specifically the Goal to, “Create a more livable community” through the Strategy to “Support and stabilize our neighborhoods” (p. 160). This proposal is additionally consistent with the Goal to “Provide a full spectrum of housing options, and improve housing quality and affordability” (p. 164) and the Strategy to “Offer housing options of varied sizes and types for residents at all stages of life” (p. 169). This proposed development will increase the housing stock within the Walnut Hills neighborhood by adding 39 single-family rowhouses.

This proposed zone change is also consistent with the Guiding Policy Principles to “Increase our population” and to “Be aggressive and strategic in future growth and development” (p. 77). Economic development and job growth is the key to maintain a stable city and growing the Cincinnati tax base to allow for public services and future improvements.

Lastly, this request is additionally identified as part of the Guiding Geographic Principles section of *Plan Cincinnati* based on the principles to, “Focus revitalization on existing centers of activity” (p. 87), as the plan identifies this portion of Walnut Hills as a Traditional Neighborhood with a ‘Evolve Neighborhood Center Degree of Change’ (p. 91).

#### *Walnut Hills Reinvestment Plan (2017)*

This proposed request is consistent with Walnut Hill’s neighborhood plan, *Walnut Hills Reinvestment Plan (2017)*, being identified as a ‘Interstate Transition’ which focuses on scale transitions along Interstate 71 stating, “development should transition to that of the 3-story neighborhood” (p. 43). It is also mentioned in the Invest in People, Places, and Homes section a goal to “Update the zoning map to support the neighborhood and the reinvestment plan” (p. 42).

#### **ANALYSIS:**

The current zoning district, T5N.LS-O – Neighborhood Large Setback-Open, does not permit rowhouses anywhere within the district. This zone is intended to provide a variety of urban housing choices, in medium-to-large footprint, medium-to-high density building types, which reinforce the neighborhood’s walkable nature, support neighborhood-serving retail and service uses adjacent to this zone and support public transportation alternatives.

The T5N.SS-O - Neighborhood Small Setback-Open permits rowhouses, among other residential buildings. This district intends for the same ideas of the Large Setback zone, but permits a small-to-medium footprint, building at or close to the right-of-way, with small-to-zero setback requirements and a diverse mix of frontages. These differences in zoning allow the applicant team to propose buildings closer to the street on smaller lots. The applicant will need to provide further detail in the Development Plan and will need a Subdivision Improvement Plan once it gets to the Major Subdivision submittal.

This zone change will permit the planned future construction of 39 residential rowhouses and will provide additional housing options to Walnut Hills. It is consistent with the existing surrounding zoning districts and built environment. This proposal will additionally reactivate vacant property.

#### **CONCLUSIONS:**

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding built environment with regards to allowable uses, building scale, massing, and adjacent zoning districts.
2. It is consistent with *Walnut Hills Reinvestment Plan (2017)*.
3. It is consistent with *Plan Cincinnati (2012)* within the Live Initiative Area, specifically the goal to, “Provide a full spectrum of housing options, and improve housing quality and affordability.”

**RECOMMENDATION:**

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

**APPROVE** the proposed zone change from T5N.LS-O (Neighborhood Large Setback-Open) to T5N.SS-O (Neighborhood Small Setback-Open) located at 644-664 Crown Street in Walnut Hills.

Respectfully submitted:



Jesse Urbancsik, Senior City Planner  
Department of City Planning and Engagement

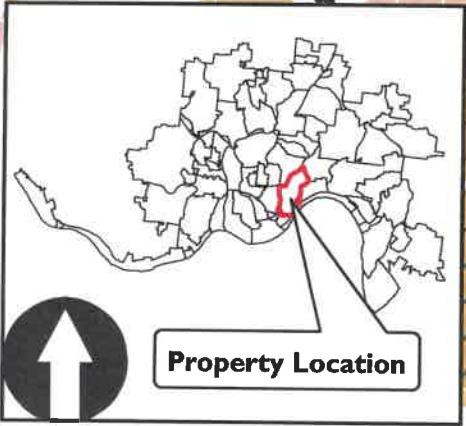
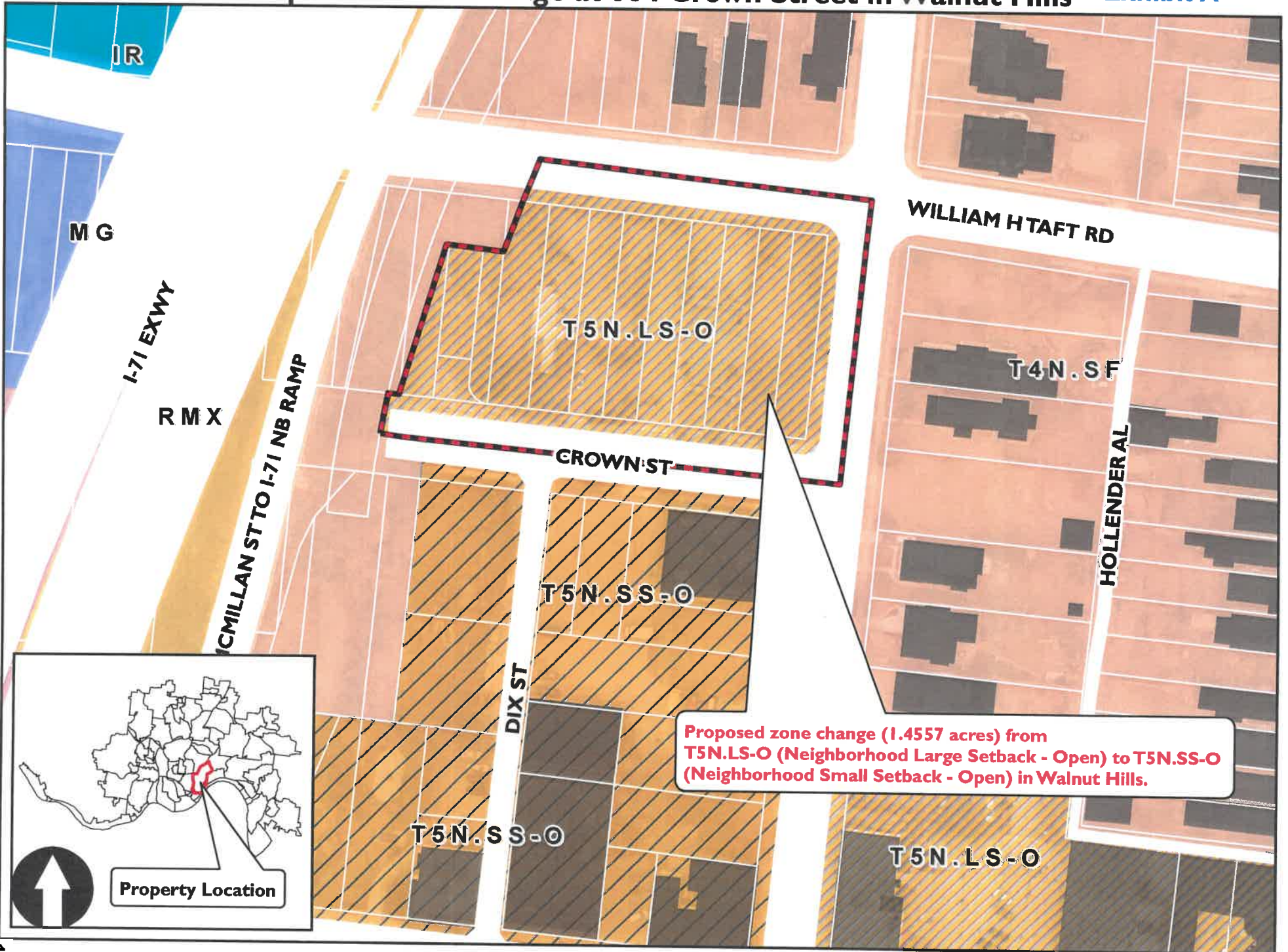
Approved:



Katherine Keough-Jurs, FAICP, Director  
Department of City Planning and Engagement



Proposed Zone Change at 664 Crown Street in Walnut Hills Exhibit A



PETITION FOR CHANGE OF ZONING OF PROPERTY  
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: 12/16/2022

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the T5N.LS Zone District to the T5N.SS Zone District.

Location of Property (Street Address): 664 Crown Street, Cincinnati, Ohio 45206

Area Contained in Property (Excluding Streets): .912 acres

Present Use of Property: Vacant property

Proposed Use of Property & Reason for Change: New townhomes/rowhomes.

Zone change allows for rowhome product to be constructed on site.

Property Owner's Signature: 

Name Typed: Samir Kulkarni - Investing for Good LLC

Address: 731 E. McMillan Ste B 45206 Phone: 5132536239

Agent Signature: 

Name Typed: Bryan Scheck, Bayer Becker

Address: 1404 Race Street, Suite 204 Phone: 513-336-6600  
Cincinnati, Ohio 45202

Please Check if the Following Items are Attached

Application Fee X

Copies of Plat X

Copies of Metes and Bounds X



**LEGAL DESCRIPTION**

**1.4557 ACRE**

Situated in Section 8, Town 3, Fractional Range 2, Miami Purchase, City of Cincinnati, being all of lots 1-9 and part of lots 10-12 of Arnd Kattenhorn's Subdivision as recorded in P.B. 3, Pg. 313 and all of the tracts of land conveyed by deed to 648 Crown Street LLC in O.R. 13251 Pg. 372, O.R. 13189 Pg. 384, 656 Crown Street, LLC in O.R. 13247 Pg. 679, 658 Crown Street LLC in O.R. 13189 Pg. 304 and 664 Crown Street, LLC in O.R. 13378 Pg. 259 the boundary of which being more particularly described as follows:

BEGINNING at the centerline intersection of William H. Taft and May Street;

Thence along the centerline of May Street, South 05°52'16" West a distance of 210.51 feet to the centerline of Crown Street;

Thence along the centerline of Crown Street North 83°56'07" West a distance of 336.90 feet to the east right of way line of Interstate 75:

Thence along said right of way the following five (5) courses:

1. North 05°57'26" East a distance of 30.00 feet;
2. South 83°56'07" East a distance of 6.54 feet;
3. North 17°25'36" East a distance of 114.76 feet;
4. South 83°56'10" East a distance of 42.00 feet;
5. North 20°37'19" East a distance of 70.26 feet to the centerline of William H. Taft;

Thence along said centerline, South 83°56'07" East a distance of 247.44 feet to the POINT OF BEGINNING;









Said parcel contains 1.4557 acres, more or less.

The bearings of this description are based on State Plane Coordinates, Ohio South Zone, NAD 83.

This legal description was based on a field survey under the direction of Daniel K. York, Ohio Professional Surveyor Number S-8729 in December of 2018.

# Exhibit E

## LEGEND

-  EXISTING ASPHALT PAVEMENT (TO REMAIN)
-  EXISTING CONCRETE WALK (TO REMAIN)
-  PROPOSED CONCRETE WALK
-  PROPOSED LIGHT DUTY ASPHALT PAVEMENT
-  PROPOSED HEAVY DUTY ASPHALT PAVEMENT
-  PROPOSED CONCRETE DRIVE APRON (PER NOTE ACC NO. 22855)
-  PROPOSED CONCRETE DRIVE
-  OUT OF PROJECT SCOPE



Revision Description

Date	By	Check

PRELIMINARY

**MAY SQUARE**  
644 CROWN STREET  
CINCINNATI, OH 45206  
SITE LAYOUT PLAN



Drawn By: [ ]  
Drawn By: AFD  
Checked By: BUS  
Issue Date: 11/28/2022



Know what's below.  
Call before you dig.  
LOCATION OF ALL EXISTING UTILITIES TO BE DETERMINED IN THE FIELD PRIOR TO CONSTRUCTION

**C3.0**

1645 W. MANTUA ROAD, CINCINNATI, OH 45222  
 DRAWING NUMBER: 2022-0001-0001-0001-0001-0001-0001  
 DRAWING DATE: 11/28/2022  
 DRAWING BY: AFD  
 DRAWING CHECKED BY: BUS  
 DRAWING SCALE: AS SHOWN  
 DRAWING STATUS: PRELIMINARY



November 4, 2022

Mr. Josh Hughes  
 Onyx+East  
 2505 May Street  
 Cincinnati, Ohio 45206

Re: 664 Crown Street | May Square (D) – (CPRE220064) Final Recommendations

Dear Mr. Hughes,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project **664 Crown Street** in the Community of Walnut Hills. It is my understanding that you are proposing to construct a 40-townhome development project with one or two car garages for each unit, located on two private drives off of Crown Street. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **WebEx conference call meeting** with you on **November 8, 2022 @ 2:30 pm** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

### **City Planning and Engagement – Planning Division**

#### **Immediate Requirements to move the project forward:**

1. **Staff highly recommends that this property is rezoned into a Planned Development (PD).\*\***
2. **The PD consists of:**
  - **Application and plans need to be submitted (including fee)**
  - **Staff Conference (3-4 week process)**
  - **City Planning Commission (4-6 weeks)**
  - **Equitable Growth & Housing Committee/City Council (4-14 weeks)**
  - **Final Development Plan (unless submitted concurrently) (2-6 weeks)**
3. **The project as it is would be a major subdivision. The proposed subdivision of land is considered a Major Subdivision per Section 200-01-S6 of the Subdivision Regulations:**
  - a. **The opening, widening, extension or improvement of a street;**
  - b. **The installation, extension, or modification of a public utility service line, excluding tap connections to existing utility service lines;**
  - c. **A request involving a parcel of land that the owner or applicant intends to further subdivide and the planned subdivision together will result in four or more lots;**
    - **200-01-S6(d) A request that seeks a variance or other relief from the City's subdivision regulations or the Cincinnati Zoning Code**
4. **More information about the major subdivision process and regulations may be found here:**  
<https://www.cincinnati-oh.gov/planning/subdivisions-and-lot-splits/>

#### **Requirements to obtain permits:**

1. Approval by the City Planning Commission must be obtained for the Development Plan and Subdivision Improvement Plan.
2. Once infrastructure improvements have been made and approved by the appropriate City Department(s), the Final Plat must be submitted for consideration by the City Planning Commission.
3. The dedication of Public right-of-way requires City Planning Commission approval and acceptance by City Council (per Law's notes).
4. Final Plat must be recorded prior to the application of permits for each lot.

**Recommendations:**

1. It is highly recommended to reach out and share these plans to the adjacent property owners and the Walnut Hills Area Council.
2. Walnut Hills Reinvestment Plan (2017) <https://www.cincinnati-oh.gov/sites/planning/assets/File/Walnut%20Hills%20Reinvestment%20Plan%20Final.pdf>
3. Walnut Hills Urban Renewal Plan - McMillian Street NDB (1997) [https://www.cincinnati-oh.gov/sites/planning/assets/File/Walnut%20Hills%20URP%20McMillan%20St\\_%20NBD%201997.pdf](https://www.cincinnati-oh.gov/sites/planning/assets/File/Walnut%20Hills%20URP%20McMillan%20St_%20NBD%201997.pdf)

**Contact:**

- **Jesse Urbancsik** | City Planning | 513-352-4843 | [jesse.urbancsik@cincinnati-oh.gov](mailto:jesse.urbancsik@cincinnati-oh.gov)

**City Planning and Engagement – Zoning Division**

**Immediate Requirements to move the project forward:**

1. Planned Development/Zone Change. The proposed development north of Crown Street is located in a T5N.LS-O Form-Based Code zoning transect. Per Sec. 1703-2.90(C), rowhouses are not an allowed building type in the T5N.LS-O transect. Therefore, you must obtain a Planned Development or a Zone Change to develop rowhouses north of Crown Street.
2. Lot Size. Per Sec. 1703-2.100(C), rowhouses are an allowed building type in the T5N.SS-O transect south of Crown Street. However, the minimum lot depth for rowhouses in any FBC transect is 80 feet. Please provide more detailed dimensions on the Site Plan for further Zoning review. It appears that the proposed development would require numerous Dimensional Variances.
3. Elevations. Provide dimensions on elevation drawings. There are no renderings of the Soho and Hosford models.
4. Street Width. You have depicted Dix Street with a width of 21 feet, but it is currently 20 feet in width. Indicate if you are planning to widen the street to have frontage for some of the lots.
5. Parking. For the models with only a one car garage, indicate total square footage of the dwelling. As to the proposed parking lot, per Sec. 1703-2.100(I), parking facilities require a Use Permit (Conditional Use approval). Per Sec. 1703-2.100(F), parking spaces require a minimum 40 feet front yard setback, so a Dimensional Variance will be required. Provide

dimensions for parking spaces, driveway width. Provide details as to screening and landscaping.

6. Easements. Easements would be needed for private drives crossing over parcels and maintenance of these drives should be addressed in HOA documents.

**Requirements to obtain permits:**

1. Final recorded Subdivision Plat, Site Plans and dimensioned Elevation Drawings.

**Recommendations:**

1. Discuss the development further with Zoning and Planning Staff.

**Contact:**

- **Tre Sheldon** | ZPE | 513-352-2422 | [henry.sheldon@cincinnati-oh.gov](mailto:henry.sheldon@cincinnati-oh.gov)

**Metropolitan Sewer District (MSD)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. A PTI from the OEPA will be required for sewer extension. Please contact Jeff Chen at [jeff.chen@cincinnati-oh.gov](mailto:jeff.chen@cincinnati-oh.gov) or 513-244-1357 for assistance.
2. Detention will be reviewed by Jeff Chen at [jeff.chen@cincinnati-oh.gov](mailto:jeff.chen@cincinnati-oh.gov) or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
3. An approved site utility plan will be required for each residence to receive approved permit.

**Recommendations**

- None

**Contact:**

- **Jim Wood** | MSD | 513-352-4311 | [jim.wood@cincinnati-oh.gov](mailto:jim.wood@cincinnati-oh.gov)

**Stormwater Management Utility (SMU)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Detention
  - Detention is required, refer to MSD calculations for design.
  - Submit following documents - detention calculations, drainage map, detailed drawing of Detention Control structure with elevations, detentions shop drawings (manufacturer drawing), major storm calculations / flood routing
2. Storm Requirements
  - Calculations for storm water conveyance system.
3. Utility Plan
  - Label all pipes materials
  - In the public R/W, pipes to be DIP or RCP
  - Show Top & Invert elevations for all Appurtenances
  - Show slopes for all pipes
4. Easement requirements: if a pipe crosses a private property line, developer must submit separately a "recorded private drainage easement"



5. Curb cuts: driveway aprons at min. 5' away from SMU inlets
6. Cannot tie into curb inlets
7. Grading Plan
  - o Grading must show existing and proposed contours
  - o Impervious surfaces are NOT permitted to drain towards adjacent properties.
  - o Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
  - o Impervious surfaces allowed to drain towards public R/W with limit of 800sf per project. Exemptions granted on case-by-case basis (if SMU inlets can collect runoff).
8. Erosion & Sediment Control Plan is required.
  - o Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
9. SMU Standards Plans Notes is required.
  - o Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
10. As-Built survey is required. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
  - o State Plane Coordinates (N,E) for all MH's and Catch Basins
  - o Inverts and Top elevations for all MHs and Catch Basins
  - o Slopes, sizes, and materials for all storm lines.

**Recommendation:**

- None

**Contact:**

- **Kevin Gold** | SMU | 513-222-3643 | [kevin.gold@gcww.cincinnati-oh.gov](mailto:kevin.gold@gcww.cincinnati-oh.gov)

**Water Works**

**Immediate Requirements to move the project forward:**

1. Owner/developer will need to submit for a Greater Cincinnati Water Works Preliminary Application for water main extension in Dix Street. Cincinnati Water Works (GCWW) Contact Phil Young at 513-591-6567 or [Phillip.Young@gcww.cincinnati-oh.gov](mailto:Phillip.Young@gcww.cincinnati-oh.gov) .
  - a. The proposed water main alignment, including fire hydrant location and tap locations, is not approved at this conceptual review and will be approved during the GCWW Preliminary Application and Design Plan approval process. Developer will be required to provide an easement for the fire hydrant.
2. It is advised that GCWW has a construction project that has started to replace the 6" water mains in Crown Street and May Street with an 8" main, replace 8" water main in William Howard Taft Road and replace the transmission main in Crown Street.

**Requirements to obtain permits:**

1. Before any building permits are approved, the owner/developer will be required to meet all conditions of the approved preliminary application. This generally includes the completion of approved plans, all submittals including environmental report, easement plat, contractor bond and letter of intent.
2. Greater Cincinnati Water Works (GCWW) will need a stamped and recorded consolidated/split plat before any building permits will be approved.
3. The subject development property is receiving water service from the 6" public water main in Crown Street and the 6" public water main in May Street.

Address	Branch #	Size	Meter #	Size
643 Crown St.	H-238490	3/4"	238490	5/8"
650 Crown St.	H-21352	5/8"	056516	5/8" Lead on public and private side*
656 Crown St.	H-21524	5/8"	045675	5/8" Lead on public and private side*
658 Crown St.	H-233954	1.5"	233954	1.5"
664 Crown St.	H-25307	5/8"	056646	3/4" Lead on public and private side*
2517 Dix St.	H-224895	3/4"	224895	5/8"
2521 May St.	H-66640	5/8"	020434	5/8" Lead on public and private side*
648 Crown St.	H-21353	3/4"	- FOD	
652 Crown St.	H-29082	3/4"	- FOD	
654 Crown St.	H-92404	5/8"	- FOD	
2513 May St.	H-26866	5/8"	- FOD	
2517 May St.	H-280702	5/8"	- FOD	
2507 May St.	H-31851	3/4"	- FOD	
2509 May St.	H-31852	5/8"	- FOD	
2519 May St.	H-39829	5/8"	- FOD	

\*Please note that there are known health risks with lead service lines. Greater Cincinnati Water Works records indicate the existing water service lines (H-21352, H-21524, H-25307 and H-66640) at this site are Lead Service lines. In accordance with CMC Chapter 401 Division M, should be replaced with copper service line if it is to remain.

4. Any new/existing water service branch(es) that will cross parcel lines will need a water service branch easement.
5. If the existing water service branch for this project is not to be used for this development, it must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of any existing water service branch before any new water service can be sold.
6. Abandoned branches will require a drawing showing which branches are to be physically removed from the main. Each branch will need to show the branch number. Submit to Phil Young at [Phillip.Young@gcww.cincinnati-oh.gov](mailto:Phillip.Young@gcww.cincinnati-oh.gov)

**Recommendations:**

1. Water Availability Letter is forthcoming.
2. Missing water service branch for unit 16.
3. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber and fire protection company to perform the private water service branch design work and installation.
4. The Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fire protection company to fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.
5. Contact me for general questions and Phil Young, for Water main extension questions at 513-591-6567, or by email at [Phillip.Young@gcww.cincinnati-oh.gov](mailto:Phillip.Young@gcww.cincinnati-oh.gov)

**Contact:**

- Rick Roell | WaterWorks | 513-591-7858 | [richard.roell@gcww.cincinnati-oh.gov](mailto:richard.roell@gcww.cincinnati-oh.gov)

**Fire Department**

**Immediate Requirements to move the project forward:**

1. Provide a site plan confirming that there are at least 2 readily accessible fire hydrants within 400 feet from all parts of each structure.
2. The minimum fire flow requirements are 1800 gallons/per/minute (GPM) @ 20 pressure/per/square inch (psi) (138Kpa)

**Requirements to obtain Permits:**

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet.
2. Dead-end fire apparatus access roads in excess of 150' in length shall be provided with an approved area for turning around fire apparatus.
3. Access Streets, Roadways or Driveways. (b) The surface shall be of sufficient strength and type to adequately support any fire division apparatus under any weather conditions.
4. The weight of our apparatus is as follow:

Apparatus	Width	Length	Height	Weight	Front axle	Rear axle	Turn radius inside/outside
Ladder	10'	41'10"	11' 9"	70,000	21,600	48,000	35.45/39.25
Engine	10'	31'6"	9'5"	44,000	20,000	24,000	34'6"/41'6"
Ambulance	9' 4"	22'2"	9' 2"	18,500			34'/41'

**Recommendations:**

- None

**Contact:**

- Gregory Phelia Jr. | Fire Dept. | 513-357-7598 | [gregory.pheliar@cincinnati-oh.gov](mailto:gregory.pheliar@cincinnati-oh.gov)

**Office of Environment and Sustainability (OES)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain permits:**

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapters 1101 and 1031.
3. This project may need to include a new City permanent public utility easement. The City's acquisition of the easement must receive environmental approval from OES.

**Recommendations:**

1. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
  - a. The development goal should be to earn at a minimum the LEED Certified rating level.

- b. Rooftop solar should be considered in the design as a renewable energy source.
- c. Site parking should be wired for electric vehicle charging.
- d. Site areas designated for trash carts should also have at least equal space designated for recycling carts.
- e. The use of trees in the landscape design should be included to enhance urban forestry.
- f. The use of pervious surfaces should be maximized to the extent practical in the design.

**Contact:**

- **Amanda Testerman** | OES | 513-352-5310 | [amanda.testerman@cincinnati-oh.gov](mailto:amanda.testerman@cincinnati-oh.gov)

**Parks Department (Urban Forestry)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. If working within 15 foot of street tree, contact Urban Forestry (Jacob Edwards) to obtain public street tree permit.
2. If any tree needs to get removed due to construction then compensation must occur prior to removal.

**Recommendations:**

1. If they would like to add any street trees or replacements, contact Urban Forestry (Jacob Edwards) to discuss layout of cut-outs and plantings.

**Contact:**

- **Jacob Edwards** | Urban Forestry | 513-861-9070 | [jacob.edwards@cincinnati-oh.gov](mailto:jacob.edwards@cincinnati-oh.gov)

**Department of Transportation & Engineering (DOTE)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. While DOTE is not requiring a Traffic Impact Study, such study may become required contingent upon community review and request.
2. Submit a Trip Generation and Trip Distribution Study to DOTE for review and approval.
3. May Street:
  - a. Remove existing abandoned curb cuts and driveway aprons.
  - b. Design and construct new 10'-0" wide minimum sidewalk from face of curb to back of walk, including a DOTE standard concrete curbing Type-P5, tree lawn, and a 5'-0" wide concrete walk.
  - c. Provide a DOTE standard cross slope of 2% through all sidewalks.
  - d. Design and construct a new DOTE standard commercial driveway apron at the May Street entrance to the shared surface parking lot. The 2-way traffic entrance / exit to the parking lot shall be 20'-0" wide, (minimum), 24'-0" wide, (preferred).
4. Crown Street:
  - a. Remove existing abandoned curb cuts and driveway aprons.
  - b. Curb bump-ins for on-street parking are not permitted.

- c. Curb bump-outs designed and constructed in compliance with DOTE standards may be installed at both the intersection of Crown and May and Crown and Dix, including the following:
    - Provide 20'-0" curb radius at corner.
    - Provide 20'-0" minimum width from face of curb to face of curb.
    - Construct full width concrete walk within the radius.
    - Design and construct new curb ramps with detectable warnings in compliance with DOTE standards.
    - Ensure proper stormwater drainage flow around each new bump-out through the provision of acceptable gutter grading in compliance with DOTE and MSD standards or through the provision of new stormwater drainage facilities in compliance with DOTE and MSD standards.
  - d. Design and construct new 10'-0" minimum sidewalk along both sides of Crown Street from face of curb to back of walk, including a DOTE standard concrete curbing Type-P5, tree lawns, 5'-0" wide concrete walks, and DOTE standard driveway aprons.
  - e. Provide a DOTE standard cross slope of 2% through all sidewalks.
  - f. Design and construct a turnaround at the western terminus of Crown in compliance with DOTE standards located within the existing public right-of-way and on the adjacent State of Ohio property.
  - g. Provide a 5'-0" wide concrete walk completely around the perimeter of the turnaround.
5. Dix Street:
- a. To provide for pedestrian safety, provide a sidewalk along both sides of Dix Street from the southern terminus of the new housing development to the intersection with Crown Street, in compliance with one of the 2-following options:
    - A 10'-0" minimum sidewalk from face of curb to back of walk is preferred, including a DOTE standard concrete curb Type-P5, tree lawn, and a 5'-0" wide concrete walk.
    - An 8'-0" wide sidewalk from face of curb to back of walk is acceptable, including a DOTE standard concrete curb Type-P5, and a full width concrete walk.
  - b. Planning options for the new Dix Street sidewalks include the following:
    - Modify private property parcels abutting Dix Street as needed to donate and dedicate land for use as public right-of-way with a width as required to accommodate the construction of the new sidewalk.
    - Record a public access easement along each private property parcel abutting Dix Street with a width as required to accommodate the construction of the new sidewalk.
  - c. Provide a DOTE standard cross slope of 2% through all sidewalks.
  - d. The garage entrances to the units along the west side of Dix Street must be located either 20'-0" back from the back of walk or located immediately at the back of walk to prevent vehicles from parking over the sidewalk and/or into the street.
6. Shared Private Streets:
- a. Private Streets are required to be 21'-0" wide, (minimum), from face of curb to face of curb.

- b. Private Streets shall be designed and constructed in compliance with DOTE public street standards.
  - c. Design and construct new DOTE standard driveway aprons instead of a street opening cuts at the entrance to each private street. The driveway apron flares shall not pass the property line shared by the adjacent property owner.
  - d. Please note the following:
    - The property owner and project design professionals are responsible for compliance with all federal ADA pedestrian building access requirements.
    - These design exceptions may preclude the City from accepting or approving any future application for converting the new private street property to public right-of-way and the new private street to a public street.
7. Shared Private Driveways:
- a. Shared private driveways located on private property shall be designed and constructed in compliance with building code requirements.
  - b. Shared private driveways accommodating 2-way traffic are recommended to be 20'-0" wide, (minimum), from edge to edge
  - c. Design and construct new DOTE standard driveway aprons instead of a street opening cuts at the entrance to each private driveway. The driveway apron flares shall not pass the property line shared by the adjacent property owner.
8. Shared private sidewalks located on private property shall be designed and constructed in compliance with building code requirements.
9. Private, individual unit driveway flares shall not encroach beyond property lines.
10. Consult with Urban Forest Mgmt. staff regarding the location and type of street trees. Note that tree locations may be impacted by compliance with right-of-way sight line requirements.
11. Any new retaining walls, including footings shall be located on private property.
12. All work in the public right-of-way will require a separate DOTE permit. Prepare dimensioned plans, including all surface items, and all aboveground and underground utility facilities in compliance with DOTE standards as required for permit approval.
13. Before submitting permit applications, contact [DTEaddress@cincinnati-oh.gov](mailto:DTEaddress@cincinnati-oh.gov) to have addresses assigned for each home. Once the homes are constructed, each address number must be posted and visible from the street.

**Recommendations:**

- 1. DOTE recommends that standard 10' wide, (preferred), or 8' wide, (acceptable), DOTE sidewalks be designed and constructed along each side of each new private street in compliance with DOTE standards. However, DOTE is not requiring this as the new private streets are located on private property and are not located within the public right-of-way.
- 2. DOTE recommends that separate driveways be designed and constructed as continuous driveway aprons are not recommended and not allowed along public streets or in the public right-of-way. However, DOTE is not requiring this as the new private streets are located on private property and are not located within the public right-of-way.

**Contact:**

- **Morgan Kolks** | DOTE | 513-335-7322 | [morgan.kolks@cincinnati-oh.gov](mailto:morgan.kolks@cincinnati-oh.gov)

**Buildings & Inspections – Buildings**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. Emergency egress is required from bedrooms.
2. Exterior walls at a zero-property line must be rated for 1-hour with exposure from both sides.
3. No portion of a building may extend beyond a property line.

**Recommendations:**

- None

**Contact:**

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | [robert.martin@cincinnati-oh.gov](mailto:robert.martin@cincinnati-oh.gov)

**Law Department**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. If permitted by DOTE, private infrastructure in the public right-of-way will require an easement.
2. An easement requires the following:
  - A coordinated report
  - appraisal
 City Planning Commission approval  
 City Council approval.

**Recommendations:**

- None

**Contact:**

- **Charles Martinez** | Law | 513-352-3359 | [charles.martinez@cincinnati-oh.gov](mailto:charles.martinez@cincinnati-oh.gov)

**Department of Community & Economic Development (DCED)**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

- None

**Recommendations:**

1. Applicant can apply for a Commercial CRA Tax Abatement prior to the start of construction: <https://choosecincy.com/wp-content/uploads/2022/08/Commercial-CRA-Application-6.22.docx.pdf>. Should you have any questions, please contact Derek McCain at [derek.mccain@cincinnati-oh.gov](mailto:derek.mccain@cincinnati-oh.gov) or 513-352-1968.

**Contact:**

- **Roy Hackworth** | DCED | 513-352-4648 | [roy.hackworth@cincinnati-oh.gov](mailto:roy.hackworth@cincinnati-oh.gov)

**Health Department**

**Immediate Requirements to move the project forward:**

- None

**Requirements to obtain permits:**

1. No need for Health to review project as proposed.

**Recommendations:**

- None

**Contact:**

- **Trisha Blake** | Health Dept. | 513-352-2447 | [trisha.blake@cincinnati-oh.gov](mailto:trisha.blake@cincinnati-oh.gov)

**Police Department**

**Immediate Requirements to move the project forward:**

- None currently.

**Requirements to obtain permits:**

- No comments.

**Recommendations:**

- None

**Contact:**

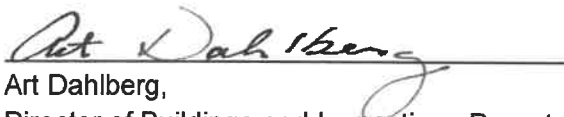
- **Katalin Howard** | Police Dept. | 513-352-3298 | [katalin.howard@cincinnati-oh.gov](mailto:katalin.howard@cincinnati-oh.gov)
- **Brandon Kyle** | Police Dept. | 513-564-1870 | [brandon.kyle@cincinnati-oh.gov](mailto:brandon.kyle@cincinnati-oh.gov)

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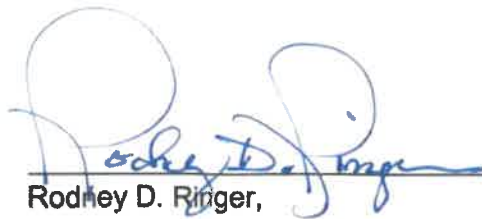
FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,



Art Dahlberg,  
Director of Buildings and Inspections Department  
& CSPRO Committee Chair



Rodney D. Ringer,  
Development Manager

AD:RDR:hs





**MAY SQUARE**  
**Community Engagement Calendar**  
*As of 12/17/22*

<b>Walnut Hills Area Council</b>	
7/28/22	Introductory meeting with Walnut Hills Area Council Working Group
8/11/22	Formal project introduction to Walnut Hills Area Council – Full Body
9/1/22	Walnut Hills Planning & Economic Development Committee
10/13/22	Walnut Hills Area Council – vote to support rezoning

<sup>1</sup> At their October 13, 2022, meeting, the Walnut Hills Area Council voted in favor of Onyx+East’s proposed rezoning to T5N.SS

<sup>2</sup> Onyx+East will request a letter of support from the Walnut Hills Area Council for required variances prior to filing for Major Subdivision.



area  
council

Jesse Urbancsik, Senior City Planner  
City of Cincinnati  
805 Central Ave, Suite 720  
Cincinnati, OH 45202

2640 Kemper Lane  
Cincinnati, Ohio 45206

[www.wearewalnuthills.org](http://www.wearewalnuthills.org)

RE:  
Onyx + East  
644 – 664 Crown Street  
Application for Zone Change

Delightful Day:

On behalf of the Walnut Hills Area Council please accept this letter in support of Onyx + East's proposed rezoning of 644 – 664 Crown Street, part of the May Square project, from T5 Neighborhood Large Setback (T5N.LS) to T5 Neighborhood Small Setback (T5N.SS).

Joshua Hughes and Jake Dietrich introduced the proposed rezoning: at a Walnut Hills Working Group meeting, then presented the proposed rezoning at a WHAC general meeting, and the Planning & Economic Development meeting that led to a Walnut Hills Area Council vote on October 13, 2022, during our full body meeting via Zoom call. The motion was worded as follows: *"A motion to support Onyx + East's efforts to rezone the property north of Crown Street to the T5N.SS zoning district"*

The vote resulted in:

- 7 in favor
- 0 against
- 1 abstain

Therefore, the motion for the letter in support of rezoning passed.

The Walnut Hills community looks forward to working closely with Onyx + East and the City of Cincinnati to support this development.

If we can be of any further assistance, please do not hesitate to reach out.

Share your joy,

A handwritten signature in black ink, appearing to read "K. Gardette".

Kathryne Gardette  
President, Walnut Hills Area Council

February 23, 2023

Cincinnati City Council  
 Council Chambers, City Hall  
 Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 644-664 Crown Street in the Walnut Hills neighborhood from the T5N.LS-O “Transect Zone 5 Neighborhood Large Setback, Open Sub-Zone,” zoning district to the T5N.SS-O, “Transect Zone 5 Neighborhood Small Setback, Open Sub-Zone,” zoning district to allow for the construction of attached single-family rowhouses.

The City Planning Commission recommended approval of the zone change at its February 17, 2023 meeting.

**Summary:**

The petitioner, Onyx + East, requests a zone change located at 644 to 664 Crown Street in Walnut Hills from T5N.LS-O – Neighborhood Large Setback-Open to T5N.SS-O – Neighborhood Small Setback-Open to permit the future construction of single-family attached rowhouses on their own separate lots. Currently, the subject property consists of nine parcels that will be consolidated into a single parcel consisting of 1.45 acres to be reclassified.

The City Planning Commission recommended the following on February 17, 2023, to City Council:

**APPROVE** the proposed zone change from T5N.LS-O (Neighborhood Large Setback-Open) to T5N.SS-O (Neighborhood Small Setback-Open) located at 644-664 Crown Street in Walnut Hills.

Motion to Approve: Mr. Eby

Ayes: Mr. Eby  
 Ms. Kearney  
 Mr. Samad  
 Mr. Stallworth  
 Mr. Weber

Seconded: Mr. Weber

THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, FAICP, Director  
 Department of City Planning and Engagement

February 23, 2023

**To:** Mayor and Members of City Council 202300667  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Ordinance – Rezone property at 2380 Nova Avenue in Westwood from CG-A, “Commercial General-Auto-oriented,” to SF-6, “Single-Family.”

---

Transmitted is an Ordinance captioned:

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 2380 Nova Avenue in the Westwood neighborhood from the CG-A, “Commercial General-Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district to permit the restoration of an existing structure to single-family residential use.

The City Planning Commission recommended approval of the designation at its February 17, 2023 meeting.

Summary

The applicant is requesting a zone change from a Commercial General – Auto-oriented (CG-A) district to a Single-family Residential (SF-6) district at 2380 Nova Avenue in Westwood. The subject property is a former single-family residence that is currently occupied by a hair salon, and the applicant is looking to revert the site back to a single-family residential use.

The City Planning Commission recommended the following on February 17, 2023 to City Council:

**APPROVE** the proposed zone change from Commercial General – Auto-oriented (CG-A) to Single-family Residential (SF-6) at 2380 Nova Avenue in Westwood.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement



# City of Cincinnati

CHM

EESW

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

- 2023

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 2380 Nova Avenue in the Westwood neighborhood from the CG-A, “Commercial General–Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district to permit the restoration of an existing structure to single-family residential use.

WHEREAS, JKV Workforce I LLC, a Delaware limited liability company (“Petitioner”), has petitioned to rezone certain real property located at 2380 Nova Avenue in the Westwood neighborhood (“Property”) from the CG-A, “Commercial General–Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district; and

WHEREAS, the Petitioner desires to restore an existing structure to single-family residential use; and

WHEREAS, a zone change is necessary to permit the single-family residential use of the Property because the current CG-A, “Commercial General–Auto-oriented,” zoning district does not permit single-family residential uses; and

WHEREAS, the proposed zone change from the CG-A, “Commercial General–Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district would allow for the Property to be restored and used in a manner that is consistent with its prior use as a single-family residence and similar uses of adjacent properties along Nova Avenue; and

WHEREAS, the proposed zone change is consistent with *Plan Cincinnati* (2012), particularly the plan’s goals to “[p]rovide a full spectrum of housing options and improve housing quality and affordability” (page 164); and

WHEREAS, at its regularly scheduled meeting on February 17, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the CG-A, “Commercial General–Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the CG-A, “Commercial General–Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district, finding it

to be in the interest of the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati’s official zoning map in the location of the real property located at 2380 Nova Avenue in the Westwood neighborhood, shown on the map attached hereto as Exhibit “A” and incorporated by reference, and being more particularly described on the legal description contained in Exhibit “B” attached hereto and incorporated herein by reference, is hereby amended from the CG-A, “Commercial General–Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

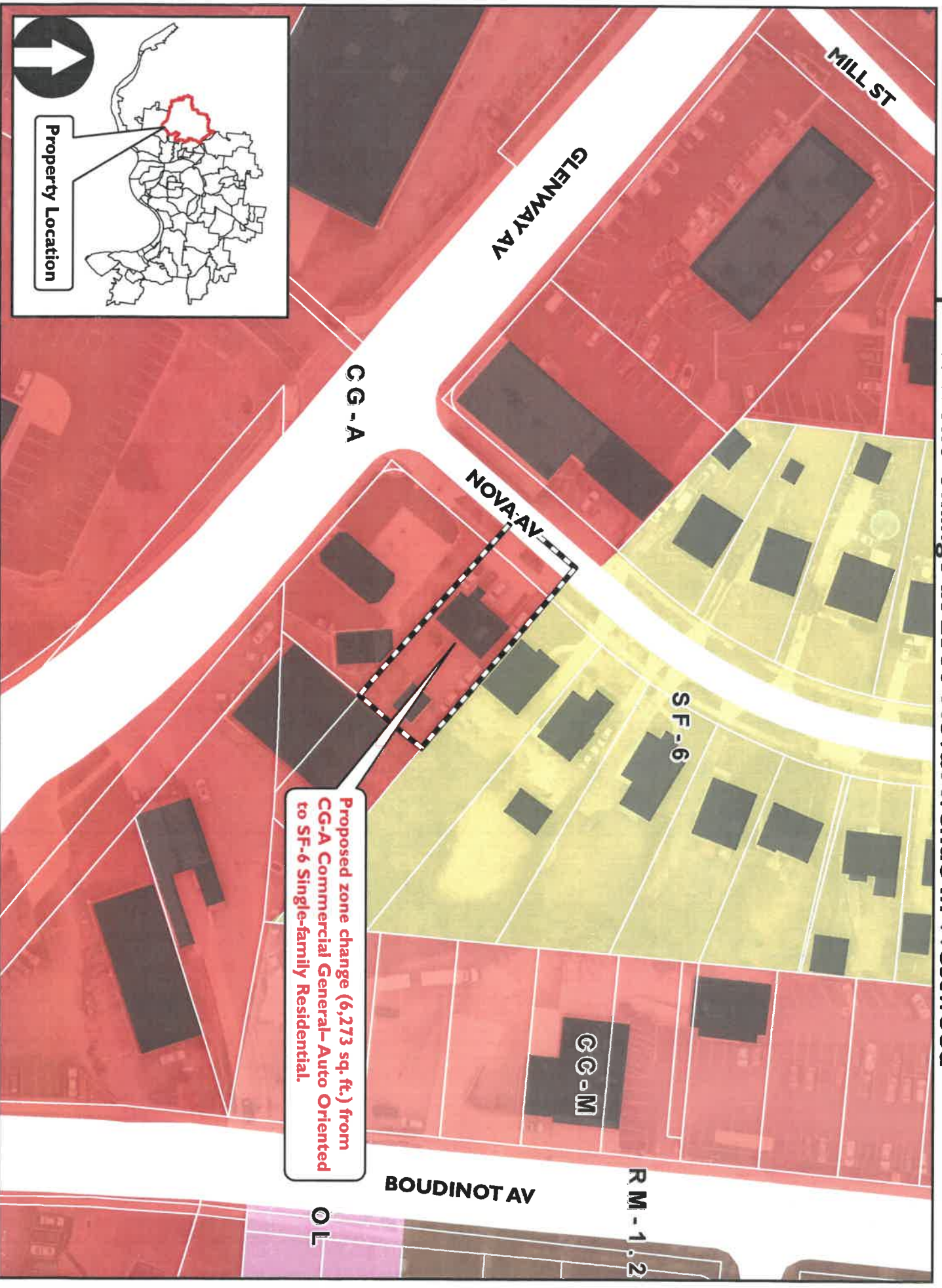
Passed: \_\_\_\_\_, 2023

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

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

EXHIBIT A

**Proposed Zone Change at 2380 Nova Avenue in Westwood**



**Proposed zone change (6,273 sq. ft.) from CG-A Commercial General-Auto Oriented to SF-6 Single-family Residential.**





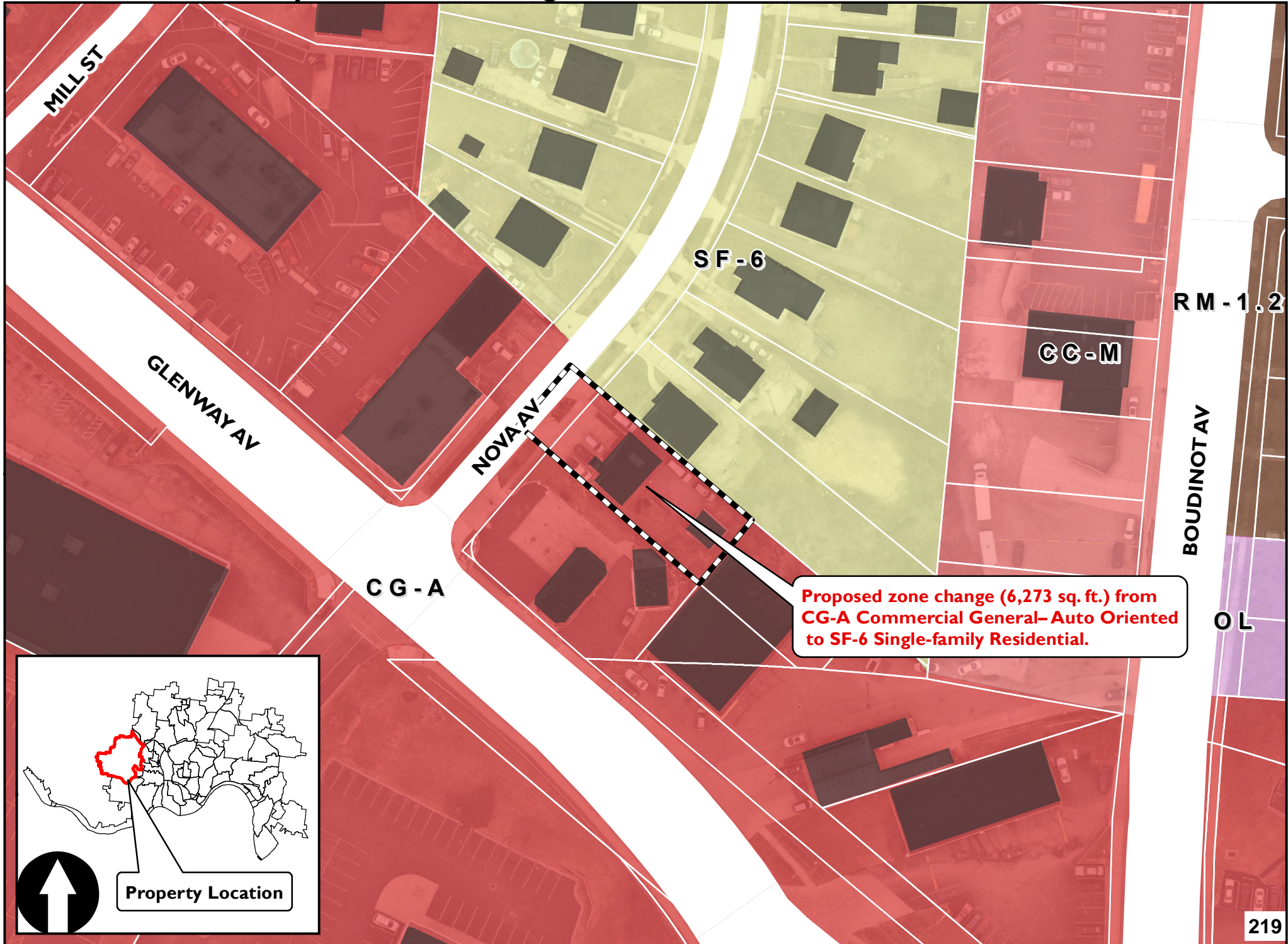
EXHIBIT B

**LEGAL DESCRIPTION**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Glenway Avenue and Nova Avenue; thence, northwardly with the centerline of Nova Avenue approximately 114-feet to the point of intersection with the northwesterly extension of the south parcel line of Parcel 140, HCAP Book 248, Page 3, **THE POINT OF THE BEGINNING**; thence southeastwardly along the south parcel line as extended to the centerline of Nova Avenue and south parcel line of said parcel approximately 150 feet to the point of intersection with the southeastern corner of said parcel; thence, northeastwardly along the east parcel line of said parcel approximately 115.25 feet to the point of intersection with the northeastern corner of said parcel; thence, northwestwardly along the north parcel line and said north parcel line as extended to the point of intersection with the centerline of Nova Avenue approximately 150 feet; thence, southwestwardly with the centerline of Nova Avenue approximately 50 feet to **THE POINT OF THE BEGINNING**.

# Proposed Zone Change at 2380 Nova Avenue in Westwood



**LEGAL DESCRIPTION**

Situated in the City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at the intersection between the centerlines of Glenway Avenue and Nova Avenue; thence, northwardly with the centerline of Nova Avenue approximately 114-feet to the point of intersection with the northwesterly extension of the south parcel line of Parcel 140, HCAP Book 248, Page 3, **THE POINT OF THE BEGINNING**; thence southeastwardly along the south parcel line as extended to the centerline of Nova Avenue and south parcel line of said parcel approximately 150 feet to the point of intersection with the southeastern corner of said parcel; thence, northeastwardly along the east parcel line of said parcel approximately 115.25 feet to the point of intersection with the northeastern corner of said parcel; thence, northwestwardly along the north parcel line and said north parcel line as extended to the point of intersection with the centerline of Nova Avenue approximately 150 feet; thence, southwestwardly with the centerline of Nova Avenue approximately 50 feet to **THE POINT OF THE BEGINNING**.

**SUBJECT:** A report and recommendation on a proposed zone change from Commercial General - Auto-oriented (CG-A) to Single-family Residential (SF-6) at 2380 Nova Avenue in Westwood.

**GENERAL INFORMATION:**

Location: 2380 Nova Avenue, Cincinnati OH, 45238

Petitioner: Tatiana Pasichnyk

Petitioner's Address: 1201 Dove Street, Suite 100, Newport Beach CA, 92660

Property Owner: John Kralick, JKV Workforce LLC

Owner's Address: 1201 Dove Street, Suite 100, Newport Beach CA, 92660

**ATTACHMENTS:**

- Exhibit A – Location Map
- Exhibit B – Site Photo
- Exhibit C – Zone Change Application
- Exhibit D – Zone Change Plat
- Exhibit E – Legal Description

**BACKGROUND:**

The petitioner, Tatiana Pasichnyk, on behalf of property owner John Kralick of JKV Workforce LLC, is requesting a zone change at 2380 Nova Avenue in Westwood from Commercial General – Auto-oriented (CG-A) to Single-family Residential (SF-6). The subject property is a former single-family residence that is currently occupied by a hair salon, which is why it is zoned commercially. The applicant wishes to revert the existing structure back to a single-family residential use, which is not permitted within the CG-A district. The property is located roughly a quarter mile north of the West Price Hill Neighborhood Business District and in the Westwood neighborhood. It is not located in a Hillside Overlay District or Local Historic District. The total zone change area measured to the street centerline will be approximately 0.17 acres. This item was not required to undergo a Coordinated Site Review because there is no proposed demolition and new construction associated with the change of zoning; just a change in use from commercial back to residential.

**ADJACENT LAND USE AND ZONING:**

The property is currently zoned Commercial General – Auto-Oriented (CG-A), and the adjacent zoning and land uses are as follows (also see Exhibit A):

**Northeast:**

Zoning: Single-family Residential (SF-6)

Use: Single-Family Residence

**Northwest:**

Zoning: Commercial General – Auto-oriented (CG-A)

Use: Nikkinails Nail Salon

**Southeast:**

Zoning: Commercial General – Auto-oriented (CG-A)

Use: Sunoco Gas Station

**Southwest:**

Zoning: Commercial General – Auto-oriented (CG-A)

Use: Midas Auto-Repair Shop

**PROPOSED DEVELOPMENT:**

The applicant wishes to maintain the existing building and revert it to its original use for single-family residential occupancy. The property will be either owner-occupied or operated as a rental with a local property manager.

**PUBLIC COMMENT AND NOTIFICATION:**

A virtual Public Staff Conference was held on Wednesday, January 25, 2023 to discuss the proposed zone change. Members of staff from the Department of City Planning and Engagement and the applicant were present, but no members of the public attended. Notice of the Staff Conference, as well as the February 17, 2023 City Planning Commission meeting, was sent to all property owners within 400 feet of the property, the Westwood Civic Association, Westwood Community Urban Redevelopment Corp., and Westwood Works. No correspondence has been received at this time. The applicant has indicated they have reached out to the Westwood Civic Association and have received no support nor opposition regarding the request.

**CONSISTENCY WITH PLANS:**

*The Westwood Strategic Plan (2010)*

The proposed zone change is consistent with the Housing and Neighborhood Development Goal of *The Westwood Strategic Plan (2010)* to “Enhance the quality of the housing stock (both owner-occupied and rental), and increase the ratio of single-family, owner-occupied housing units in Westwood” (p. 20). The reconversion of this property to a residential use will enhance the housing stock in Westwood.

*Plan Cincinnati (2012)*

The proposed zone change is also consistent with the Live Initiative Area of *Plan Cincinnati (2012)* and the goal to “Provide a full spectrum of housing options and improve housing quality and affordability” (p. 164), by increasing the supply of available housing within the city.

**RECOMMENDATION:**

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

**APPROVE** the proposed zone change from Commercial General - Auto-oriented (CG-A) to Single-family Residential (SF-6) at 2380 Nova Avenue in Westwood.

Respectfully submitted:

Approved:



Gabrielle Couch, City Planner  
Department of City Planning & Engagement

Katherine Keough-Jurs, FAICP, Director  
Department of City Planning & Engagement

February 23, 2023

Cincinnati City Council  
Council Chambers, City Hall  
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 2380 Nova Avenue in the Westwood neighborhood from the CG-A, “Commercial General-Auto-oriented,” zoning district to the SF-6, “Single-Family,” zoning district to permit the restoration of an existing structure to single-family residential use.

Summary:

The applicant is requesting a zone change from a Commercial General – Auto-oriented (CG-A) district to a Single-family Residential (SF-6) district at 2380 Nova Avenue in Westwood. The subject property is a former single-family residence that is currently occupied by a hair salon, and the applicant is looking to revert the site back to a single-family residential use.

The City Planning Commission recommended the following on February 17, 2023 to City Council:

**APPROVE** the proposed zone change from Commercial General – Auto-oriented (CG-A) to Single-family Residential (SF-6) at 2380 Nova Avenue in Westwood.

Motion to Approve: Ms. Samad  
Seconded: Mr. Weber

Ayes: Mr. Eby  
Ms. Kearney  
Mr. Samad  
Mr. Stallworth  
Mr. Weber

THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, FAICP, Director  
Department of City Planning & Engagement

Date: March 8, 2023

To: Mayor and Members of City Council 202300759  
From: Sheryl M. M. Long, City Manager  
Subject: EMERGENCY ORDINANCE – DEDICATION OF PORTIONS OF EAST PETE ROSE  
WAY AND BUTLER STREET

---

Attached is an emergency ordinance captioned as follows:

**ACCEPTING AND CONFIRMING** the dedication to public use of an approximately 0.0745-acre tract of real property as a portion of the East Pete Rose Way public right-of-way for street purposes; and further, **DEDICATING, ACCEPTING, AND CONFIRMING** the dedication to public use of an approximately 0.0088-acre tract of real property as a portion of the East Pete Rose Way and Butler Street public rights-of-way for street purposes in the Central Business District.

The Port of Greater Cincinnati Development Authority (“Port”) holds title to 0.0745-acre tract of property (“Port Dedication Property”) along East Pete Rose Way in the Central Business District.

The City of Cincinnati (“City”) owns an adjacent, approximately 0.0088-acre tract of property (“City Dedication Property”) located at the southwest corner of East Pete Rose Way and Butler Street in the Central Business District, which is under the management of the City’s Department of Transportation and Engineering. Both properties are depicted in Attachment A.

The Port and the City wish to dedicate the two properties to be included as a portion of the East Pete Rose Way and Butler Street rights-of-way for street purposes.

The City Engineer has examined the Dedication Plat as to its technical features and found it to be correct.

The City Planning Commission approved the Dedication Plat and the dedication of additional portions of East Pete Rose Way and Butler Street to public use at its meeting on January 20, 2023.

The Administration recommends passage of the attached emergency ordinance.

Attachment A – Dedication Plat

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



**EMERGENCY**

**CHM**

**- 2023**

**ACCEPTING AND CONFIRMING** the dedication to public use of an approximately 0.0745-acre tract of real property as a portion of the East Pete Rose Way public right-of-way for street purposes; and further, **DEDICATING, ACCEPTING, AND CONFIRMING** the dedication to public use of an approximately 0.0088-acre tract of real property as a portion of the East Pete Rose Way and Butler Street public rights-of-way for street purposes in the Central Business District.

WHEREAS, the Port of Greater Cincinnati Development Authority, an Ohio port authority (“Port”), by and through its duly authorized representative, has dedicated to public use an approximately 0.0745-acre tract of real property (“Port Dedication Property”) as a portion of the East Pete Rose Way public right-of-way for street purposes by a plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”); and

WHEREAS, the City of Cincinnati owns an approximately 0.0088-acre tract of real property located at the southwest corner of East Pete Rose Way and Butler Street that is more particularly depicted on the Dedication Plat (“City Dedication Property”), which City Dedication Property is under the management of the City’s Department of Transportation and Engineering (“DOT”); and

WHEREAS, the City Manager, in consultation with DOT, desires the City Dedication Property as depicted on the Dedication Plat to be dedicated and accepted and confirmed as public right-of-way as portions of the East Pete Rose Way and Butler Street public rights-of-way for street purposes; and

WHEREAS, Lisa M. Wharton, a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney’s Certificate of Title dated February 27, 2023, certifying that the Port holds title to the Port Dedication Property depicted on the Dedication Plat in fee simple, with full power to convey, subject to certain encumbrances and matters of record, including real estate taxes not yet due and payable, and that the Law Department’s Real Estate Services Division has reviewed the encumbrances and matters of record and confirmed that the Port has made satisfactory provision for the encumbrances and matters of record, including the payment of all real estate taxes and assessments; and

WHEREAS, the office of the City Engineer has examined and checked the Dedication Plat as to its technical features and found it to be correct; and

WHEREAS, the City Planning Commission approved the Dedication Plat and the dedication of the additional portions of East Pete Rose Way and Butler Street to public use as public rights-of-way for street purposes at its meeting on January 20, 2023; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with DOTE, recommends that Council accept and confirm the dedication of the Port Dedication Property and the City Dedication Property, as depicted on the Dedication Plat, as portions of the East Pete Rose Way and Butler Street public rights-of-way for street purposes; now, therefore,

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

Section 1. That the dedication to public use of an approximately 0.0745-acre tract of real property (“Port Dedication Property”) in the Central Business District as a portion of the East Pete Rose public right-of-way for street purposes, as depicted and described on the plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”) is hereby accepted and confirmed. The Port Dedication Property is more particularly described as follows:

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

BEGINNING at a set cross notch at the intersection of the east line of Pike Street and the south line of existing Pete Rose Way;

Thence with the south line of said existing Pete Rose Way, North 53°12’07” East, 86.02 feet to a set cross notch AND North 52°18’47” East, 265.61 feet to a set cross notch in the west line of existing Butler Street;

Thence with the west line of said existing Butler Street, along a curve to the right, having a radius of 85.00 feet, and arc length of 22.57 feet, a delta angle of 15°12’49” and being subtended by a chord bearing North 78°10’21” East, 22.50 feet to a set cross notch in the new south line of Pete Rose Way;

Thence with the new south line of said Pete Rose Way the following three (3) courses:

1. South 52°26’26” West, 339.77 feet to a set cross notch;
2. North 84°28’51” West, 10.96 feet to a set cross notch;
3. South 54°08’35” West, 24.12 feet to a set iron pin in the east line of aforesaid Pike Street;

Thence with the east line of said Pike Street, North 37°36'40" West, 2.12 feet to the POINT OF BEGINNING.

CONTAINING 0.0745 Acres and being subject to all legal easements and highways of record.

The above-described parcel being part of Hamilton County Auditor's Parcel 084-0005-0311 as conveyed to Port of Greater Cincinnati Development Authority in Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office. All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC".

Prepared by G.J. BERDING SURVEYING, INC. on August 26, 2022. Based on a Dedication Plat prepared by G.J. BERDING SURVEYING, INC. on June 10, 2022.

Section 2. That the City of Cincinnati hereby dedicates, accepts, and confirms the dedication to public use of an approximately 0.0088-acre tract of real property ("City Dedication Property") in the Central Business District as a portion of the East Pete Rose and Butler Street public rights-of-way for street purposes, as depicted and described on the Dedication Plat. The City Dedication Property is more particularly described as follows:

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

COMMENCING at a set cross notch at the intersection of the east line of Pike Street and the south line of existing Pete Rose Way;

Thence with the south line of said existing Pete Rose Way, North 53°12'07" East, 86.02 feet to a set cross notch AND North 52°18'47" East, 265.61 feet to a set cross notch in the east line of existing Butler Street and the POINT of BEGINNING;

Thence with the projection of the south line of said Pete Rose Way, North 52°18'47" East, 47.99 feet to a set cross notch in the projection of the west line of Butler Street;

Thence with the projection of the west line of said Butler Street, South 37°39'53" East, 30.82 feet to a set cross notch in the new west line of said Butler Street;

Thence with the new west line of said Butler Street, North 43°12'16" West, 21.05 feet to a set cross notch AND South 52°26'26" West, 25.71 feet to a set cross notch in the west line of existing Butler Street;

Thence with the west line of said existing Butler Street, along a curve to the left, having a radius of 85.00 feet, and arc length of 22.57 feet, a delta angle of 15°12'49" and being subtended by a chord bearing South 78°10'21" West, 22.50 feet to the POINT OF BEGINNING.

CONTAINING 0.0088 Acres and being subject to all legal easements and highways of record.

The above-described parcel being part of Hamilton County Auditor's Parcels 084-0005- 0159 & 0160 as conveyed to the City of Cincinnati in Deed Book 3605, Page 177 of the Hamilton County Recorder's Office.

Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC". Prepared by G.J. BERDING SURVEYING, INC. on August 26, 2022. Based on a Dedication Plat prepared by G.J. BERDING SURVEYING, INC. on June 10, 2022.

Section 3. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including without limitation the execution of all any and all ancillary agreements, deeds, plats, or other real estate documents, as deemed necessary or appropriate by the City Manager.

Section 4. That the City Solicitor shall cause an authenticated copy of this ordinance to be filed with the Hamilton County, Ohio Auditor's Office and recorded in the Hamilton County, Ohio Recorder's Office.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II,

Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City’s Department of Transportation and Engineering to coordinate the maintenance and repair of the newly dedicated public right-of-way with the maintenance and repair of adjacent public rights-of-way.

Passed: \_\_\_\_\_, 2023

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

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

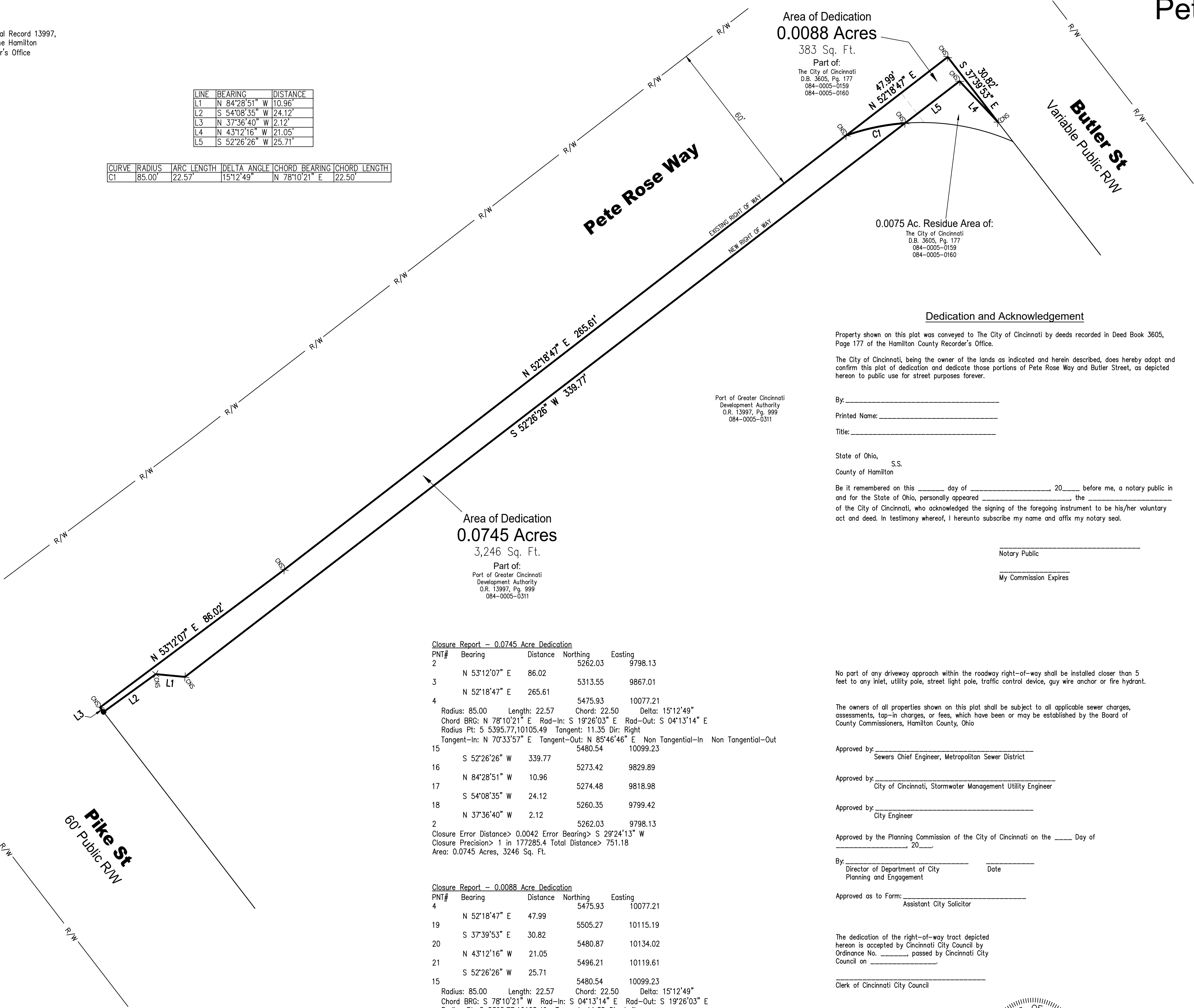
# Dedication Plat

## Pete Rose Way & Butler Street

Bearings:  
Based on Official Record 13997,  
Page 999 of the Hamilton  
County Recorder's Office

LINE	BEARING	DISTANCE
L1	N 84°28'51" W	10.96'
L2	S 54°08'35" W	24.12'
L3	N 37°36'40" W	21.05'
L4	N 43°12'16" W	21.05'
L5	S 52°26'26" W	25.71'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	85.00'	22.57'	15°12'49"	N 78°10'21" E	22.50'



**Area of Dedication**  
0.0745 Acres  
3,246 Sq. Ft.  
Part of:  
Part of Greater Cincinnati  
Development Authority  
O.R. 13997, Pg. 999  
084-0005-0311

**Area of Dedication**  
0.0088 Acres  
383 Sq. Ft.  
Part of:  
The City of Cincinnati  
D.B. 3605, Pg. 177  
084-0005-0159  
084-0005-0160

**Closure Report - 0.0745 Acre Dedication**

PNT#	Bearing	Distance	Northing	Easting
2	N 53°12'07" E	86.02	5262.03	9798.13
3	N 52°18'47" E	265.61	5313.55	9867.01
4	S 52°26'26" W	339.77	5475.93	10077.21
15	N 53°12'07" E	86.02	5262.03	9798.13
16	N 52°18'47" E	265.61	5313.55	9867.01
17	S 52°26'26" W	339.77	5475.93	10077.21
18	N 53°12'07" E	86.02	5262.03	9798.13
2	N 53°12'07" E	86.02	5262.03	9798.13

Radius: 85.00 Length: 22.57 Chord: 22.50 Delta: 15°12'49"  
Chord BRG: N 78°10'21" E Rad-In: S 19°26'03" E Rad-Out: S 04°13'14" E  
Radius Pt: S 5395.77, 10105.49 Tangent: 11.35 Dir: Right  
Tangent-In: N 70°33'57" E Tangent-Out: N 85°46'46" E Non Tangential-In Non Tangential-Out  
5480.54 10099.23

Closure Error Distance> 0.0042 Error Bearing> S 29°24'13" W  
Closure Precision> 1 in 177285.4 Total Distance> 751.18  
Area: 0.0745 Acres, 3246 Sq. Ft.

**Closure Report - 0.0088 Acre Dedication**

PNT#	Bearing	Distance	Northing	Easting
4	N 52°18'47" E	47.99	5475.93	10077.21
19	S 37°39'53" E	30.82	5505.27	10115.19
20	N 43°12'16" W	21.05	5480.87	10134.02
21	S 52°26'26" W	25.71	5496.21	10119.61
15	N 52°18'47" E	47.99	5475.93	10077.21
4	N 52°18'47" E	47.99	5475.93	10077.21

Radius: 85.00 Length: 22.57 Chord: 22.50 Delta: 15°12'49"  
Chord BRG: S 78°10'21" W Rad-In: S 04°13'14" E Rad-Out: S 19°26'03" E  
Radius Pt: S 5395.77, 10105.49 Tangent: 11.35 Dir: Left  
Tangent-In: S 85°46'46" W Tangent-Out: S 70°33'57" W Non Tangential-In  
5475.93 10077.21

Closure Error Distance> 0.0044 Error Bearing> S 77°36'40" E  
Closure Precision> 1 in 33425.7 Total Distance> 148.13  
Area: 0.0088 Acres, 383 Sq. Ft.

### Dedication and Acknowledgement

Property shown on this plat was conveyed to The City of Cincinnati by deeds recorded in Deed Book 3605, Page 177 of the Hamilton County Recorder's Office.

The City of Cincinnati, being the owner of the lands as indicated and herein described, does hereby adopt and confirm this plat of dedication and dedicate those portions of Pete Rose Way and Butler Street, as depicted hereon to public use for street purposes forever.

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

State of Ohio, S.S.  
County of Hamilton

Be it remembered on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ before me, a notary public in and for the State of Ohio, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of the City of Cincinnati, who acknowledged the signing of the foregoing instrument to be his/her voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.

Notary Public  
My Commission Expires \_\_\_\_\_

No part of any driveway approach within the roadway right-of-way shall be installed closer than 5 feet to any inlet, utility pole, street light pole, traffic control device, guy wire anchor or fire hydrant.

The owners of all properties shown on this plat shall be subject to all applicable sewer charges, assessments, tap-in charges, or fees, which have been or may be established by the Board of County Commissioners, Hamilton County, Ohio

Approved by: \_\_\_\_\_  
Sewers Chief Engineer, Metropolitan Sewer District

Approved by: \_\_\_\_\_  
City of Cincinnati, Stormwater Management Utility Engineer

Approved by: \_\_\_\_\_  
City Engineer

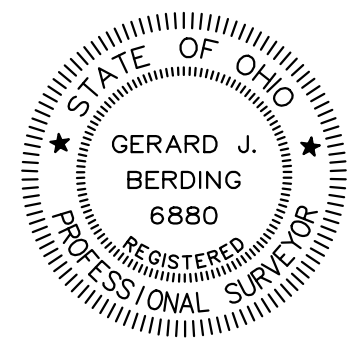
Approved by the Planning Commission of the City of Cincinnati on the \_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_  
Director of Department of City Planning and Engagement

Approved as to Form: \_\_\_\_\_  
Assistant City Solicitor

The dedication of the right-of-way tract depicted hereon is accepted by Cincinnati City Council by Ordinance No. \_\_\_\_\_, passed by Cincinnati City Council on \_\_\_\_\_

Clerk of Cincinnati City Council



Gerard J. Berding  
Gerard J. Berding, P.S. - 6880  
berding@berdingsurveying.com

1-5-23  
Date

### Dedication and Acknowledgement

Property shown on this plat was conveyed to Port of Greater Cincinnati Development Authority by deed recorded in Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

We, the undersigned, being the owners and lienholders of the lands herein depicted and described, do hereby adopt and confirm this plat of dedication and dedicate Pete Rose Way and Butler Street, as depicted hereon for public use for street purposes forever.

We the undersigned, do hereby adopt and confirm this plat of lands, we also guarantee the payment of all taxes and assessments that are a lien on said property on the date of acceptance.

OWNER/LESSOR:

PORT AUTHORITY OF GREATER CINCINNATI DEVELOPMENT AUTHORITY

By: \_\_\_\_\_  
Laura N. Brunner, President and Chief Executive Officer

State of Ohio, S.S.  
County of Hamilton

Before me a notary public in and for said county, personally appeared \_\_\_\_\_, who represent that they are duly authorized in the premises and acknowledge that they did sign the foregoing instrument and that the same is their voluntary act and deed in testimony whereof I have hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public  
My Commission Expires \_\_\_\_\_

LENDER:

BMO Harris Bank N.A., a national banking association, as administrative agent for itself and other co-lenders

By: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Title: \_\_\_\_\_

State of \_\_\_\_\_ S.S.  
County of \_\_\_\_\_

Before me a notary public in and for said county, personally appeared \_\_\_\_\_, who represent that they are duly authorized in the premises and acknowledge that they did sign the foregoing instrument and that the same is their voluntary act and deed in testimony whereof I have hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public  
My Commission Expires \_\_\_\_\_

DEVELOPER/LESSEE:

601 Pete Rose Way, LLC,  
A Delaware limited liability company

By: Milhaus QOZ Business II, LLC, its Manager

By: MH Real Estate Holdings II, LLC, its Manager

By: Todd M. Miller, Manager

State of \_\_\_\_\_ S.S.  
County of \_\_\_\_\_

Before me a notary public in and for said county, personally appeared \_\_\_\_\_, who represent that they are duly authorized in the premises and acknowledge that they did sign the foregoing instrument and that the same is their voluntary act and deed in testimony whereof I have hereunto set my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public  
My Commission Expires \_\_\_\_\_

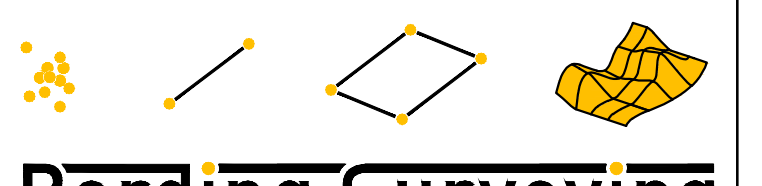
OCCUPATION  
As Shown On Plat

Dedication Plat

Milhaus  
Artistry

Section 12, Town 4,  
Fractional Range 1  
City of Cincinnati  
Hamilton County, Ohio

AYR | GJB | 1" = 20'  
Drawn By | Checked By | Drawing Scale  
06/10/2022 | 15193.30  
Issue Date | Project Number



**Berding Surveying**  
GPS Surveying • 3D Laser Scanning

1) 9-9-22 DAP: Revised per City comments.  
2) 1-5-23 YTC: Revised Signature Block per Client.  
Revisions

741 Main Street | Milford, OH 45150 | www.berdingsurveying.com  
513.831.6761 fax | 513.831.5505 tel  
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Monument Legend  
Indicates Set Cross Notch  
Indicates Set 5/8" x 30" Iron Pin and Cap

