City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, October 26, 2022 | **2:00 PM** | **Council Chambers, Room 300**

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MR. JOHNSON

1. 202202001 **RESOLUTION**, submitted by Councilmember Johnson, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** the 25th Anniversary of K.E.L.L.Y. Youth Services, Inc., an Ohio not-for-profit corporation serving and supporting at-risk youth through its operation of group homes and residences for independent living in Hamilton County, Ohio.

Recommendation PASS

Sponsors: Johnson

MS. KEARNEY

MR. HARRIS

MR. JEFFREYS

MR. JOHNSON

2. 202202002 **RESOLUTION**, submitted by Vice Mayor Kearney, Councilmembers Harris, Jeffreys and Johnson, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Keep Cincinnati Beautiful for its dedicated service to the City of Cincinnati, making our community cleaner, safer, and more connected by working with volunteers across our 52 neighborhoods to reduce litter and blight, eliminate illegal dumping, and educate community members about improving our environment while utilizing a variety of artistic media to reclaim public spaces for our community, spurring economic development in the neighborhoods of our City.

Recommendation PASS

Sponsors: Kearney, Harris, Jeffreys and Johnson

MS. KEATING

MS. OWENS

MR. JOHNSON

MR. HARRIS

3. 202201983 **MOTION**, submitted by Councilmembers Keating, Owens, Johnson and Harris, **WE MOVE** that the City Administration conduct a city-wide survey to determine the interest of our residents in moving future official Halloween Trick-or-Treat times to a weekend during early evening hours. This will aid in keeping our city's children and youth safe, providing more visibility for both pedestrians and drivers, and creating more accessibility for parents and guardians. (STATEMENT ATTACHED)

Recommendation PUBLIC SAFETY AND GOVERNANCE COMMITTEE

Sponsors: Keating, Owens, Johnson and Harris

MR. JEFFREYS

MS. KEARNEY

MS. OWENS

MR. JOHNSON

MS. PARKS

4. 202202004 **MOTION**, submitted by Councilmember Jeffreys, Vice Mayor Kearney, Councilmembers Owens, Johnson and Parks, **WE MOVE** that, the Administration report back to council in ninety (90) days with: The number of parking tickets issued per year for the past five years by neighborhood. What resources, if any, would be needed to ensure parking rules and regulations are enforced across the city - particularly in high volume areas during park times like the urban basin and neighborhood business districts during events, evenings, and weekends. Any recommendations on how to better manage existing parking assets like meters and designated residential spaces to ensure turnover and on-street parking availability. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED)

Recommendation PUBLIC SAFETY AND GOVERNANCE COMMITTEE

Sponsors: Jeffreys, Kearney, Owens, Johnson and Parks

MR. CRAMERDING

MR. JOHNSON

MS. KEATING

MS. KEARNEY

5. 202202015 **MOTION**, submitted by Councilmembers Cramerding, Johnson, Keating and Vice Mayor Kearny, **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. (STATEMENT ATTACHED)

Recommendation CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

Sponsors: Cramerding, Johnson, Kearney and Keating

CITY MANAGER

6. 202201946 **REPORT**, dated 10/26/2022, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for MWCDC Beer Garden.

Recommendation FILE

Sponsors: City Manager

7. 202201961 **REPORT**, dated 10/26/2022, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for East Walnut Hills Final Farmer's Market.

Recommendation FILE

Sponsors: City Manager

8. 202201962 **REPORT**, dated 10/26/2022 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 VV Mt Lookout LLC, 1026 Delta Avenue. (#9275138, D3 D3A, New) [Objections: None]

Recommendation FILE

Sponsors: City Manager

9. 202201963 **REPORT**, dated 10/26/2022 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 W Bar Bistro LLC, DBA W Bar Bistro, 3447 Epworth Avenue. (#9333447, D5J, New) [Objections: Yes]

Recommendation FILE

Sponsors: City Manager

10. 202201964 **REPORT,** dated 10/26/2022 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 VV Mt Lookout LLC, 1026 Delta Avenue. (#9275138, D1 D2, Transfer) [Objections: None]

Recommendation FILE

Sponsors: City Manager

11. 202201965 **REPORT**, dated 10/26/2022 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 1313 Republic LLC, 1314 Republic Street. (#8771420, D5J, New) [Objections: None]

Recommendation FILE

Sponsors: City Manager

12. 202201966 **REPORT**, dated 10/26/2022 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 Always On Main LLC, 1414 Main Street. (#0140639, D5, New) [Objections: Yes]

Recommendation FILE

Sponsors: City Manager

13. 202201967 **REPORT**, dated 10/26/2022 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 Crown On Vine LLC, 1324 Vine Street. (#1834580, D5J D6, Transfer) [Objections: None]

Recommendation FILE

Sponsors: City Manager

14. 202201968 **REPORT**, dated 10/26/2022 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 Superior Sandman Holdings Inc, DBA Voodoo Brewery, 120 E. 8th Street. (#1494500, D2, New) [Objections: None]

Recommendation FILE

Sponsors: City Manager

15. 202201969 **REPORT**, dated 10/26/2022 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 KRGP LLC, 100 E. Court Street, 2nd Floor. (#44205550010, D1, New) [Objections: None]

Recommendation FILE

Sponsors: City Manager

16. 202201985 **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/26/2022, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program - Law Enforcement Grant (“FY22 SHSP-LE Grant”) (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to $250,000 to enhance and sustain the Greater Cincinnati Fusion Center; and AUTHORIZING the Finance Director to deposit FY22 SHSP-LE Grant funds into the Law Enforcement Grant Fund 368, Project Account 22SHSP.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

17. 202201986 **RESOLUTION (LEGISLATIVE) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/26/2022, **DESIGNATING** specific City personnel to request advances from the Auditor of Hamilton County as required by Section 321.34 of the Ohio Revised Code; and REQUESTING that the Auditor of Hamilton County draw, and the Treasurer of Hamilton County pay on such draft to the Treasurer of the City of Cincinnati weekly beginning January 3, 2023, funds derived from taxes which may be in the county treasury to the account of the City of Cincinnati.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

18. 202201987 **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/26/2022, **AUTHORIZING** the City Manager to apply for a Hamilton County R3Source Impact Grant in the amount of up to $100,000 from Hamilton County Environmental Services for the purpose of providing resources for the City's development of a Zero Waste Plan.

Recommendation

BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

19. 202201988 **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/26/2022, **Authorizing** the payment of $10,485 from the Cincinnati Police Department General Fund non-personnel operating budget account no. 050x226x3480x7258 as a moral obligation to Security Fence Group, Inc. for outstanding charges in the form of services rendered for the Impound Lot gate and security fence repair in July 2022.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

20. 202201998 **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/26/2022, **EXTENDING** Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

BUDGET AND FINANCE COMMITTEE

21. 202201990 **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/26/2022, **AUTHORIZING** the transfer and appropriation of the sum of $7,294,178 from the balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer for the purpose of providing resources for identified one-time infrastructure and capital projects for identified urgent needs; AUTHORIZING the transfer of the sum of $104,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and AUTHORIZING the transfer and appropriation of the sum of $104,000 from the unappropriated surplus of the General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x162x7400 for the purpose of providing one-time funds to support Neighborhood Community Councils.

Recommendation PASS EMERGENCY

Sponsors: City Manager

22. 202201918 **ORDINANCE (EMERGENCY)**, submitted by Vice Mayor Kearney, from Emily

Smart Woerner, City Solicitor, **AUTHORIZING** the City Manager to accept and appropriate a donation in an amount of up to $15,000 from the Greater Cincinnati Foundation to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing resources for a two-year membership with the Government Alliance on Race and Equity; and further AUTHORIZING the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571.

Recommendation PASS EMERGENCY

Sponsors: Kearney

23. 202201919 **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/19/2022, **AUTHORIZING** the City Manager to apply for a grant in the amount of up to $500,000 from the United States Environmental Protection Agency, the Brownfields Community-Wide Assessment Grant (ALN 66.818), through the Environmental Protection Agency's Brownfields Assessment Grant Program.

Recommendation PASS

Sponsors: City Manager

24. 202201921 **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/19/2022, **AMENDING** Ordinance No. 0202-2022 to allow the City to provide for the defeasance of a portion of the City's outstanding general obligation bonds.

Recommendation PASS

Sponsors: City Manager

25. 202201907 **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/19/2022, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with WDC, LLC, thereby authorizing a 10-year tax exemption for 100% of the value of improvements made to real property located at 1400 and 1408 Walnut Street, 106 and 110 E. 14th Street, and 1400 Clay Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of 5 historic buildings into approximately 2,466 square feet of commercial space and approximately 13,746 square feet of residential space consisting of 24 residential units, at a total construction cost of approximately $3,790,500.

Recommendation PASS EMERGENCY

Sponsors: City Manager

26. 202201924 **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/19/2022, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 2378 Park Owner, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 2378 Park Avenue in the Walnut Hills neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 26,078 square feet of residential space, consisting of 35 affordable residential rental units, at a total construction cost of approximately $2,362,838.

Recommendation PASS EMERGENCY

Sponsors: City Manager

27. 202201906 **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/19/2022, **AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Market House, LLC, pursuant to which the City of Cincinnati will grant an access easement across a portion of City-owned real property in Over-the-Rhine.

Recommendation PASS

Sponsors: City Manager

PUBLIC SAFETY & GOVERNANCE COMMITTEE

28. 202201925 **ORDINANCE (B VERSION)** submitted by Sheryl M. M. Long, City Manager, on 10/18/2022, **MODIFYING** Chapter 311 of the Cincinnati Municipal Code, "City of Cincinnati Income Tax," by ENACTING new Sections 311-9-L2, "Lottery Sports Gaming," 311-9-S7, "Sports Gaming," 311-9-S8, "Sports Gaming Facility," 311-9-T9, "Type B Sports Gaming Proprietor," and by AMENDING Section 311-31, "Collection at Source; Casino and VLT," for the purpose of requiring type b sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023. **(PUBLIC HEARING WAS HELD ON 10/18/2022)**

Recommendation PASS

Sponsors: City Manager

SUPPLEMENTAL ITEMS

CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

29. 202201989 **RESOLUTION,** submitted by Councilmember Owens from, Emily Smart Woerner, City Solicitor, **EXPRESSING** the support of the Mayor and the Council of the City of Cincinnati for the application for a grant from the 2022 Clean Ohio Conservation Fund, NRAC 2, Round 17, by the Cardinal Land Conservancy on behalf of David Nathan Rosenberg, for the purchase of approximately six acres of land in fee title and four acres of land for an agricultural easement by the Cardinal Land Conservancy from David Nathan Rosenberg, in order to create permanent greenspace within the City of Cincinnati and preserve a protected area for agricultural uses in the historic Wooden Shoe Hollow are within the City.

Recommendation PASS

Sponsors: Owens

30. 202202006 **MOTION**, submitted by Councilmembers Owens, Keating and Cramerding, **WE MOVE** that the City of Cincinnati amend Ord. 197-2020 and adopt an updated human services strategies and priorities plan ("Plan") for allocations from the Human Services Fund ("HSF"). The Plan should: 1. Include a large-scale Impact Award to assist an innovative project to create real, lasting impact in the community. 2. Establish data-driven, evidence-based metrics for monitoring the success of organizations that receive allocations. 3. Structure the Request-for-Proposal process in such a way to increase the impact of the City's funds. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT

ATTACHED).

Recommendation ADOPT

Sponsors: Owens, Keating and Cramerding

EQUITABLE GROWTH & HOUSINGS COMMITTEE

31. 202201894 **ORDINANCE (EMERGENCY)** submitted by Councilmember Landsman, from Emily Smart Woerner, City Solicitor, **DECLARING** that Vine Street between Fifth Street and Sixth Street shall hereby receive the honorary, secondary name of "Jeff Ruby Way" in honor of Jeff Ruby and in recognition of his contributions and dedication to the City of Cincinnati through decades of influence on Greater Cincinnati's restaurant scene and his philanthropic efforts.

Recommendation PASS EMERGENCY

Sponsors: Landsman

32. 202202016 **MOTION**, submitted by Councilmember Harris and Councilmember Jeffreys, on Housing Fund Priorities, **WE MOVE** that the City Administration, through amending its contract with the Cincinnati Development Fund (CDF) establish the following priorities regarding all City contributions to the "Fund of Funds": **WE MOVE** that the Department of Community & Economic Development (DCED) shall establish as a priority in its annual Notice of Funding Availability (NOFA) projects targeted at 0-60% AMI. (BALANCE ON FILE IN CLERK'S OFFICE) (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Harris and Jeffreys

ANNOUNCEMENTS

Adjournment

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 20, 2022

To: Councilmember Scotty Johnson

From: Emily Smart Woerner, City Solicitor EESW

Subject: **Resolution – Recognizing the 25th Anniversary of K.E.L.L.Y. Youth Services, Inc.**

Transmitted herewith is a resolution captioned as follows:

> **RECOGNIZING** the 25th Anniversary of K.E.L.L.Y. Youth Services, Inc., an Ohio not-for-profit corporation serving and supporting at-risk youth through its operation of group homes and residences for independent living in Hamilton County, Ohio.

EESW/CFG(lb)
Attachment
371813

CFG

EESW

RESOLUTION NO. _____ - 2022

RECOGNIZING the 25th Anniversary of K.E.L.L.Y. Youth Services, Inc., an Ohio not-for-profit corporation serving and supporting at-risk youth through its operation of group homes and residences for independent living in Hamilton County, Ohio.

WHEREAS, K.E.L.L.Y. Youth Services, Inc. ("**K**eep **E**mpowering **L**iving and **L**earning for **Y**outh," or "KYS") was established in 1998 by Mr. Joe Kelly as a family collaboration aimed at fostering at-risk youth in the custody of the state; and

WHEREAS, following his retirement from the National Football League after eleven years, Mr. Kelly embarked on a mission dedicated to empowering the next generation; and

WHEREAS, KYS welcomes male and female clients, referred to KYS by surrounding area agencies which assist with placement of at-risk, abused, or neglected children; and

WHEREAS, KYS specializes in 24-hour, private, non-custodial group homes, as well as semi-independent and independent living programs that empower living and learning for youth aged 9 to 21 years old; and

WHEREAS, KYS assists and advocates for its clients' pursuits of continued education, vocational or trade school training, and job placement; and

WHEREAS, KYS sponsors a developmental program designed to provide temporary housing for adolescents to grow at their own pace toward responsible behavior to either return home or become emancipated; and

WHEREAS, KYS also locates and establishes affordable permanent housing for residents, to help them make the most of their abilities and increase their independence prior to emancipation, with daily assistance from KYS; and

WHEREAS, KYS's philosophy is that all youth have the ability to succeed and become upright, self-sufficient, law-abiding adults regardless of their situation or circumstances; and

WHEREAS, KYS is committed to providing the necessary environment, resources, and support to enhance each resident's opportunity to become a viable, independently living, and responsible adult; and

WHEREAS, KYS also delivers long and short-term community-based, trauma-informed care, treatment, rehabilitation, support, and supervision to youth aged 9 to 21 living in foster care group settings; and

WHEREAS, KYS provides aftercare support guidance and follow-up for clients transitioning from its Youth Independent Living programs; and

WHEREAS, KYS is accredited by the Council on Accreditation and operates five locations: College Hill, Mt. Auburn, Clifton Heights, and two in Hartwell; 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 K.E.L.L.Y. Youth Services, Inc. for 25 years of successful and comprehensive service to at-risk youth in Cincinnati and Hamilton County.

Section 2. That this resolution be spread upon the minutes of Council and a copy be provided to K.E.L.L.Y. Youth Services, Inc. through the office of Councilmember Scotty Johnson.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmember Scotty Johnson

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 24, 2022

To: Vice Mayor Jan-Michele Lemon Kearney, Councilmember Reggie Harris, Councilmember Mark Jeffreys, and Councilmember Scotty Johnson

From: Emily Smart Woerner, City Solicitor EESW

Subject: **Resolution – Recognizing Keep Cincinnati Beautiful for its Dedicated Service to the City of Cincinnati**

Transmitted herewith is a resolution captioned as follows:

> **RECOGNIZING** Keep Cincinnati Beautiful for its dedicated service to the City of Cincinnati, making our community cleaner, safer, and more connected by working with volunteers across our 52 neighborhoods to reduce litter and blight, eliminate illegal dumping, and educate community members about improving our environment while utilizing a variety of artistic media to reclaim public spaces for our community, spurring economic development in the neighborhoods of our City.

EESW/CMZ(lb)
Attachment
372825

CMZ EESW

RESOLUTION NO. _____ - 2022

RECOGNIZING Keep Cincinnati Beautiful for its dedicated service to the City of Cincinnati, making our community cleaner, safer, and more connected by working with volunteers across our 52 neighborhoods to reduce litter and blight, eliminate illegal dumping, and educate community members about improving our environment while utilizing a variety of artistic media to reclaim public spaces for our community, spurring economic development in the neighborhoods of our City.

WHEREAS, since 1978, Keep Cincinnati Beautiful has been a vital part of the City of Cincinnati's efforts to be the "Cleanest City in the Midwest," and Keep Cincinnati Beautiful partners with more than 10,000 volunteers annually to provide beautification, public health, and safety assistance to each of our 52 neighborhoods, and through education, revitalization, and environmental initiatives, Keep Cincinnati Beautiful transforms people into catalysts for impactful and positive change; and by helping our neighbors connect, collaborate, and problem-solve, Keep Cincinnati Beautiful maintains a grassroots network spanning across our 52 neighborhoods and puts passion to work, boots on the ground, and tools in our neighbors' hands to create a collective force for good that continues to grow each year; and

WHEREAS, Keep Cincinnati Beautiful provides essential services to our community by ensuring that our public spaces and places are safe and clean, and so far this year, Keep Cincinnati Beautiful has collected approximately 873,779 pounds of litter from our streets and public areas by organizing 1,580 clean up events, and Keep Cincinnati Beautiful has educated 22,581 children about the importance of safe and clean neighborhoods and has connected and worked with countless volunteers in 2022, with a total of 67,703 accrued hours serving our community this year; and

WHEREAS, Keep Cincinnati Beautiful works with many City departments, including the Department of Public Services, Department of Community and Economic Development, and Department of Transportation and Engineering, to perform their essential work, and Keep Cincinnati Beautiful also partners with the Cincinnati Police Department to mitigate the crime of illegal dumping by identifying and assisting law enforcement in prosecuting approximately 100 illegal dumpers annually; and the City of Cincinnati has also partnered with Keep Cincinnati Beautiful to establish the Safe and Clean Fund, which is designed to support and encourage community-based efforts to improve safety, eliminate blight, and increase livability through neighborhood-level problem-solving approaches and projects; and

WHEREAS, Keep Cincinnati Beautiful is re-engaging the residents of our community with a robust and comprehensive public relations campaign that is both old and new and includes the revitalization of its "Don't Trash the 'Nati" program, and the City of Cincinnati expresses its support for this public awareness campaign and looks forward to Keep Cincinnati Beautiful's

continued public education efforts to advance its necessary and needed work in our community; 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 Keep Cincinnati Beautiful for its many contributions to the City of Cincinnati, including its dedication to making our community cleaner and safer by working across our 52 neighborhoods to reduce litter and blight, and to eliminate illegal dumping.

Section 2. That this resolution be spread upon the minutes of Council and a copy be provided to Keep Cincinnati Beautiful by the Council Office of Vice Mayor Jan-Michele Lemon Kearney.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Vice Mayor Jan-Michele Lemon Kearney, Councilmember Reggie Harris, Councilmember Mark Jeffreys, and Councilmember Scotty Johnson

City of Cincinnati

801 Plum Street, Suite 351
Cincinnati, Ohio 45202

Phone (513) 352-5280
Email liz.keating@cincinnati-oh.gov
Web www.cincinnati-oh.gov

Liz Keating
Councilmember

MOTION

WE MOVE that the City Administration conduct a city-wide survey to determine the interest of our residents in moving future official Halloween Trick-or-Treat times to a weekend during early evening hours. This will aid in keeping our city's children and youth safe, providing more visibility for both pedestrians and drivers, and creating more accessibility for parents and guardians.

STATEMENT

The City Manager has the authority to determine the official observance time and date of Halloween Trick-or-Treat. Moving the time to a weekend will provide further accessibility for parents and guardians while avoiding rush hour traffic. Cincinnati has traditionally observed Trick-or-Treating from 6 p.m. to 8 p.m. which creates safety and visibility issues due to the earlier sunset in fall. Moving the time one or two hours earlier would provide daylight and visibility for all; adding significant safety measures for our children and youth throughout the 52 neighborhoods in our city. However, these changes will only be effective if the community has a shared interest. Sending out a questionnaire closely following the 2022 Halloween Trick-or-Treat will allow residents to provide valuable feedback and help the City Manager determine if these changes should be made.

Councilmember Liz Keating

WG
Public Safety (PS)

City of Cincinnati

801 Plum Street, Suite 346A
Cincinnati, Ohio 45202

Phone: (513) 352-3464
Email: mark.jeffreys@cincinnati-oh.gov
Web: www.cincinnati-oh.gov

Mark Jeffreys
Councilmember

October 19, 2022

MOTION

Parking Enforcement, Meters & Residential Permits

WE MOVE that, the Administration report back to council in ninety (90) days with:

- The number of parking tickets issued per year for the past five years by neighborhood.
- What resources, if any, would be needed to ensure parking rules and regulations are enforced across the city—particularly in high volume areas during peak times like the urban basin and neighborhood business districts during events, evenings, and weekends.
- Any recommendations on how to better manage existing parking assets like meters and designated residential spaces to ensure turnover and on-street parking availability.
- What resources would be needed to remove defunct parking meter posts (as shown in Exhibit A) and, if appropriate, install parking stalls in their place.
- How long it would take for the City to devise a comprehensive on-street usage plan in Over the Rhine north of Liberty Street, Pendleton, and the West End. This plan would be akin to Southern Over the Rhine's SPP plan, which has all curb space allocated appropriately as metered parking, residential parking, etc.

STATEMENT

With Cincinnati's recent population growth and the resurgence of interest in visiting Cincinnati's urban basin as a tourist attraction, there have been many pressures put on our existing land-use patterns. In light of this growth and in an effort to build an environment that is safe, equitable, and sustainable, Council has prioritized pedestrian safety, housing access, and multi-modal transportation. Cars—and therefore the parking of those cars—are an existing part of our transportation infrastructure that, if not managed appropriately, can stunt the necessary growth trajectory of Cincinnati. Therefore, if we want to simultaneously reach the aforementioned Council priorities, we need to utilize our existing on-street parking assets more efficiently. This

primarily means ensuring our on-street parking assets are priced appropriately via meters and residential parking permits in highly demanded areas, as well as subsequent enforcement of our parking assets throughout the city to ensure those spaces are being used properly. This motion hopes to gather information to guide the City in better managing our existing parking assets to simultaneously allow for better land-usage overall, creating a built environment that supports people, equity, and the environment.

Councilmember Mark Jeffreys

Jan-Michelle Lemon Kearney

Kenia D. Owens

Victoria Parks

Exhibit A

10/25/22 Cal

City of Cincinnati

801 Plum Street, Suite 346B
Cincinnati, Ohio 45202

Phone (513) 352-3640
Email jeff.cramerding@cincinnati-oh.gov
Web www.cincinnati-oh.gov

Jeff Cramerding
Councilmember

October 25, 2022

MOTION

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
- Equity and projects in underserved neighborhoods, including Neighborhood Revitalization Strategy Areas, CDBG Local Target Areas, and other areas that have been underserved

STATEMENT

As council moves to fill holes in our deferred maintenance gap, it is imperative that we know what specific neglected infrastructure exists in the city and what the most immediate need is. Not only must council know the monetary cost of deferred maintenance to the city, but the human cost as well.

JEFF CRAMERDING

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: 10/26/2022

202201946

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **SPECIAL EVENT PERMIT APPLICATION: (MWCDC Beer Garden)**

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:	MWCDC Beer Garden
EVENT SPONSOR/PRODUCER:	Mt. Washington Community Development Corporation
CONTACT PERSON:	Joe Sandman
LOCATION:	6147 Plymouth Avenue
DATE(S) AND TIME(S):	11/26/2022 3:00 p.m. to 9:00 p.m.
EVENT DESCRIPTION:	Beer Garden on Plymouth Avenue. Beer sales only.
ANTICIPATED ATTENDANCE:	500
ALCOHOL SALES:	☒ YES. ☐ NO.

TEMPORARY LIQUOR PERMIT HOLDER IS: (Mt. Washington Community Development Corporation)

T. Theetge

cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: 10/26/2022

202201961

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **SPECIAL EVENT PERMIT APPLICATION: (East Walnut Hills Final Farmer's Market)**

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:	East Walnut Hills Final Farmer's Market
EVENT SPONSOR/PRODUCER:	East Walnut Hills Assembly
CONTACT PERSON:	Deborah Dereshkevich
LOCATION:	1523 Madison Rd.
DATE(S) AND TIME(S):	10/28/2022 3:00 p.m. to 7:00 p.m.
EVENT DESCRIPTION:	Celebrating the final farmers market with added special events such as beer sales, games, candy, decorations, etc.
ANTICIPATED ATTENDANCE:	400
ALCOHOL SALES:	☒ YES. ☐ NO.

TEMPORARY LIQUOR PERMIT HOLDER IS: (East Walnut Hills Farmer's Market)

T. Theetge

cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

To: Mayor and Members of City Council

202201962

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

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: 9275138
PERMIT TYPE: NEW
CLASS: D3 D3A
NAME: VV MT LOOKOUT LLC
DBA: NONE LISTED
1026 DELTA AVE
CINCINNATI, OH 45208

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 8, 2022, Mt. Lookout Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: September 15, 2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Police Officer Christine Barry, P64, District Two NLU

Copies to:

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-346

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Two

PERMIT #: 1489999

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	VV Mt. Lookout LLC
Address:	1026 Delta Ave

APPLICANTS NAME(S): Melissa DeGiorgio

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Christine Barry
Date:	9/15/2022
Findings:	1026 Delta is partially under construction and will be inspected upon completion.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Robb Passquinucci	Date: 9/15/2022	Notified by: phone
Phone: 513-604-3556	E-mail: robpasq@gmail.com	

Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ NO OBJECTIONS ✓ ☐ OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ✓ ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

CB

CAPT. 9.29.22

No Objection - MJ/LTC4
10/7/22.

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 6, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.: 9275138
Permit Type: NEW D3 D3A
Name: VV MT LOOKOUTLLC
1026 DELTA AVE
CINCINNATI OH 45241

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3188

9275138 (PERMIT NUMBER)	NEW (TYPE)	TO: VV MT LOOKOUTLLC 1026 DELTA AVE CINCINNATI OH 45241
ISSUE DATE		
09 10 2022 (FILING DATE)		
D3 D3A (PERMIT CLASSES)		
31 (TAX DISTRICT) 066 A	D51941 (RECEIPT NO.)	FROM 08/31/2022

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	

MAILED 08/31/2022 RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A NEW 9275138
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

SSEP22AM11:40

CLERK OF COUNCIL

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

OLC 4052 REV. 03/09

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 9275138
Permit Type: NEW D3 D3A
Name: VV MT LOOKOUTLLC
1026 DELTA AVE
CINCINNATI OH 45241

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/6/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/03/2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

To: Mayor and Members of City Council

202201963

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

FINAL RECOMMENDATION REPORT

OBJECTIONS: Department of Buildings & Inspections

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: 9333447
PERMIT TYPE: NEW
CLASS: D5J
NAME: W BAR BISTRO LLC
DBA: W BAR BISTRO
3447 EPWORTH AVE
CINCINNATI, OH 45211

On September 8, 2022, Westwood Civic Association was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: September 14, 2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: P.O. Kevin Butler P128

Copies to:

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-432

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Three

PERMIT #: 9333447

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	W BAR BISRTO LLC
Address:	3447 EPWORTH AVE

APPLICANTS NAME(S): FRANK EVERSOLE

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Kevin Butler P128
Date:	9/14/22
Findings:	I met with the owner, Frank Eversole on 9/14/22 at 3447 Epworth Ave. I was unable to perform a complete inspection due to the premises being under construction. Mr. Eversole was advised to contact me once construction was complete. The target completion date is sometime in November. Once construction is complete I will respond back to perform a complete inspection.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Katie Frazier	Date: 9/14/2022	Notified by: phone
Phone: 513-652-5772	E-mail: Frazier.katie@gmail.com	

Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒NO OBJECTIONS ☐OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

9/19/22

9/20

City of Cincinnati

October 7, 2022

To: Teresa Theetge, Interim Police Chief

From: Eugene Lackey, Division Manager

Zoning: Wes Munzel , Zoning Plans Examiner

Subject: **3447 Epworth Ave** - Liquor License Application

Inspections discloses that the Liquor License be **DISAPPROVED** .

The Department of Buildings and Inspections has objections to issuance of a liquor permit for this premises.**The use is not in accordance with the Cincinnati Zoning Code for alcoholic beverage sales.**

The applicant is being advised that the license is **not approved** and that **The applicant must submit a use permit for a new bar/liquor permit.**

Attached is a copy of the correspondence being sent this date to the applicant apprising the applicant of these requirements.

Eugene Lackey

Eugene Lackey, Division Manager
Department of Buildings and Inspections

EL/tjl

city of CINCINNATI
BUILDINGS & INSPECTIONS

October 7, 2022

W Bar Bistro LLC
dba W Bar Bistro
3447 Epworth Ave
Cincinnati, Ohio 45211

Dear Applicant:

This Department was recently required to recommend approval or disapproval of a liquor permit application at **3447 Epworth Ave**Inspections discloses that the Liquor License be **DISAPPROVED**

The use is not in accordance with the Cincinnati Zoning Code for alcoholic beverage sales andtherefore disapproved. **The applicant must submit a use permit for a new bar/liquor permit.**

A copy of this correspondence is being sent this date to the Police Department apprising them ofthese requirements.

If you need additional information regarding this matter, please contact **Wes Munzel** Zoning Plans Examiner, at **513-352-2442** between 8:00 a.m. and 9:30 a.m. , Monday through Friday.

Sincerely,

Eugene Lackey, Jr.

Eugene Lackey, Jr., Division Manager
Department of Buildings and Inspections

EL/tjl

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 7, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.:	9333447
Permit Type:	NEW D5J
Name:	W BAR BISTRO LLC DBA W BAR BISTRO 3447 EPWORTH AVE CINCINNATI OH 45211

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

9333447 PERMIT NUMBER	NEW TYPE	W BAR BISTRO LLC DBA W BAR BISTRO 3447 EPWORTH AVE CINCINNATI OH 45211
ISSUE DATE		
08 02 2022 FILING DATE		
D5J PERMIT CLASSES		
31 066 A TAX DISTRICT	D52234 RECEIPT NO.	

FROM 09/02/2022

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	

MAILED 09/02/2022 RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A NEW 9333447
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

7SEP'22AM11:05

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

CLERK OF COUNCIL
DLC 4052

REV. 03/09

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.:	9333447
Permit Type:	NEW D5J
Name:	W BAR BISTRO LLC DBA W BAR BISTRO 3447 EPWORTH AVE CINCINNATI OH 45211

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/7/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/3/2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

To: Mayor and Members of City Council

202201964

From: Sheryl M. M. Long, City Manager

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

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: 9275138
PERMIT TYPE: TFOL
CLASS: D1 D2
NAME: VV MT LOOKOUT LLC
DBA: NONE LISTED
1026 DELTA AVE
CINCINNATI, OH 45208

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 8, 2022, Mt. Lookout Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: September 15, 2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Police Officer Christine Barry, P64, District Two NLU

Copies to:

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-346

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Two

PERMIT #: 1489999

TYPE OF PERMIT APPLIED FOR: Transfer of Location

PERMIT NAME & ADDRESS:

Name:	VV Mt. Lookout LLC
Address:	1026 Delta Ave

APPLICANTS NAME(S): Melissa DeGiorgio

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Christine Barry
Date:	9/15/2022
Findings:	1026 Delta is still partially under construction and will be inspected upon completion.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Robb Passquinucci	Date: 9/15/2022	Notified by: email
Phone:	E-mail: robpasq@gmail.com	

Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒NO OBJECTIONS ☐OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

CB

CAPT. [illegible] CPO
9.29.22

No Objection - mg/LTC4
10/7/22

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 6, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.:	9275138
Permit Type:	TFOL D1 D2
Name:	VV MT LOOKOUTLLC 1026 DELTA AVE CINCINNATI OH 45241

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

9275138 PERMIT NUMBER / TFOL TYPE	VV MT LOOKOUTLLC 1026 DELTA AVE CINCINNATI OH 45241
06 01 2020 ISSUE DATE	
08 29 2022 FILING DATE	
D1 D2 PERMIT CLASSES	
31 066 A F28230 TAX DISTRICT / RECEIPT NO.	

FROM 08/31/2022 SAFEKEEPING

82008110005 PERMIT NUMBER / TYPE	SJV ENTERPRISES LLC DBA CAFE DESALES 2835 WOODBURN AV 1ST FL CINCINNATI OH 45206
06 01 2020 ISSUE DATE	
08 29 2022 FILING DATE	
D1 D2 PERMIT CLASSES	
31 066 TAX DISTRICT / RECEIPT NO.	

MAILED 08/31/2022 RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A TFOL 9275138
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

DLC 4052

REV. 03/09

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 9275138
Permit Type: TFOL D1 D2
Name: VV MT LOOKOUTLLC
1026 DELTA AVE
CINCINNATI OH 45241

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/6/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/03/2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

To: Mayor and Members of City Council

202201965

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

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: 8771420
PERMIT TYPE: NEW
CLASS: D5J
NAME: 1313 REPUBLIC LLC
DBA: NONE LISTED
1314 REPUBLIC ST
SUB BSMT ONLY
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 8, 2022, Over-the-Rhine Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: 09/21/2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Police Officer Darrell Woods, District One Neighborhood Liaison Unit

Copies to: Sergeant George Jason, District One Neighborhood Liaison Unit

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-430

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One

PERMIT #: 8771420

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	1313 Republic LLC
Address:	1314 Republic St Sub Bsmt Only

APPLICANTS NAME(S): Joshua Heuser

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Darrell Woods
Date:	9/21/2022
Findings:	The investigation of this application produced nothing notable.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Kelly Adamson	Date: 9/12/2022	Notified by: email
Phone:	E-mail: kelly@otrchamber.com	

Name 2: Maurice Waggoner	Date: 9/12/2022	Notified by: email
Phone:	E-mail: OTRCCBOT@googlegroups.com	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒NO OBJECTIONS ☐OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

DW

D.W. 535

MGK c7
9/22/22

No Objection
-mg/LTCH
9/27/22.

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 6, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.:	8771420
Permit Type:	NEW D5J
Name:	1313 REPUBLIC LLC SUB BSMT ONLY 1314 REPUBLIC ST CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

8771420 PERMIT NUMBER	N TYPE	1313 REPUBLIC LLC SUB BSMT ONLY 1314 REPUBLIC ST CINCINNATI OH 45202
ISSUE DATE		
08 30 2022 FILING DATE		
D5J PERMIT CLASSES		
31 066 TAX DISTRICT	A D51971 RECEIPT NO.	

FROM 09/01/2022

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	

MAILED 09/01/2022 RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A N 8771420
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

SEP 22 PM 4:20

CLERK OF COUNCIL

REV. 03/09

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.:	8771420
Permit Type:	NEW D5J
Name:	1313 REPUBLIC LLC SUB BSMT ONLY 1314 REPUBLIC ST CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/6/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/3/2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

To: Mayor and Members of City Council

202201966

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

FINAL RECOMMENDATION REPORT

OBJECTIONS: Law

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: 0140639
PERMIT TYPE: NEW
CLASS: D5
NAME: ALWAYS ON MAIN LLC
DBA: NONE LISTED
1414 MAIN ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 8, 2022, Over-the-Rhine Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: 09/22/2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Police Officer Darrell Woods, District One Neighborhood Liaison Unit

Copies to: Sergeant George Jason, District One Neighborhood Liaison Unit

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-430

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One

PERMIT #: 0140639

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	Always on Main LLC
Address:	1414 Main Street

APPLICANTS NAME(S): James Marable III

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Darrell Woods
Date:	09/22/2022
Findings:	The investigation of this application produced nothing notable.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Kelly Adamson	Date: 9/12/2022	Notified by: email
Phone:	E-mail: kelly@otrchamber.com	

Name 2: Maurice Waggoner	Date: 9/12/2022	Notified by: email
Phone:	E-mail: OTRCCBOT@googlegroups.com	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒NO OBJECTIONS ☐OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

DW

D.W.

9/28/22

No Objection
-mr/LTC4
9/27/22

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 7, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.:	0140639
Permit Type:	NEW D5
Name:	ALWAYS ON MAIN LLC 1414 MAIN ST CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

0140639 PERMIT NUMBER	NEW TYPE	ALWAYS ON MAIN LLC 1414 MAIN ST CINCINNATI OH 45202
ISSUE DATE		
08 18 2022 FILING DATE		
D5 PERMIT CLASSES		
31 066 A D52289 TAX DISTRICT RECEIPT NO.		

FROM 09/02/2022

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT RECEIPT NO.		

MAILED 09/02/2022 RESPONSES MUST BE POSTMARKED NO LATER THAN 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A NEW 0140639
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

SEP 22 AM 10:35

CLERK OF COUNCIL

DLC 4052

REV. 03/09

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.:	0140639
Permit Type:	NEW D5
Name:	ALWAYS ON MAIN LLC 1414 MAIN ST CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/7/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/3/2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

To: Mayor and Members of City Council

202201967

From: Sheryl M. M. Long, City Manager

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

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

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

APPLICATION: 1834580
PERMIT TYPE: TRFO
CLASS: D5J D6
NAME: CROWN ON VINE LLC
DBA: NONE LISTED
1324 VINE ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 8, 2022, Over-the-Rhine Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: 09/21/2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Police Officer Darrell Woods, District One Neighborhood Liaison Unit

Copies to: Sergeant George Jason, District One Neighborhood Liaison Unit

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-430

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One

PERMIT #: 1834580

TYPE OF PERMIT APPLIED FOR: Transfer of Ownership

PERMIT NAME & ADDRESS:

Name:	Crown On Vine LLC
Address:	1324 Vine Street

APPLICANTS NAME(S): Anthony Sitek

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Darrell Woods
Date:	9/21/2022
Findings:	The investigation of this application produced nothing notable.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Kelly Adamson	Date: 9/12/2022	Notified by: email
Phone:	E-mail: kelly@otrchamber.com	

Name 2: Maurice Waggoner	Date: 9/12/2022	Notified by: email
Phone:	E-mail: OTRCCBOT@googlegroups.com	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒NO OBJECTIONS ☐OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

DW

D.W.

CT
9/23/22

No Objection
- mf/LTCY
9/27/22.

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 6, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.:	1834580
Permit Type:	TRFO D5J D6
Name:	CROWN ON VINE LLC 1324 VINE ST CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1834580 PERMIT NUMBER	TRFO TYPE	CROWN ON VINE LLC 1324 VINE ST CINCINNATI OH 45202
06 01 2021 ISSUE DATE		
08 30 2022 FILING DATE		
D5J D6 PERMIT CLASSES		
31 066 A F28255 TAX DISTRICT RECEIPT NO.		

FROM 09/01/2022

8871308 PERMIT NUMBER	TYPE	1324 VINE LLC 1324 VINE ST CINCINNATI OH 45202
06 01 2021 ISSUE DATE		
08 30 2022 FILING DATE		
D5J D6 PERMIT CLASSES		
31 066 TAX DISTRICT RECEIPT NO.		

MAILED 09/01/2022 RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 1834580
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

REV. 03/08

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 1834580
Permit Type: TRFO D5J D6
Name: CROWN ON VINE LLC
1324 VINE ST
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

09/06/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/3/2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

To: Mayor and Members of City Council

202201968

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

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: 1494500
PERMIT TYPE: NEW
CLASS: D2
NAME: SUPERIOR SANDMAN HOLDINGS INC
DBA: VOODOO BREWERY
120E 8TH ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On September 8, 2022, Downtown Residents Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: September 19, 2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Captain Douglas M. Wiesman, Central Business Section Commander

Copies to:

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-429

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: Central Business Section

PERMIT #: 1494500

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	Voodoo Brewery
Address:	120 E 8th Street

APPLICANTS NAME(S): Christopher Sands

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Sergeant Mark Kelley
Date:	9/19/22
Findings:	No Objection

COMMUNITY COUNCIL NOTIFIED:

Name 1: Allen Bunker	Date: 9/19/2022	Notified by: email
Phone:	E-mail: X	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒NO OBJECTIONS ☐OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

No Objection.

DMW

DMW/C164
9-21-22

No Objections - mr/ltcy
9/22/22.

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 7, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.:	1494500
Permit Type:	NEW D2
Name:	SUPERIOR SANDMAN HOLDINGS INC DBA VOODOO BREWERY 120E 8TH ST CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

1494500 PERMIT NUMBER	NEW TYPE
ISSUE DATE	
07 27 2022 FILING DATE	
D2 PERMIT CLASSES	
31 066 A D48611 TAX DISTRICT RECEIPT NO.	

SUPERIOR SANDMAN HOLDINGS INC
DBA VOODOO BREWERY
120E 8TH ST
CINCINNATI OH 45202

FROM 08/31/2022

PERMIT NUMBER	TYPE
ISSUE DATE	
FILING DATE	
PERMIT CLASSES	
TAX DISTRICT RECEIPT NO.	

MAILED 08/31/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES A NEW 1494500
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐
DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)
☐ Clerk of City Council
☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

DLC 4062

REV. 03/09

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.:	1494500
Permit Type:	NEW D2
Name:	SUPERIOR SANDMAN HOLDINGS INC DBA VOODOO BREWERY 120E 8TH ST CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/7/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/3/2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 26, 2022

202201969

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

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: 44205550010
PERMIT TYPE: NEW
CLASS: D1
NAME: KRGP LLC
DBA: NONE LISTED
100 E COURT ST 2ND FL
CINCINNATI, OH 45202

On September 8, 2022, Downtown Residents Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 1, 2022

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: September 20, 2022

To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

From: Captain Douglas M. Wiesman, Central Business Section Commander

Copies to:

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 22-429

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: Central Business Section

PERMIT #: 44205550010

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	KRGP LLC
Address:	100 East Court St

APPLICANTS NAME(S): christine Wheatley

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Sergeant Mark Kelley
Date:	9/20/2022
Findings:	No Objection

COMMUNITY COUNCIL NOTIFIED:

Name 1: Allen Bunker	Date: 9/20/2022	Notified by: phone
Phone:	E-mail: X	

Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒NO OBJECTIONS ☐OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒NO OBJECTIONS ☐OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

New Permit Application for long standing Cincinnati Business No Objection.

DMW

DMW/e164
9-21-22

No Objection-mg/LTCU
9/22/22

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

September 7, 2022

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30 day extension** on the below cited liquor permit application:

Application No.:	44205550010
Permit Type:	NEW D1
Name:	KRGP LLC 100 E COURT ST 2ND FL CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

NOTICE TO LEGISLATIVE AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

44205550010 PERMIT NUMBER	NEW TYPE	KRGP LLC 100 E COURT ST 2ND FL CINCINNATI OH 45202
ISSUE DATE		
07 22 2022 FILING DATE		
D1 PERMIT CLASSES		
31 066 TAX DISTRICT	A D48179 RECEIPT NO.	

FROM 09/02/2022

PERMIT NUMBER	TYPE	
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	

MAILED 09/02/2022 RESPONSES MUST BE POSTMARKED NO LATER THAN. 10/03/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A NEW 4420555-0010
(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature) (Title)- ☐ Clerk of County Commissioner (Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF COUNCIL

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

2022 SEP 22 AM 11:28

DLC 4062 REV. 03/09

City of Cincinnati
Council

Melissa Autry, CMC
Clerk of Council

Office of the Clerk

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 44205550010
Permit Type: NEW D1
Name: KRGP LLC
100 E COURT ST 2ND FL
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

9/7/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

10/3/2022

city of CINCINNATI
Interdepartment Correspondence Sheet

October 26, 2022

To: Mayor and Members of City Council 202201985

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Police: FY 2022 State Homeland Security Program – Law Enforcement (SHSP-LE) Grant**

Attached is an Emergency Ordinance captioned:

> **AUTHORIZING** the City Manager to apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant ("FY22 SHSP-LE Grant") (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to $250,000 to enhance and sustain the Greater Cincinnati Fusion Center; and AUTHORIZING the Finance Director to deposit FY22 SHSP-LE Grant funds into the Law Enforcement Grant Fund 368, Project Account 22SHSP.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant (SHSP-LE) from the Ohio Emergency Management Agency (OEMA) in an amount up to $250,000 for the enhancement and sustainment of the Greater Cincinnati Fusion Center (GCFC). This Emergency Ordinance further authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 22SHSP.

The Greater Cincinnati Fusion Center serves to combat potential domestic extremism, violence, and terrorist activity and serves as a focal point for the receipt, analysis, gathering, and sharing of threat-related information between local, tribal, territorial, state, and federal partners, and private sector stakeholders.

The administration of the GCFC was transferred to the Cincinnati Police Department (CPD) from the Hamilton County Sheriff's Offices (HCSO) on January 1, 2022. The HCSO previously applied for and received four SHSP-LE Grants from Fiscal Years 2018, 2019, 2020, and 2021, all of which were transferred to the CPD along with the administration of the GCFC.

The grant application deadline was September 30, 2022, and the Cincinnati Police Department applied for the grant prior to receiving City Council approval. Should this Emergency Ordinance not be approved, the grant award will not be accepted.

If the FY22 SHSP-LE Grant were awarded and accepted, the funds will be used to cover salary and fringe benefit costs for a Supervisory Intelligence Analyst (SIA) and a contracted cybersecurity analyst at the GCFC, as well as costs related to software,

training, network firewalls, Automated License Plate Reader (ALPR) cameras and licenses, and other cybersecurity projects within the GCFC.

The grant does not require matching funds and no new FTEs are associated with the grant. However, approximately $3,500 of the SIA's salary and benefits surpass the FY22 SHSP-LE Grant allowance and shall be paid through the CPD's General Fund operating budget.

Acceptance of the FY22 SHSP-LE Grant is in accordance with the "Live" goal to "[c]reate a more livable community" as described on pages 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the need to meet the Ohio Emergency Management Agency's sixty-day grant acceptance deadline, if the grant is awarded to the City.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

E M E R G E N C Y

IMD

- 2022

AUTHORIZING the City Manager to apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant ("FY22 SHSP-LE Grant") (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to $250,000 to enhance and sustain the Greater Cincinnati Fusion Center; and AUTHORIZING the Finance Director to deposit FY22 SHSP-LE Grant funds into Law Enforcement Grant Fund 368, Project Account 22SHSP.

WHEREAS, the Greater Cincinnati Fusion Center ("GCFC") serves to combat potential domestic extremism, violence, and terrorist activity and also serves as a focal point for the receipt, analysis, gathering, and sharing of threat-related information between local, tribal, territorial, state, and federal partners, and private sector stakeholders; and

WHEREAS, administration of the GCFC transferred to the Cincinnati Police Department ("CPD") from the Hamilton County Sheriff's Office ("HCSO") on January 1, 2022; and

WHEREAS, the HCSO previously applied for and received four State Homeland Security Program – Law Enforcement grants from Fiscal Years 2018, 2019, 2020, and 2021, all of which were transferred to CPD along with the administration of the GCFC; and

WHEREAS, the application deadline for the SHSP-LE grant from Fiscal Year 2022 ("FY22 SHSP-LE Grant") was September 30, 2022, and as a result, CPD has already submitted an application for the FY22 SHSP-LE Grant; and

WHEREAS, CPD will not accept any FY22 SHSP-LE Grant funds without approval from Council; and

WHEREAS, if the City is awarded and accepts a FY22 SHSP-LE Grant, the funds will be used to cover salary and fringe benefit costs for a Supervisory Intelligence Analyst ("SIA") and a contracted cybersecurity analyst at the GCFC, as well as costs related to software, training, network firewalls, Automated License Plate Reader cameras and licenses, and other cybersecurity projects within the GCFC; and

WHEREAS, although the FY22 SHSP-LE Grant does not require matching funds or additional FTEs, approximately $3,500 of the SIA's salary and benefits surpass the FY22 SHSP-LE Grant allowance and will be paid through the CPD General Fund operating budget; and

WHEREAS, acceptance of the FY22 SHSP-LE Grant is in accordance with the "Live" goal to "[c]reate a more livable community," as described on pages 156-163 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 Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant ("FY22 SHSP-LE Grant") (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to $250,000 for enhancing and sustaining the Greater Cincinnati Fusion Center.

Section 2. That the Finance Director is hereby authorized to deposit FY22 SHSP-LE Grant funds into Law Enforcement Grant Fund 368, Project Account 22SHSP.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with 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 need to meet the Ohio Emergency Management Agency's sixty-day grant acceptance deadline, if the grant is awarded to the City.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

city of CINCINNATI
Interdepartment Correspondence Sheet

October 26, 2022

To: Mayor and Members of Council 202201986

From: Sheryl M.M. Long, City Manager

Subject: Emergency Legislative Resolution for Annual Payment Request to Hamilton County

---

Attached is an Emergency Legislative Resolution captioned:

DESIGNATING specific City personnel to request advances from the Auditor of Hamilton County as required by Section 321.34 of the Ohio Revised Code; and REQUESTING that the Auditor of Hamilton County draw, and the Treasurer of Hamilton County pay on such draft to the Treasurer of the City of Cincinnati weekly beginning January 3, 2023, funds derived from taxes which may be in the county treasury to the account of the City of Cincinnati.

Section 321.34 of the Ohio Revised Code requires City Council to pass an official resolution each year to request the distribution of funds collected by the Hamilton County Auditor on behalf of the City of Cincinnati. This resolution allows the City Treasurer to request payment derived from estate taxes, real property taxes, and personal property taxes on a weekly basis

The Administration recommends passage of this Emergency Legislative Resolution.

cc: Karen Alder, Finance Director

Attachment

E M E R G E N C Y

Legislative Resolution

CFG

RESOLUTION NO. _____ -2022

DESIGNATING specific City personnel to request advances from the Auditor of Hamilton County as required by Section 321.34 of the Ohio Revised Code; and REQUESTING that the Auditor of Hamilton County draw, and the Treasurer of Hamilton County pay on such draft to the Treasurer of the City of Cincinnati weekly beginning January 3, 2023, funds derived from taxes which may be in the county treasury to the account of the City of Cincinnati.

WHEREAS, this Council, in accordance with provisions of law, has adopted a tax budget for the fiscal year beginning July 1, 2022; and

WHEREAS, pursuant to Section 321.34 of the Ohio Revised Code, a taxing authority may request payment from the County Auditor of funds derived from taxes or other sources to the County Treasurer, which may be held on account of a local subdivision; now, therefore,

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

Section 1. That the Auditor and Treasurer of Hamilton County in accordance with Ohio Revised Code Section 321.34 be requested to draw and pay to the City of Cincinnati, on the dates indicated below, upon the written request to the County Auditor by the Finance Director, Assistant Finance Director, or the City Treasurer, funds due in any settlement of 2023 derived from taxes or other sources, payable to the County Treasurer to the account of the City of Cincinnati, and lawfully applicable for the purpose of the current fiscal year:

January 3, 9, 17, 23, 30
February 6, 13, 21, 27
March 6, 13, 20, 27
April 3, 10, 17, 24
May 1, 8, 15, 22, 30
June 5, 12, 20, 26
July 3, 10, 17, 24, 31
August 7, 14, 21, 28

September 5, 11, 18, 25
October 2, 9, 16, 23, 30
November 6, 13, 20, 27
December 4, 11, 18, 26

Section 2. That the Treasurer of the City of Cincinnati forward to the Hamilton County Auditor a certified copy of this resolution.

Section 3. That this legislative resolution 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 ensure that the City continues to receive funds due in 2023.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

city of CINCINNATI
Interdepartment Correspondence Sheet

October 26, 2022

To: Mayor and Members of City Council 202201987

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – OES: Hamilton Co. R3Source Impact Grant Application**

Attached is an Ordinance captioned:

> **AUTHORIZING** the City Manager to apply for a Hamilton County R3Source Impact Grant in the amount of up to $100,000 from Hamilton County Environmental Services for the purpose of providing resources for the City's development of a Zero Waste Plan.

Approval of this Ordinance authorizes the City Manager to apply for a Hamilton County R3Source Impact Grant in the amount of up to $100,000 from Hamilton County Environmental Services for the purpose of providing resources for the City's development of a Zero Waste Plan.

The Office of Environment and Sustainability (OES) may submit the grant application prior to City Council approval. However, no grant resources will be accepted without City Council authorization.

The grant requires a minimum 25 percent local match of resources in 2023, and OES intends to provide a 100 percent match. The specific source of the match will be identified upon grant acceptance. No new FTEs are required.

The development of a Zero Waste Plan supports the goals of the Green Cincinnati Plan (2018) "aimed at decreasing the amount of waste sent to landfills and increasing curbside recycling participation in all neighborhoods with the ultimate goal of generating zero waste by 2035," as described on page 237 of the plan.

Developing a Zero Waste Plan is also in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati," and strategy to "[c]reate a healthy environment and reduce energy consumption," as described on pages 181 – 186 of Plan Cincinnati of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

PLAN CINCINNATI

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

Attachment

LES

- 2022

AUTHORIZING the City Manager to apply for a Hamilton County R3Source Impact Grant in the amount of up to $100,000 from Hamilton County Environmental Services for the purpose of providing resources for the City's development of a Zero Waste Plan.

WHEREAS, a Hamilton County R3Source Impact Grant in an amount of up to $100,000 is available from Hamilton County Environmental Services for the purpose of providing resources for the development of a Zero Waste Plan; and

WHEREAS, the Office of Environment and Sustainability ("OES") intends to apply for the grant by the October 19, 2022 deadline, but no grant resources will be accepted without Council authorization; and

WHEREAS, the grant does not require any new FTEs; and

WHEREAS, the grant requires a 25 percent local match of resources in 2023, and OES intends to provide a 100 percent match, the source of which will be identified upon grant acceptance; and

WHEREAS, on May 16, 2018, Council adopted the Green Cincinnati Plan in Motion No. 201800830; and

WHEREAS, the development of a Zero Waste Plan supports the goals of the Green Cincinnati Plan (2018) "aimed at decreasing the amount of waste sent to landfills and increasing curbside recycling participation in all neighborhoods with the ultimate goal of generating zero waste by 2035," as described on page 237 of the plan; and

WHEREAS, developing a Zero Waste Plan is also in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati" and strategy to "[c]reate a healthy environment and reduce energy consumption," as described on pages 181-186 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 a Hamilton County R3Source Impact Grant in the amount of up to $100,000 from Hamilton County Environmental Services for the purpose of providing resources for the City's development of a Zero Waste Plan.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and 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: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

city of CINCINNATI
Interdepartment Correspondence Sheet

October 26, 2022

To: Mayor and Members of City Council 202201988

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Police: Moral Obligation Payment to Security Fence Group, Inc.**

Attached is an Emergency Ordinance captioned:

> **AUTHORIZING** the payment of $10,485 from the Cincinnati Police Department General Fund non-personnel operating budget account no. 050x226x3480x7258 as a moral obligation to Security Fence Group, Inc. for outstanding charges in the form of services rendered for the Impound Lot gate and security fence repair in July 2022.

This Emergency Ordinance authorizes a payment of $10,485 from the Cincinnati Police Department (CPD) General Fund non-personnel operating budget account no. 050x226x3480x7258 as a moral obligation to Security Fence Group, Inc. for services rendered for the Impound Lot gate and security fence repair in July 2022.

In early July 2022, an individual drove through the gate at the CPD Impound Lot, damaging the gate. When a quote for the repair services was received, the Cincinnati Financial System (CFS) was closed for Fiscal Year 2022 year end processing, and when the system was available for Fiscal Year 2023, the funds were not timely encumbered due to staffing changes and shortages.

In a separate incident in July 2022, a windstorm damaged the security fence at the Impound Lot, creating an emergency need to repair the fence to keep it operational. Approval for this work was authorized outside of the normal Finance Management Section certification process, resulting in a moral obligation.

The Cincinnati Police Department is committed to training new staff to ensure the proper steps are followed in the future.

The reason for the emergency is the immediate need to pay Security Fence Group, Inc. for the outstanding charges for the Impound Lot gate and fence repair provided to the Cincinnati Police Department in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

E M E R G E N C Y

KKF

- 2022

AUTHORIZING the payment of $10,485 from the Cincinnati Police Department General Fund non-personnel operating budget account no. 050x226x3480x7258 as a moral obligation to Security Fence Group, Inc. for outstanding charges in the form of services rendered for the Impound Lot gate and security fence repair in July 2022.

WHEREAS, in early July 2022, an individual drove through the gate at the Cincinnati Police Department ("CPD") Impound Lot, thereby damaging the gate; and

WHEREAS, when a quote for the repair services was received, the Cincinnati Financial System was closed for Fiscal Year 2022, and when the system was available for Fiscal Year 2023, the funds were not timely encumbered due to staffing shortages; and

WHEREAS, in a separate incident, in July 2022, a windstorm damaged the security fence at the Impound Lot, creating an emergency need to repair the fence to keep it operational, and approval for the work was authorized outside of the normal CPD Finance Management Section certification process; and

WHEREAS, CPD is committed to training new staff to ensure the proper steps are followed in the future; and

WHEREAS, Council desires to provide payment for such services in an amount totaling $10,485; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of $10,485 from the Cincinnati Police Department General Fund non-personnel operating budget account no. 050x226x3480x7258 as a moral obligation to Security Fence Group, Inc. for outstanding charges for services rendered for the Impound Lot gate and security fence repair in July 2022.

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 Security Fence Group, Inc. for the outstanding charges for the Impound Lot gate and fence repair provided to the Cincinnati Police Department in a timely manner.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

city of CINCINNATI
Interdepartment Correspondence Sheet

October 26, 2022

To: Mayor and Members of City Council 202201998

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance for the Extending the Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for an additional nine months

---

Transmitted is an Emergency Ordinance captioned:

> **EXTENDING** Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

The City Planning Commission recommended approval of the extension of IDC 88, Surface Parking in the Downtown Development Zoning District, for nine additional months at its October 21, 2022 meeting.

Summary:
In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing the development of surface parking lots in the DD, "Downtown Development," zoning district. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study of the proposed legislation, make recommendations for modifying the legislation, if any, and pursue an Interim Development Control (IDC) Overlay District over the DD, "Downtown Development," zoning district for the duration of the study.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on September 16, 2022, and Cincinnati City Council approved the establishment of IDC No. 88 on September 21, 2022.

The City Planning Commission recommended the following on October 21, 2022, to City Council:

> **ADOPT** the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, One-Year IDC Overlay Districts, as discussed on pages 1 – 3 of the staff report; and,
>
> **RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement

EMERGENCY

City of Cincinnati

ETN

An Ordinance No. _____ - 2022

EXTENDING Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development District," as an overlay district for a period of nine months, pursuant to Chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Municipal Code.

WHEREAS, Councilmember Mark Jeffreys has introduced legislation to amend certain zoning code provisions governing development in the DD, "Downtown Development," zoning district in order to restrict the development of surface parking lots within the district ("Proposed Legislation"); and

WHEREAS, in September 2022, the City Manager requested that the Department of City Planning and Engagement undertake a zoning study within the DD, "Downtown Development," zoning district to investigate the potential impacts of the Proposed Legislation, to make recommendations on the adoption or modification of the Proposed Legislation, and to commence the process for establishing an interim development control overlay district ("IDC") over the district during the pendency of the zoning study; and

WHEREAS, in connection with this request, the Council established Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" ("IDC 88"), effective as of September 21, 2022 and continuing for a period of three months thereafter, to protect the area while the City Planning Commission and the Department of City Planning and Engagement conduct their study; and

WHEREAS, the City Planning Commission and the Department of City Planning and Engagement's study remains ongoing, and an extension of IDC 88 is necessary to ensure that the potential zoning text amendments resulting from the Proposed Legislation and the study of it are not frustrated before their completion and implementation; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on October 21, 2022, recommended the extension of IDC 88 for a period of nine months upon finding that the criteria in Cincinnati Municipal Code Section 1431-11 are satisfied; and

WHEREAS, a committee of the Council held a public hearing on the proposed extension of IDC 88, following due and proper notice pursuant to Cincinnati Municipal Code Sections 111-1 and 1431-11, and the committee approved the extension, finding it in the interest of the public health, safety, morals, and general welfare; and

WHEREAS, the Council finds that extending IDC-88 over the study area is consistent with Plan Cincinnati (2012), including its "Compete" Initiative goals to "[t]arget investment to geographic areas where there is already economic activity" and "[c]ontinue development of

Existing Growth Opportunity Areas," which specifically include the Central Business District (page 115); its "Connect" Initiative goals to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and "[e]xpand options for non-automotive travel" (page 129); and its "Live" Initiative goal to "[b]ecome more walkable" (page 157); and

WHEREAS, the Council further finds that extending IDC 88 over the study area is in the best interests of the City and the public health, safety, and general welfare; now, therefore,

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

Section 1. That Council makes the following findings:

A. At its regularly scheduled meeting on October 21, 2022, the City Planning Commission affirmatively recommended that the Council extend Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development District" ("IDC 88"), for a period of nine months while the City studies proposed zoning code text amendments concerning the development of surface parking lots within the affected area.

B. The proposed zoning code text amendments would restrict the development of surface parking lots in the study area covered by IDC 88, one of the City's densest commercial and residential areas, are anticipated to affect how people access and traverse the study area, and could impact City services and commercial activity in and around the study area.

C. The City's study of the proposed zoning code text amendments concerning the development of surface parking lots within the study area is expected to conclude within a one-year period. The Department of City Planning and Engagement plans to conduct initial community engagement in late 2022 and intends to conduct study research, hold additional community engagement activities, and present findings and recommendations to the City Planning Commission and City Council in the first half of 2023. Adoption of any zoning code changes is expected to require another three to six months. The extension of IDC 88 affords the City the time needed to complete its zoning study and implement the proposed zoning code text amendments, which may include the incorporation of recommendations resulting from the study.

D. In the five-day period between the City Planning Commission's affirmative recommendation and City Council's establishment of IDC 88, the City received two applications for permits for new surface parking lots. Further requests to build or expand surface parking lots in the study area may be expected if IDC 88 is dissolved before the City's study is complete and any zoning code text amendments are considered for adoption. Both the development and expansion of surface parking lots within the study area are inconsistent with the preliminary objectives for IDC 88, and the nine-month extension of IDC 88 is needed to protect against such development and expansion.

Section 2. That IDC 88, as depicted on the map attached as Exhibit "A" to Ordinance No. 300-2022 and incorporated herein by reference, is extended throughout the area designated on the map as the interim development control overlay district for an additional period of nine months, up to and including September 20, 2023.

Section 3. That the Regulations and Application Review Guidelines for IDC 88 and Designation of Administrative Reviewer, attached as Exhibit "B" to Ordinance No. 300-2022 and incorporated herein by reference, shall remain in effect for the duration of IDC 88 and be used by the City Planning Commission in its review of applications for the use of property within IDC 88.

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 impose interim development controls over the City's study area for up to an additional nine-month period to ensure that the substance and purpose of proposed zoning code text amendments concerning the development of surface parking lots within the study area and the planning, land use, and zoning solutions that may result from the study and review of those amendments are not prematurely destroyed or impaired.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

Honorable City Planning Commission **October 21, 2022**
Cincinnati, Ohio

SUBJECT: A report and recommendation on a proposed extension of Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" in the Central Business District, for a period of nine additional months.

ATTACHMENTS:
Provided in addition to this report are:

- Exhibit A - Location Map
- Exhibit B - IDC Review Criteria
- Exhibit C – IDC Directive

BACKGROUND:
In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing the development of surface parking lots in the DD, "Downtown Development," zoning district. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study of the proposed legislation, make recommendations for modifying the legislation, if any, and pursue an Interim Development Control (IDC) Overlay District over the DD, "Downtown Development," zoning district for the duration of the study.

The City Planning Commission recommended approval of an emergency three-month IDC to Cincinnati City Council on September 16, 2022, and Cincinnati City Council approved the establishment of IDC No. 88 on September 21, 2022. The approved IDC No. 88 provides that the following permits and approvals are subject to review by the Department of City Planning and Engagement and the City Planning Commission while the zoning study is underway:

- building permits, certificates of compliance, and certificates of appropriateness for new construction, alterations, modification, or expansion of existing surface parking facilities
- changes in use to a surface parking facility
- site improvements associated with surface parking facilities

IDC No. 88 encompasses most of Downtown and parts of East End, Mount Adams, Mount Auburn, Pendleton, Over-the-Rhine, and West End neighborhoods.

The Department of Planning and Engagement's study will include research and analysis of surface parking related to public interests and services, case study, and best-practice research, and additional topics surfaced through public-engagement activities. Department of City Planning and Engagement (DCPE) staff is planning an initial community engagement meeting in late 2022 to identify questions, concerns, and desires of stakeholders affected by the DD zoning district. DCPE staff intends to conduct study research and hold additional community engagement activities as needed in the first 2-4 months of 2023. DCPE staff would then present findings and recommendations to the City Planning Commission and City Council in the spring of 2023.

CRITERIA FOR A ONE-YEAR IDC DISTRICT

Pursuant to Section 1431-11 of the Cincinnati Zoning Code, City Council may extend an IDC Overlay District established pursuant to Section 1431-09 for nine additional months if notice has been given and a public hearing held in accordance with Section 111-1, Hearings on Zoning Amendments, of the Municipal Code and on finding that:

(a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;

(b) *Study Completion.* The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and

(c) *Inconsistent Uses*. There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Staff findings on the above criteria is described further in the "Analysis" section of this report.

ANALYSIS:

The initial three-month period of IDC Overlay District No. 88 is currently set to expire on December 20, 2022, unless City Council approves an extension of IDC Overlay District No. 88 for an additional nine months. The City Council must receive an affirmative recommendation from the City Planning Commission to make this extension. An additional nine months would leave IDC Overlay District No. 88 in effect until September 21, 2023 (if approved by City Council), or until the zoning study is complete and any potential text amendments have been approved by City Council, at which time the IDC Overlay District could be dissolved by ordinance.

As described above, the City Council may extend IDC No. 88 for a period of nine months if the City Planning Commission gives them an affirmative recommendation on the finding that:

a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;

Staff analysis: The Zoning Code text amendments proposed by Council Member Jeffreys would prohibit the creation of new surface parking lots in the study area. Since the DD zoning district is in one of the City's densest commercial and residential areas, the proposed legislation could affect how a large number of users access and traverse the Central Business District. Additionally, prohibiting new surface parking facilities could impact City services and commercial activity in and around the study area. Therefore, the Department of City Planning and Engagement staff believe these impacts require more study before making recommendations on the proposed text amendments.

b) *Study Completion.* The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and

Staff analysis: As indicated in the study plan, the Department of City Planning and Engagement staff intend to conduct research and community engagement over a two-to-four-month period with the possibility of an additional three to six months should any zoning code changes be pursued after

the study is complete. With this timeline, a three-month IDC is insufficient to complete the study and possible zone changes and will require the nine-month extension.

c) *Inconsistent Uses.* There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Staff analysis: IDC No. 88 was established to study the impacts and appropriateness of surface parking in the study area. In the five-day period between the City Planning Commission's affirmative recommendation and City Council's establishment of IDC No. 88, the Department of Buildings and Inspections received two permits for new surface parking lots. The Department of City Planning and Engagement Staff are concerned more permits to build or expand surface parking lots will be submitted if IDC No. 88 is dissolved before the study is complete and potential amendments are approved. The Department of City Planning and Engagement staff believe new and expanded surface parking lots would be inconsistent with the preliminary objectives for IDC No. 88 and that its extension is needed to protect against this likely outcome.

IDC No. 88 helps to ensure the compatibility of any proposed surface parking facilities in the DD zoning district while the Department of City Planning and Engagement studies the effect of surface parking in that area. The proposed extension of IDC No. 88 for nine additional months will give the Administration enough time to complete its zoning study, engage the community, and take any proposal(s) through the approval process of City Planning Commission and City Council. If it becomes necessary, IDC No. 88 could potentially be extended two more times, each for six additional months, with City Planning Commission and City Council approval. An IDC is meant to be temporary and cannot be in place for more than two years.

PUBLIC COMMENT:

Department of City Planning and Engagement staff posted notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of IDC No. 88 by placing an advertisement in the Cincinnati Enquirer on September 30, 2022. Staff has received no public inquiry to-date.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

Plan Cincinnati does not specifically address the concerns related to the establishment of IDC No. 88, however conducting a zoning study in this scenario is consistent with three Initiatives Areas. It is consistent with the Compete Initiative Area in the Strategy to "target investment to geographic areas where there is already economic activity" (page 115) and the Action Step to "continue development of existing growth opportunity areas" (page 116), which specifically identifies the "Central Business District (CBD), Over-the-Rhine (OTR), and the Uptown neighborhoods as the primary sources of City tax revenue", which surface parking lots do little to support. Secondly, there is consistency with the Live Initiative Area to "become more walkable" (page 157) because large expanses of surface parking along street fronting properties discourage human-scale activity and movability. Lastly, this is consistent with the Connect Initiative Area Goal to "Develop an efficient multi-modal transportation system that supports neighborhood livability" (page 129) and more specifically with the Strategy to "expand options for non-automotive travel" (page 130) in that it could encourage people to walk instead of use cars to access and move around Downtown.

Cincinnati 2000 Comprehensive Development Plan for Downtown (1986)
The proposal is also consistent with *Cincinnati 2000 Comprehensive Development Plan for Downtown* (1986) which calls for "preservation of the City's historic and architecturally significant buildings" (p. 2).

RECOMMENDATION

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

1) **ADOPT** the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, *One-Year IDC Overlay Districts*, as discussed on pages 1 – 3 of this report; and,

2) **RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

Respectfully submitted:

Maria Dienger, City Planner
Department of City Planning and Engagement

Approved:

Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

No. 88 Interim Development Control in Downtown Development Zoning Districts in the Central Business District

Exhibit A

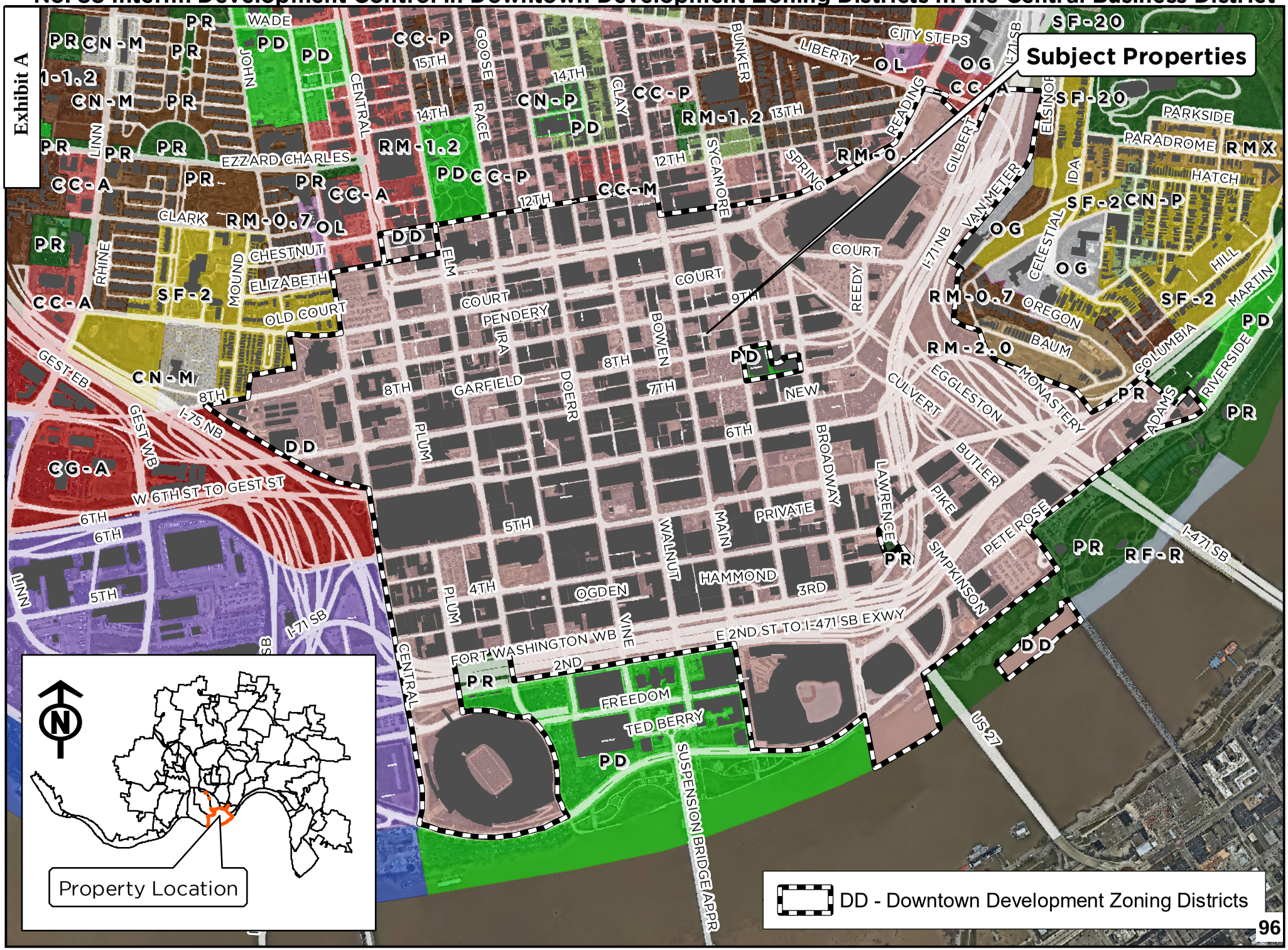


EXHIBIT B

Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," and Designation of Administrative Reviewer

Section I. Applications Subject to Review:

The following applications shall be reviewed by the City Planning Commission during the pendency of Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District":

(a) Building permits for:

i. new construction of surface parking facilities;
ii. alteration, modification, or expansion of surface parking facilities;
iii. changes in use to a surface parking facility use; and
iv. site improvements associated with surface parking facilities.

(b) Certificates of compliance for:

i. new construction of surface parking facilities;
ii. alteration, modification, or expansion of surface parking facilities;
iii. changes in use to a surface parking facility use; and
iv. site improvements associated with surface parking facilities.

(c) Certificates of appropriateness for:

i. new construction of surface parking facilities;
ii. alteration, modification, or expansion of surface parking facilities;
iii. changes in use to a surface parking facility use; and
iv. site improvements associated with surface parking facilities.

Notwithstanding the foregoing subsections (a), (b), and (c), applications for building permits, certificates of compliance, and certificates of appropriate to make the following alterations, modifications, or improvements to existing surface parking facilities shall not be subject to review by the City Planning Commission:

i. Resurfacing that does not increase or expand the existing surface area;
ii. Restriping;
iii. New lighting;
iv. New fencing; and
v. New landscaping.

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Engagement as the staff reviewing authority for Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District."

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Municipal Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application's failure to conform to any single factor is not necessarily a sufficient basis for denial.

a) *Community Character*. The proposal has a density, scale, size, location, programmatic configuration or function, and use that is compatible with, and designed to activate and enhance, the downtown streetscape.

b) *Placement*. The proposed siting, setbacks, and orientation is designed to maximize multi-modal mobility that emphasizes pedestrian safety, participation, circulation, and connectivity.

c) *Integration*. The proposal is designed to provide seamless transitions and connections, promoting interconnectivity between adjoining and abutting land uses to avoid disharmonious development patterns.

d) *Accessibility*. The proposal is designed to promote public and private interactions and accessibility through multi-modal connections to existing or planned street grids or pedestrian-oriented pathways.

e) *Stormwater Management*. The proposal is designed to address and minimize potential adverse effects relating to off-site stormwater runoff owing to any relative increase in impervious surface area or decrease in vegetative land cover related to the proposed development.

f) *Zoning.* The proposal conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the zoning code.

g) *Guidelines.* The proposal conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.

h) *Plans.* The proposal conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.

i) *Proposed Zoning Amendments.* The proposal is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.

j) *Adverse Effects.* Whether the proposal is likely to impose any adverse effect on the access to the property by fire, police, or other public services; traffic conditions; or the development, usefulness or value of neighboring land and buildings.

Dienger, Maria

From: Keough-Jurs, Katherine
Sent: Thursday, September 15, 2022 3:41 PM
To: Peppers, Alex; Dienger, Maria
Subject: Fwd: DD Parking Zoning Text Amendment & IDC
Attachments: image001.png; Signed ORD & TRANS - Modifying Zoning Code Surface Parking.pdf

Alex and Maria,

Please proceed with the request below.

Thanks,
Katherine

Sent from my iPhone

Begin forwarded message:

> **From:** "Long, Sheryl" <Sheryl.Long@cincinnati-oh.gov>
> **Date:** September 15, 2022 at 3:11:15 PM EDT
> **To:** "Keough-Jurs, Katherine" <Katherine.Keough-Jurs@cincinnati-oh.gov>
> **Cc:** "Rocco, Giovanni" <Giovanni.Rocco@cincinnati-oh.gov>, "Weber, William" <William.Weber@cincinnati-oh.gov>
> **Subject: FW: DD Parking Zoning Text Amendment & IDC**
>
> Hello Katherine,
> Please see the request from CM Jefferies office. Please proceed with execution of the request.
>
> Thank you,
> Sheryl
>
> ---
>
> **From:** Rocco, Giovanni <Giovanni.Rocco@cincinnati-oh.gov>
> **Sent:** Wednesday, September 14, 2022 2:30 PM
> **To:** Long, Sheryl <Sheryl.Long@cincinnati-oh.gov>
> **Cc:** Weber, William <William.Weber@cincinnati-oh.gov>
> **Subject:** DD Parking Zoning Text Amendment & IDC
>
> CM Long,
>
> This afternoon, our office transmitted the attached ordinance to the Clerk's office to be placed on the Council Calendar for next week. Given the nature of this zoning change, we would like the Administration to pursue an IDC in the DD District as it relates to surface parking while this proposal goes through the zoning process. Given the sensitive nature of this proposal, we would like the CPC to consider the IDC this Friday.
>
> Thank you, and feel free to reach out with any questions.
>
> Gio Rocco | Chief of Staff

Councilmember Mark Jeffreys
801 Plum Street, Room 346-A | Cincinnati, OH 45202
(O) 513-352-3464
Giovanni.Rocco@cincinnati-oh.gov
https://www.cincinnati-oh.gov

Downtown Residents Council
Public Library, Tower Room (3rd fl)
800 Vine Street, Cincinnati, Ohio 45202

West End Community Council
Carl Linder YMCA
1425 Linn Street, Cincinnati, Ohio 45214

Over-the-Rhine Community Council
OTR Community Center
1715 Republic Street, Cincinnati, Ohio 45202

Pendleton Neighborhood Council
Brewdog Cincinnati
316 Reading Rd., Cincinnati OH 45202

Mt. Adams Civic Association
Holy Cross/Immaculta Parish Center
30 Guido Street, Cincinnati, Ohio 45202

West End Neighborhood Development Corporation
2008 Freeman Avenue
Cincinnati, OH 45214

Over-the-Rhine Community Housing
114 West 14th Street
Cincinnati, OH 45202

city of CINCINNATI
CITY PLANNING & ENGAGEMENT

October 26, 2022

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

> **EXTENDING** Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District" as an overlay district for a period of NINE months, pursuant to Chapter 1431, "Interim Development Control Overlay District Regulations," of the Cincinnati Municipal Code.

Summary:
In September 2022, Council Member Mark Jeffreys introduced legislation to amend certain zoning code provisions governing development in the DD, "Downtown Development," zoning district to study the potential impacts of surface parking lots and make recommendations for potential zoning code text amendments. On September 15, 2022, City Manager Sheryl M. M. Long directed the Department of City Planning and Engagement (DCPE) to conduct a zoning study and propose an Interim Development Control (IDC) Overlay District over the Downtown Development zoning district for the duration of the study. The City Planning Commission recommended approval of the IDC 88, Surface Parking in the Downtown Development Zoning District, at its September 16, 2022 meeting, and City Council approved the establishment of IDC 88 at its September 21, 2022 meeting.

The City Planning Commission recommended the following on October 21, 2022, to City Council:

> **ADOPT** the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 88 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, One-Year IDC Overlay Districts, as discussed on pages 1 – 3 of the staff report; and,
>
> **RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 88, "Surface Parking in the Downtown Development Zoning District," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

Motion to Approve: Ms. Sesler

Seconded: Ms. Smitherman

Ayes: Mr. Samad
Mr. Weber
Mr. Stallworth
Ms. Sesler
Mr. Eby
Ms. Smitherman
Ms. Kearney

THE CITY PLANNING COMMISSION

Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement

city of CINCINNATI
Interdepartment Correspondence Sheet

October 24, 2022

To: Members of the Budget and Finance Committee

From: Sheryl M. M. Long, City Manager 202201990

Subject: **Emergency Ordinance – FY 2022 Year-End Recommended Transfers and Appropriations for City Council Allocation**

Attached is an Emergency Ordinance captioned:

> **AUTHORIZING** the transfer and appropriation of the sum of $7,294,178 from the balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer for the purpose of providing resources for identified one-time infrastructure and capital projects for identified urgent needs; AUTHORIZING the transfer of the sum of $104,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and AUTHORIZING the transfer and appropriation of the sum of $104,000 from the unappropriated surplus of the General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x162x7400 for the purpose of providing one-time funds to support Neighborhood Community Councils.

This Emergency Ordinance would authorize the various transfers and appropriations as recommended in the Administration's "FY 2022 Carryover – Additional Recommendations" FYI Memo (FYI Memo #4342) which includes the following transfers and appropriations:

Capital and Infrastructure Project Recommendation

The following is the Administration's recommended allocation of the remaining carryover funding dedicated to capital and infrastructure projects:

Department of Transportation and Engineering - Pedestrian Safety Program	$ 3,000,000
Department of Recreation	$ 1,300,000
Department of Parks	$ 1,000,000
Department of Community and Economic Development - Catalytic Neighborhood Capital Investment Program	$ 1,994,178
Total	**$ 7,294,178**

Reserve for Operating Budget Contingencies Account Recommendation

In addition to the capital funding, the Administration recommends that the City Council appropriate an additional $104,000 from the Reserve for Operating Budget Contingencies account to the Neighborhood Support Program—providing an additional $2,000 dollars to each Community Council. The work of the City's Community Councils is critical to maintaining our neighborhoods and this investment will support the people that work so hard on improving the quality of life in them.

Additional information regarding the overview of the City of Cincinnati's financial condition for the fiscal year (FY) ending June 30, 2022, can be found in the Department of Finance Reports for the Fiscal Year Ended June 30, 2022 (unaudited) (Item #202201887).

The reason for the emergency is the immediate need to accomplish the authorized transfers and appropriations so that the funding described herein is in place immediately and so that the necessary expenditures described herein may be made as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

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

Attachments

E M E R G E N C Y

LES

- 2022

AUTHORIZING the transfer and appropriation of the sum of $7,294,178 from the balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," to various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer for the purpose of providing resources for identified one-time infrastructure and capital projects for identified urgent needs; AUTHORIZING the transfer of the sum of $104,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and AUTHORIZING the transfer and appropriation of the sum of $104,000 from the unappropriated surplus of the General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x162x7400 for the purpose of providing one-time funds to support Neighborhood Community Councils.

WHEREAS, in 2015, in Ordinance No. 0253-2015, Council adopted a Stabilization Funds Policy to define appropriate funding for the City's various reserve funds, with such policy being later revised in 2019 through Ordinance No. 0213-2019 and revised again in 2022 through Ordinance No. 0056-2022; and

WHEREAS, in accordance with the revised Stabilization Funds Policy, Council established a new balance sheet reserve account within the General Fund, "Infrastructure and Capital Project Reserve," for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and

WHEREAS, Council is now appropriating the $7,294,178 in the "Infrastructure and Capital Project Reserve" balance sheet reserve account to various projects identified in the attached Schedule A of the Capital Budget Schedule of Transfer; now, therefore,

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

Section 1. That the sum of $7,294,178 is hereby transferred and appropriated from balance sheet reserve account 050x3440, "Infrastructure and Capital Project Reserve," to the various capital improvement program project accounts according to the attached Schedule A of the Capital Budget Schedule of Transfer for the purpose of providing resources for the one-time infrastructure

and capital projects identified in the attached Schedule A of the Capital Budget Schedule of Transfer.

Section 2. That the sum of $104,000 is hereby transferred from balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050.

Section 3. That the sum of $104,000 is hereby transferred and appropriated from the unappropriated surplus of the General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x162x7400 for the purpose of providing one-time funds to support Neighborhood Community Councils.

Section 4. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 3 herein.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accomplish the authorized transfers and appropriations so that the funding described herein is in place immediately and so that the necessary expenditures described herein may be made as soon as possible.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter totaling $7,294,178.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER:	DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER:	DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS PRIOR	REVISED	AMOUNT TO BE APPROPRIATED OR TRANSFERRED
Community & Economic Dev. Econ. Dev. & Major Spec. Proj. 164	050x3440	Infrastructure and Capital Project Reserve	231624	Neighborhood Business Development - GFCO	0.00	1,994,178.00	1,994,178.00
Recreation Administration 199	050x3440	Infrastructure and Capital Project Reserve	231915	Recreation Facilities Renovation - GFCO	2,500,000.00	3,800,000.00	1,300,000.00
Parks Administration & Program Services 203	050x3440	Infrastructure and Capital Project Reserve	232023	MLK Jr. Park - GFCO	0.00	750,000.00	750,000.00
	050x3440	Infrastructure and Capital Project Reserve	232027	Riverfront Parks Stabilization - GFCO	1,000,000.00	1,250,000.00	250,000.00
Transportation & Engineering Transportation Planning 232	050x3440	Infrastructure and Capital Project Reserve	232363	Pedestrian Safety Improvements - GFCO	0.00	3,000,000.00	3,000,000.00

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 13, 2022

To: Vice Mayor Jan-Michele Lemon Kearney

From: Emily Smart Woerner, City Solicitor EESW

Subject: **Emergency Ordinance – Greater Cincinnati Foundation Donation for Government Alliance on Race and Equity (GARE) Membership**

Transmitted herewith is an emergency ordinance captioned as follows:

> **AUTHORIZING** the City Manager to accept and appropriate a donation in an amount of up to $15,000 from the Greater Cincinnati Foundation to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing resources for a two-year membership with the Government Alliance on Race and Equity; and further AUTHORIZING the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571.

EESW/AKS(lb)
Attachment
371563

EMERGENCY

City of Cincinnati

AKS

EESW

An Ordinance No. _____ - 2022

AUTHORIZING the City Manager to accept and appropriate a donation in an amount of up to $15,000 from the Greater Cincinnati Foundation to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing resources for a two-year membership with the Government Alliance on Race and Equity; and further AUTHORIZING the Director of Finance to deposit the donated funds into General Fund revenue account no. 050x8571.

WHEREAS, there is a donation available from the Greater Cincinnati Foundation ("GCF") in the amount of up to $15,000 for the purpose of providing resources for a two-year membership with the Government Alliance on Race and Equity ("GARE"); and

WHEREAS, GARE is a national network comprised of over 400 government members aimed at achieving racial equity and provides numerous resources to members, including a resource sharing portal, weekly and monthly learning events, an annual membership conference, and other opportunities to interact with members; and

WHEREAS, GCF approached the City to offer the donation as occurred with other grants provided by the GCF to the City in past years; and

WHEREAS, acceptance of the donation requires no local match and there are no new FTEs associated with this donation; and

WHEREAS, this ordinance is in accordance with the "Live" goals to "[b]uild a robust public life" and "[c]reate a more livable community," as described on pages 149 and 156 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 accept and appropriate a donation in an amount of up to $15,000 from the Greater Cincinnati Foundation to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing resources for a two-year membership with the Government Alliance on Race and Equity.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into the General Fund revenue account no. 050x8571.

Section 3. That the proper City officials are authorized to use and expend the sum of up to $15,000 in accordance with Sections 1 and 2 hereof.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the GCF donation and join GARE in order to utilize resources aimed at achieving racial equity as soon as possible.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

city of CINCINNATI
Interdepartment Correspondence Sheet

October 19, 2022

To: Mayor and Members of City Council 202201919

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – OES: Brownfields Community-Wide Assessment Grant Application**

Attached is an Ordinance captioned:

> **AUTHORIZING** the City Manager to apply for a grant in the amount of up to $500,000 from the United States Environmental Protection Agency, the Brownfields Community-Wide Assessment Grant (ALN 66.818), through the Environmental Protection Agency's Brownfields Assessment Grant Program.

This Ordinance authorizes the City Manager to apply for a grant in the amount of up to $500,000 from the United States Environmental Protection Agency (EPA), the Brownfields Community-Wide Assessment Grant (ALN 66.818), through the Environmental Protection Agency's Brownfields Assessment Grant Program. This grant will provide resources for brownfield inventories, environmental assessments, community engagement plans, remedial action plans, and reuse and revitalization plans in environmentally vulnerable neighborhoods. The City neighborhoods targeted for this grant are in the Lower Mill Creek Industrial Corridor, including Northside, South Cumminsville, Millvale, North Fairmount, South Fairmount, Lower Price Hill, Camp Washington, and Queensgate.

The application deadline for this grant is November 22, 2022, and the Office of Environment and Sustainability (OES) may have applied for the grant prior to receiving approval from the City Council. Resources will not be accepted without Council approval.

This grant does not require matching funds or new FTEs.

Applying for the EPA Brownfields Community-Wide Assessment Grant is in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati" and strategy to "[c]reate a healthy environment and reduce energy consumption," and the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community," as described on pages 181-186 and 209 of Plan Cincinnati (2012)

The Administration recommends passage of this Ordinance.

PLAN CINCINNATI

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

Attachment

CFG

-2022

AUTHORIZING the City Manager to apply for a grant in the amount of up to $500,000 from the United States Environmental Protection Agency, the Brownfields Community-Wide Assessment Grant (ALN 66.818), through the Environmental Protection Agency's Brownfields Assessment Grant Program.

WHEREAS, the Brownfields Community-Wide Assessment Grant (ALN 66.818) is available from the United States Environmental Protection Agency's ("EPA") Brownfields Assessment Grant Program in an amount up to $500,000; and

WHEREAS, this grant will provide resources for brownfield inventories, environmental assessments, community engagement plans, remedial action plans, and reuse and revitalization plans in environmentally vulnerable neighborhoods; and

WHEREAS, the City neighborhoods targeted for this grant are in the Lower Mill Creek Industrial Corridor, including Northside, South Cumminsville, Millvale, North Fairmount, South Fairmount, Lower Price Hill, Camp Washington, and Queensgate; and

WHEREAS, the application deadline for the grant is November 22, 2022, and the Office of Environment and Sustainability may have applied for the grant prior to receiving approval from City Council, but no resources will be accepted without Council's approval; and

WHEREAS, no matching funds or new FTEs are required for acceptance of the grant; and

WHEREAS, applying for the EPA Brownfields Community-Wide Assessment Grant is in accordance with the "Sustain" goal to "[b]ecome a healthier Cincinnati" and strategy to "[c]reate a healthy environment and reduce energy consumption," and the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community," as described on pages 181-186 and 209 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 a grant in the amount of up to $500,000 from the United States Environmental Protection Agency, the Brownfields Community-Wide Assessment Grant (ALN 66.818), through the Environmental Protection Agency's Brownfields Assessment Grant Program.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and 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: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

city of CINCINNATI
Interdepartment Correspondence Sheet

October 19, 2022

202201921

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Amending Ordinance for Refunding General Obligation Bond Issues**

Transmitted herewith is an Ordinance captioned as follows:

> **AMENDING** Ordinance No. 0202-2022 to allow the City to provide for the defeasance of a portion of the City's outstanding general obligation bonds.

The amendment made effective by this ordinance will allow the Finance Department to utilize cash resources to call or defease outstanding general obligation bonds. The purpose of the cash defeasance, as well as refunding the bonds as is already authorized in the ordinance, is to achieve interest savings for the City of Cincinnati.

The ordinance includes a threshold that the Finance Director will only move forward with the defeasance or refunding, if the net present value of the resulting savings is equal to at least three percent (3%) of the principal of the bonds. This savings requirement may be waived by the Finance Director upon finding that such a restructuring is in the City's overall best financial interest. The ordinance includes possible candidates for defeasance or refunding because it is dependent upon interest rates. It will not be known which bonds will be defeased or refunded until closer to the date of sale.

The Administration recommends passage of this Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

KKF

-2022

AMENDING Ordinance No. 0202-2022 to allow the City to provide for the defeasance of a portion of the City's outstanding general obligation bonds.

WHEREAS, on June 23, 2022, Council approved Ordinance No. 0202-2022, which provided for the issuance, sale and delivery of bonds in the principal amount of $200,000,000 for the purpose of refunding all or a portion of certain outstanding general obligation bonds of the City; and

WHEREAS, the Director of Finance has recommended that the City have the ability to utilize cash defeasance as an option to pay the principal and/or interest of the authorized bonds in order to provide interest cost savings to provide flexibility for managing the City's debt obligations; now, therefore,

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

Section 1. That Sections 1, 2, 4, and 10 of Ordinance 0202-2022, approved by Council on June 23, 2022, are hereby amended as follows:

SECTION 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (the "City") in the principal amount of not to exceed $200,000,000 for the purpose of refunding all or a portion of the Prior Bonds (such portion is referred to herein as the "Refunded Prior Bonds"), which were originally issued to pay the cost and expense of various improvements throughout the City~~,~~ and refund previously outstanding bonds of the City~~,~~; and pay legal, advertising, printing and all expenses incidental to said improvements.

SECTION 2. That bonds of the City of Cincinnati, Ohio be issued in the principal amount of not to exceed $200,000,000 for the purpose aforesaid. The bonds shall be designated "City of Cincinnati, Ohio Unlimited Tax Various Purpose General Obligation Refunding Bonds" (the "Series 2022B Bonds") or as otherwise determined by the Director of Finance including the issuance of tax-exempt and/or taxable series of bonds as further provided in and set forth in the fiscal officer's certificate (the "Fiscal Officer's Certificate"). The final principal amount of the Series 2022B Bonds shall be established by the Director of Finance, provided that the Director of Finance has received written certification from Davenport & Company LLC, (the "Financial Advisor") that the Refunding Savings Threshold (as defined below) has been met. "Refunding Savings Threshold" means, as a result of the refunding of the Refunded Prior Bonds with proceeds of the Series 2022B Bonds, an aggregate reduction in the debt service with respect to such Refunded Prior Bonds which has a present value at the time of sale of the Series 2022B Bonds equal to at least three percent (3.00%) of the refunded par amount of the Refunded Prior Bonds. Said Series 2022B Bonds shall be dated the date of delivery, be in the denomination of $5,000 each, or any integral multiple thereof, designated as provided in the Fiscal Officer's Certificate, and numbered sequentially, and shall bear interest at the rate or rates not in excess of

six per centum (6.00%) per annum, payable December 1, 2023, and semiannually thereafter on June 1 and December 1 of each year until the principal sum is paid, all as determined by the Director of Finance and set forth in the Fiscal Officer's Certificate to be executed by the Director of Finance. Provided, however, that if said Series 2022B Bonds are sold bearing a different rate or rates of interest from that hereinbefore specified, said Series 2022B Bonds shall bear such rate or rates of interest as may be accepted by the Director of Finance. Said Series 2022B Bonds shall mature or be subject to mandatory sinking fund redemption on December 1 or such other date of each year, at such times and in such amounts, all as determined by the Director of Finance, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action by this Council of the City of Cincinnati, State of Ohio (the "Council"). The Director of Finance will determine whether the Series 2022B Bonds are callable (and associated call features) or non-callable at the time of financing, with such determination to be set forth in the Fiscal Officer's Certificate to be executed by the Director of Finance.

Notice of the call for redemption of said Series 2022B Bonds, specifying the numbers of the Series 2022B Bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent (as defined below) by registered or certified mail to the registered holders thereof, not less than thirty (30) days nor more than sixty (60) days prior to the date of redemption, upon which date all interest upon said Series 2022B Bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption, funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

This Council hereby finds and determines that it is necessary to provide for and authorizes the defeasance of certain Outstanding General Obligation Bonds by the deposit of cash and/or Escrow Securities into an escrow fund pursuant to an escrow trust agreement, between the City and U.S. Bank, National Association, (herein as Escrow Trustee) to be applied to the refunding of such Outstanding General Obligation Bonds, including all appurtenant interest payments and all applicable redemption premiums, as the same shall become due on the such bonds on the interest payment dates, maturity dates or earlier redemption dates thereof as further provided in such escrow trust agreement.

This Council hereby determines that the defeasance of certain Outstanding General Obligation Bonds of the City will be for a proper public and municipal purpose and in the best interests of the City.

SECTION 4. That for the purpose of providing the necessary funds to pay the interest on the foregoing issue of Series 2022B Bonds promptly when and as the same falls due, and also to provide for the discharge of said Series 2022B Bonds at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is hereby levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said Series 2022B Bonds are outstanding, outside of the limitations imposed by Article XII, Section 2, of the Constitution of Ohio and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said Series 2022B Bonds at maturity and to pay mandatory sinking fund redemptions, which

tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said Series 2022B Bonds when and as the same fall due; provided, however, that to the extent that funds from other sources are available and considered appropriated for such purpose, such tax need not be levied.

With respect to certain of the Series 2022B Bonds, in addition to the tax pledge contained above, this Council, for the City, covenants to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect such municipal income taxes in, amounts necessary to meet debt service charges on the Series 2022B Bonds.

With respect to a portion of the Series 2022B Bonds, the City may covenant to annually appropriate Revenues, as defined and provided in the various ordinances identified below, as all such taxes and revenues, other than ad valorem property taxes, in amounts necessary to meet debt service charges on the Series 2022B Bonds.

SECTION 10. That with respect to the funding of any escrow or escrows necessary or appropriate in connection with the refunding of the Refunded Prior Bonds with the proceeds of the Series 2022B Bonds, or any cash defeasance by the City, the Director of Finance is hereby authorized to take any and all appropriate action for the acquisition, at the appropriate time, of U.S. government obligations for the credit of such escrow or escrows and if necessary, to execute an escrow agreement with the Bond Registrar and Paying Agent for the refunding and/or defeasance of the Refunded Prior Bonds. Such U.S. government obligations may be in the form or forms recommended in writing by the Financial Advisor to the City and approved by Dinsmore & Shohl LLP, or other nationally recognized bond counsel. The Financial Advisor is hereby specifically authorized to act as the bidding agent or to procure on behalf of the City a bidding agent, to purchase escrow securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in any escrow agreement, as may be necessary, in order to fund, in part, any escrow or escrows in connection with refunding any Refunded Prior Bonds. Any attorney with Dinsmore & Shohl LLP, or other nationally recognized bond counsel, is hereby specifically authorized to execute and file on behalf of the City any subscriptions for United States Treasury Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow or escrows in connection with refunding any Refunded Prior Bonds. In addition, the Fiscal Officer is hereby authorized to employ a verification agent with respect to the refunding and/or defeasance of any Outstanding General Obligation Bonds.

In addition, with respect to the defeasance of certain Outstanding General Obligation Bonds of the City by depositing cash and/or Escrow Securities into an escrow fund, such defeasance of certain Outstanding General Obligation Bonds will enable the City, in the

judgment of the Fiscal Officer, based on the written advice of the Financial Advisor, to obtain net present value debt service savings with respect to such defeasance.

Section 2. That all terms of Ordinance 0202-2022 not amended in this ordinance remain in full force and effect.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. That the Director of Finance is hereby authorized and directed to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

New ordinance language underscored. Deleted ordinance language indicated by strikethrough.

city of CINCINNATI
Interdepartment Correspondence Sheet

October 19, 2022

To: Mayor and Members of City Council 202201907

From: Sheryl M.M. Long, City Manager

Subject: **Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with WDC, LLC**

Attached is an Emergency Ordinance captioned:

> **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with WDC, LLC, thereby authorizing a 10-year tax exemption for 100% of the value of improvements made to real property located at 1400 and 1408 Walnut Street, 106 and 110 E. 14th Street, and 1400 Clay Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of 5 historic buildings into approximately 2,466 square feet of commercial space and approximately 13,746 square feet of residential space consisting of 24 residential units, at a total construction cost of approximately $3,790,500.

BACKGROUND/CURRENT CONDITIONS

This project consists of the historic rehabilitation and renovation of five historic, vacant buildings owned by WDC, LLC clustered around the intersection of 14th Street and Walnut Street in the Over-the-Rhine neighborhood. The buildings are in disrepair and will require stabilization and a gut renovation to make the buildings habitable once again.

DEVELOPER INFORMATION

WDC, LLC is an Ohio limited liability corporation operated by Ms. Marilyn Scripps. Urban Sites is acting as the developer for the project on behalf of WDC, LLC. Urban Sites has extensive experience successfully rehabilitating historic buildings in the Over-the-Rhine neighborhood and throughout the city.

PROJECT DESCRIPTION

The Developer is proposing the rehabilitation of five (5) historic buildings in the Over-the-Rhine neighborhood to create 24 market-rate rental residential units and approximately 2,466 square feet of street-level commercial space divided into three (3) storefronts. The 24 residential units will consist of two (2) studios ranging from 459-557 square feet and 22 one-bedroom units ranging from 357-961 square feet. Rents will range between $935-$975/month for a studio and $800-$1,500/month for a one-bedroom. The

project is receiving state and federal historic tax credits and will be renovated to National Parks Service historic standards. Total project cost is $4,228,334 with construction costs estimated to be $3,790,500. The project is estimated to take 12 months to complete and will support the creation of eleven (11) full-time equivalent jobs with a total annual payroll of $385,000 and 20 temporary construction jobs with an annual payroll of $1,731,750.

This project achieves Goal 3 of the Live Initiative Area of *Plan Cincinnati* (2012) (pages 164-178) by providing a full spectrum of housing options and Goal 2 of the Live Initiative (pages 156-163) of creating a more livable community by activating property that has been vacant. The developer is ready to commence construction.

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
$800.00	$32,000.00	Municipal Worker, Health Case Worker, Custodian, Co-Op/Student Intern, Greenspace Manager, Card Punch Operator
$1,500.00	$60,000.00	Traffic Engineering Tech, Senior Plant Operator, Zoning Supervisor, Fire Fighter, Pharmacist, Law Enforcement Instructor

AMI	1	2	3	4	5	6	7	8
30%	$20,100	$22,950	$25,800	$28,650	$32,470	$37,190	$49,910	$46,360
50%	$33,450	$38,200	$43,000	$47,750	$51,600	$55,400	$49,250	$63,050
60%	$40,140	$45,840	$51,600	$57,300	$61,920	$66,480	$59,100	$75,660
80%	$53,520	$61,120	$68,800	$76,400	$82,560	$88,640	$78,800	$100,880

PROPOSED INCENTIVE

DCED is recommending a ten-year net 52% CRA tax exemption. The exemption applies only to the increase in improvement value attributed to the construction.

Pursuant to the Commercial CRA policy established by City Council, this project is located in the Streetcar VTICA area and is therefore subject to analysis based on project underwriting, VTICA contribution, and job creation to determine abatement terms. The project merits a ten-year net 52% CRA Tax Abatement based on the following criteria:

- Project produces marginal cash-on-cash return through year 10, healthy years 11-15

- Net 15% Streetcar VTICA contribution totals to $97,510
- Project will create 11 full-time equivalent positions that will add a total annual payroll of $385,000 and seven temporary construction jobs will add a total annual payroll of $650,000.
- Project provides a $4.52 return for every dollar of City investment.

SUMMARY	
Incentive Value	
Annual Net Incentive to Developer	$33,803
Total Term Incentive to Developer	**$338,035**
City's Portion of Property Taxes Forgone	**$0**
City's TIF District Revenue Forgone	**$474,549**
Public Benefit	
CPS PILOT	
Annual CPS Pilot	$21,452
Total Term CPS PILOT	**$214,522**
VTICA	
Annual VTICA	$9,751
Total Term VTICA	**$97,510**
Income Tax (Max)	**$100,472**
Total Public Benefit (CPS PILOT/VTICA /Income Tax)	**$412,504**
Total Public Benefit ROI*	$1.22
City's ROI*	$0.87

*This figure represents the total dollars returned for public purposes (City/Schools/Other) over the benefit received.

**This figure represents the total dollars returned for City/VTICA over the City's property taxes forgone including TIF district revenues. Note that projects may be recommended with an ROI of less than 1 if they meet specific policy objectives of the City like creation of new housing.

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the councilmember(s).

- Assistant City Manager: William Weber
- DCED Director: Markiea Carter
- Project Attorney: Samantha Brandenburg

The anticipated council timeline, which includes two Budget and Finance meetings if necessary is as follows:

- October 19, 2022: Introduction to City Council
- October 24, 2022: Budget and Finance (1)
- October 31, 2022: Budget and Finance (2)
- November 2, 2022: City Council for Final Approval

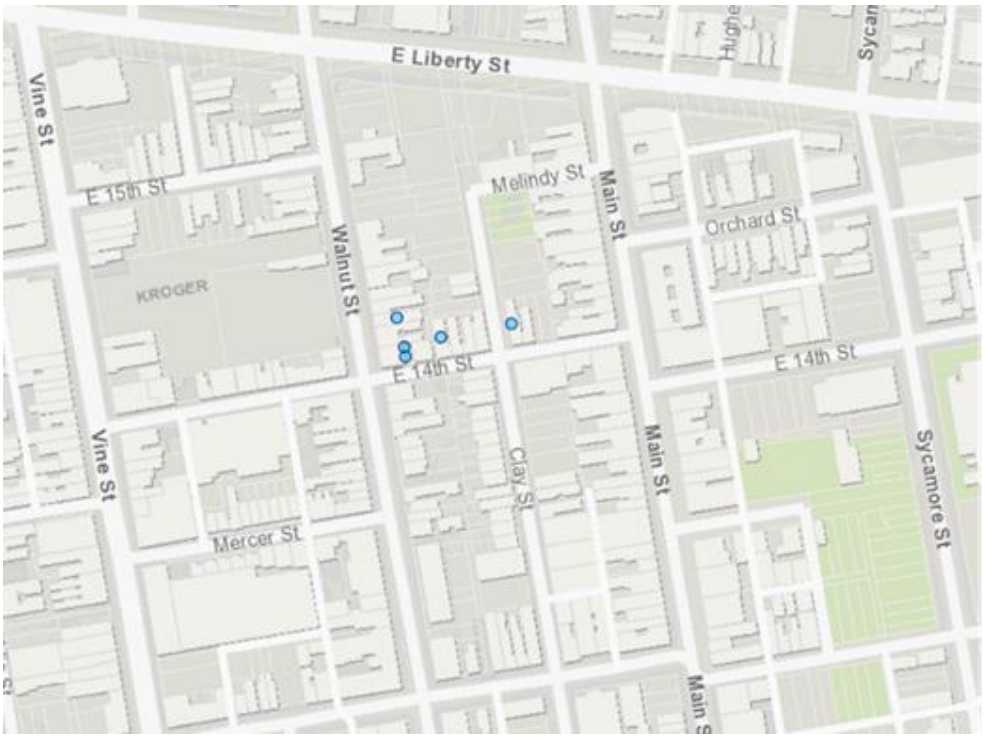
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This Ordinance is an Emergency Ordinance so the Developer can commence construction as soon as possible to retain their awarded state historic tax credits.

Attachment: A. Property location and photographs

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

Attachment A: Location and Photographs



Property Location

1400 Walnut Street

EMERGENCY

City of Cincinnati

EVK

EESW

An Ordinance No. _____ - 2022

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with WDC, LLC, thereby authorizing a 10-year tax exemption for 100% of the value of improvements made to real property located at 1400 and 1408 Walnut Street, 106 and 110 E. 14th Street, and 1400 Clay Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of 5 historic buildings into approximately 2,466 square feet of commercial space and approximately 13,746 square feet of residential space consisting of 24 residential rental units, at a total construction cost of approximately $3,790,500.

WHEREAS, to encourage the development of real property and the acquisition of personal property, the Council of the City of Cincinnati by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a "Community Reinvestment Area" pursuant to Ohio Revised Code ("ORC") Sections 3735.65 through 3735.70 (the "Statute"); and

WHEREAS, Ordinance No. 275-2017 passed by this Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by this Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, WDC, LLC (the "Company") desires to remodel 5 historic buildings on real property at 1400 and 1408 Walnut Street, 106 and 110 E. 14th Street, and 1400 Clay Street located within the corporate boundaries of the City of Cincinnati into approximately 2,466 square feet of commercial space and approximately 13,746 square feet of residential space consisting of 24 residential units (the "Improvements"), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the "Board of Education Agreement"), has approved exemptions of up to 100% of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33% of the exempt real property taxes; and

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 15% of the exempt real property taxes, which funds shall be committed by the third-party organization to support the streetcar that specially benefits the property; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company's operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per ORC Section 3735.673; now, therefore,

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with WDC, LLC (the "Agreement"), thereby authorizing a 10-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 1400 and 1408 Walnut Street, 106 and 110 E. 14th Street, and 1400 Clay Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of 5 historic buildings into approximately 2,466 square feet of commercial space and approximately 13,746 square feet of residential space consisting of 24 residential rental units, to be completed at a total construction cost of approximately $3,790,500.

Section 2. That Council authorizes the City Manager:

(i) to execute the Agreement on behalf of the City in substantially the form of Attachment A to this ordinance; and

(ii) to forward on behalf of Council a copy of the Agreement, within fifteen (15) days after execution, to the Director of the Ohio Development Services Agency in accordance with Ohio Revised Code Section 3735.671(F); and

(iii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Development Services Agency and to the Board of Education of the Cincinnati City School District in accordance with Ohio Revised Code Section 3735.672; and

(iv) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

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 allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Contract No. _____

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption 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 (the "City"), and WDC, LLC, an Ohio limited liability company (the "Company"), an affiliate of Urban Sites.

Recitals:

A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").

B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.

C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.

D. The Company is the sole owner of certain real property within the City, located at 1400 and 1408 Walnut Street, 106 and 110 E. 14th Street, and 1400 Clay Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.

E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.

F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars ($1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars ($750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.

J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.

K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").

L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").

M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.

N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.

O. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.

P. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.

Q. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.

R. This Agreement has been authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.

S. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel five historic neighboring buildings into approximately 2,466 square feet of commercial space and approximately 13,746 square feet of residential space consisting of 24 residential rental units on the Property (the "Improvements") at an estimated aggregate cost of $3,790,500 to commence after the execution of this Agreement and to be completed no later than December 31, 2023; *provided,* however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, 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 the Company 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.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of ten (10) years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural

significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2024 nor extend beyond the earlier of (i) tax year 2033 or (ii) the end of the tenth (10th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or

appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.[1]

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources. The Company 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, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs

[1] Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its 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. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 11 full-time permanent jobs, and (ii) 20 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) $385,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) $1,731,750 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption

percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C),

the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars ($1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (*Default)* and the basis for revocation under Section 18 (*Revocation*). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution in order to support the streetcar. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars ($500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars ($2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or

to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Urban Sites
Attn: Danny Lipson
1209 Sycamore Street
Cincinnati, Ohio 45202

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance 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.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax

abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (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. Cincinnati Municipal Code 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.

Section 37. Legal Requirements. In completing and operating the Project, the Company 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.

Section 38. 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.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2022

WDC, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

Authorized by resolution dated _____

Approved as to Form:

_____
Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: **1408 Walnut Street, Cincinnati, Ohio 45202**
Parcel ID No.: **080-0001-0125-00**

Situated in the County of Hamilton in the State of Ohio and in the City of Cincinnati, lying and being in Out-Lot No. 29 on the east side of Walnut Street, beginning at a point 70 feet north of Allison Street; thence running northwardly 21 feet and 6 inches; thence eastwardly 102 feet and 6 inches; thence southwardly 21 feet and 6 inches; thence westwardly 102 feet and 6 inches to the place of beginning.

Property Address: **1400 Walnut Street, Cincinnati, Ohio 45202**
Parcel ID No.: **080-0001-0268-00**

SITUATE IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET WITH THE EASTERLY RIGHT OF WAY OF WALNUT STREET, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS SOUTH 29°27'00" WEST, 7.08 FEET; THENCE ALONG THE EASTERLY RIGHT OF WAY OF WALNUT STREET, NORTH 15°31'00" WEST, 34.00 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY AS CONVEYED TO BSG2, LLC IN OFFICIAL RECORD 12012, PAGE 2141 (PARCEL 3) OF THE HAMILTON COUNTY, OHIO RECORDS, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS SOUTH 74°25'00" WEST, 5.00 FEET, THENCE LEAVING THE EASTERLY RIGHT OF WAY OF WALNUT STREET, ALONG THE SOUTHERLY LINE OF SAID BSG2 TRACT, NORTH 74°25'00" EAST, 49.22 FEET TO A POINT; THENCE LEAVING THE SOUTHERLY LINE OF SAID BSG2, LLC TRACT, ALONG A NEW DIVISION LINE, SOUTH 15°31'00" EAST, (PASSING A SET CROSS NOTCH AT 5.00 FEET) 34.00 FEET TO A SET CROSS NOTCH IN THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, SOUTH 74°25'00" WEST, 49.22 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.0384 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE BASED ON ORIGINAL CERTIFICATE NUMBER 20254 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.

Property Address: 106 E. 14th Street, Cincinnati, Ohio 45202
Parcel ID No.: 080-0001-0269-00

SITUATE IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET WITH THE EASTERLY RIGHT OF WAY OF WALNUT STREET, BEING WITNESSED BY A SET CROSS NOTCH WHICH BEARS, SOUTH 29°27'00" WEST, 7.08 FEET; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, NORTH 74°25'00" EAST, 49.22 FEET TO A SET CROSS NOTCH AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE LEAVING THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, ALONG A NEW DIVISION LINE, NORTH 15°31'00" WEST, (PASSING A SET CROSS NOTCH AT 29.00 FEET) 34.00 FEET TO A POINT IN THE SOUTHERLY LINE OF THE PROPERTY AS CONVEYED TO BSG2, LLC IN OFFICIAL RECORD 12012, PAGE 2141 (PARCEL 3) OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE LINES OF SAID BSG2 TRACT, THE FOLLOWING TWO COURSES AND DISTANCES, NORTH 74°25'00" EAST, 41.04 FEET TO A SET MAG NAIL AND SOUTH 15°31'00" EAST, 34.00 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS SOUTH 15°31'00" EAST, 5.00 FEET; THENCE LEAVING SAID BSG2 TRACT, ALONG THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, SOUTH 74°25'00" WEST, 41.04 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.0320 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

Property Address: 110 E. 14th Street, Cincinnati, Ohio 45202
Parcel ID No.: 080-0001-0144-00

Situated in the City of Cincinnati, County of Hamilton, State of Ohio, and being more particularly described as follows:

Being part of Outlot No. 29 and beginning at a point in the North line of Fourteenth Street (formerly Allison Street) 60 feet 2 inches west of the northwest corner of Clay and Allison Streets; thence west along the north side of Allison Street 26 feet to a point; thence northwardly 70 feet; thence eastwardly 26 feet; thence southwardly 70 feet to the place of beginning.

Property Address: 1400 Clay Street, Cincinnati, Ohio 45202
Parcel ID No.: 080-0001-0170-00

SITUATEDIN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, AND STATE OF OHIO, ON THE NORTH SIDE OF ALLISON STREET (NOW 14TH STREET) ABOUT 192 FEET WEST OF MAIN STREET, MEASURING 20 FEET IN THE FRONT ON ALLISON STREET (NOW 14TH STREET) AND EXTENDING BACK NORTHWARDLY THE SAME WIDTH IN REAR AS IN FRONT 70 FEET, SAID LOT OF LAND IS BOUNDED ON THE EAST BY THE LOT FORMERLY OWNED BY JOHN FREY. THE CENTER OF THE BRICK WALL BUILT BY FREY IS ON THE DIVISION LINE, AND ON THE WEST BY CLAY STREET. ALSO THE STRIP OF GROUND ADJOINING THE AFORESAID LOT IN THE REAR AND DESCRIBED AS FOLLOWS TO WIT:

ALL THAT PARCEL OF LAND SITUATED IN THE CITY OF CINCINNATI MEASURING 6 FEET 6 INCHES IN FRONT OF THE EAST SIDE OF CLAY STREET AND EXTENDING BACK EASTWARDLY THE SAME WIDTH PARALLEL WITH ALLISON STREET (NOW 14TH STREET) 30 FEET AND LIES 70 FEET NORTH OF 14TH STREET, SAID PREMISES ALSO BEING KNOWN AS 1400/16 CLAY STREET.

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED TO EXECUTION VERSION

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption 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 (the "City"), and WDC, LLC, an Ohio limited liability company (the "Company"), an affiliate of Urban Sites.

Recitals:

A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").

B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.

C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.

D. The Company is the sole owner of certain real property within the City, located at 1400 and 1408 Walnut Street, 106 and 110 E. 14th Street, and 1400 Clay Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.

E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.

F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars ($1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars ($750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.

J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.

K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").

L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").

M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.

N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.

O. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.

P. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.

Q. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.

R. This Agreement has been authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.

S. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel five historic neighboring buildings into approximately 2,466 square feet of commercial space and approximately 13,746 square feet of residential space consisting of 24 residential rental units on the Property (the "Improvements") at an estimated aggregate cost of $3,790,500 to commence after the execution of this Agreement and to be completed no later than December 31, 2023; *provided,* however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, 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 the Company 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.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of ten (10) years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural

significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2024 nor extend beyond the earlier of (i) tax year 2033 or (ii) the end of the tenth (10th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or

appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.[1]

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources. The Company 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, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs

[1] Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its 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. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 11 full-time permanent jobs, and (ii) 20 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) $385,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) $1,731,750 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption

percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C),

the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars ($1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and VTICA. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or VTICA Contribution shall constitute an event of default for purposes of Section 16 (*Default)* and the basis for revocation under Section 18 (*Revocation*). Subject to the terms of the VTICA, if the VTICA is unenforceable for reasons of infeasibility or otherwise, the Company shall enter into alternative arrangements providing for the economic equivalent of the VTICA Contribution in order to support the streetcar. Such arrangements may include, but are not limited to, providing for the economic equivalent of the VTICA Contribution through formation of a special improvement district. For purposes of this Section 19.B, alternative arrangements must result in services substantially similar to those that would have been supported through the VTICA and at a value that is the economic equivalent of the VTICA Contribution, which value shall not be required to exceed the VTICA Contribution amount that would have been payable by the Company. Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars ($500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars ($2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or

to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

Urban Sites
Attn: Danny Lipson
1209 Sycamore Street
Cincinnati, Ohio 45202

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance 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.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax

abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (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. Cincinnati Municipal Code 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.

Section 37. Legal Requirements. In completing and operating the Project, the Company 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.

Section 38. 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.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2022

WDC, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

Authorized by resolution dated _____

Approved as to Form:

_____
Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: **1408 Walnut Street, Cincinnati, Ohio 45202**
Parcel ID No.: **080-0001-0125-00**

Situated in the County of Hamilton in the State of Ohio and in the City of Cincinnati, lying and being in Out-Lot No. 29 on the east side of Walnut Street, beginning at a point 70 feet north of Allison Street; thence running northwardly 21 feet and 6 inches; thence eastwardly 102 feet and 6 inches; thence southwardly 21 feet and 6 inches; thence westwardly 102 feet and 6 inches to the place of beginning.

Property Address: **1400 Walnut Street, Cincinnati, Ohio 45202**
Parcel ID No.: **080-0001-0268-00**

SITUATE IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET WITH THE EASTERLY RIGHT OF WAY OF WALNUT STREET, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS SOUTH 29°27'00" WEST, 7.08 FEET; THENCE ALONG THE EASTERLY RIGHT OF WAY OF WALNUT STREET, NORTH 15°31'00" WEST, 34.00 FEET TO THE SOUTHWEST CORNER OF THE PROPERTY AS CONVEYED TO BSG2, LLC IN OFFICIAL RECORD 12012, PAGE 2141 (PARCEL 3) OF THE HAMILTON COUNTY, OHIO RECORDS, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS SOUTH 74°25'00" WEST, 5.00 FEET, THENCE LEAVING THE EASTERLY RIGHT OF WAY OF WALNUT STREET, ALONG THE SOUTHERLY LINE OF SAID BSG2 TRACT, NORTH 74°25'00" EAST, 49.22 FEET TO A POINT; THENCE LEAVING THE SOUTHERLY LINE OF SAID BSG2, LLC TRACT, ALONG A NEW DIVISION LINE, SOUTH 15°31'00" EAST, (PASSING A SET CROSS NOTCH AT 5.00 FEET) 34.00 FEET TO A SET CROSS NOTCH IN THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, SOUTH 74°25'00" WEST, 49.22 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.0384 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE BASED ON ORIGINAL CERTIFICATE NUMBER 20254 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.

Property Address: **106 E. 14th Street, Cincinnati, Ohio 45202**
Parcel ID No.: **080-0001-0269-00**

SITUATE IN SECTION 18, TOWN 4, FRACTIONAL RANGE 1, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET WITH THE EASTERLY RIGHT OF WAY OF WALNUT STREET, BEING WITNESSED BY A SET CROSS NOTCH WHICH BEARS, SOUTH 29°27'00" WEST, 7.08 FEET; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, NORTH 74°25'00" EAST, 49.22 FEET TO A SET CROSS NOTCH AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE LEAVING THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, ALONG A NEW DIVISION LINE, NORTH 15°31'00" WEST, (PASSING A SET CROSS NOTCH AT 29.00 FEET) 34.00 FEET TO A POINT IN THE SOUTHERLY LINE OF THE PROPERTY AS CONVEYED TO BSG2, LLC IN OFFICIAL RECORD 12012, PAGE 2141 (PARCEL 3) OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE LINES OF SAID BSG2 TRACT, THE FOLLOWING TWO COURSES AND DISTANCES, NORTH 74°25'00" EAST, 41.04 FEET TO A SET MAG NAIL AND SOUTH 15°31'00" EAST, 34.00 FEET TO A POINT IN THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, BEING WITNESSED BY A SET CROSS NOTCH, WHICH BEARS SOUTH 15°31'00" EAST, 5.00 FEET; THENCE LEAVING SAID BSG2 TRACT, ALONG THE NORTHERLY RIGHT OF WAY OF EAST 14TH STREET, SOUTH 74°25'00" WEST, 41.04 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 0.0320 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

Property Address: **110 E. 14th Street, Cincinnati, Ohio 45202**
Parcel ID No.: **080-0001-0144-00**

Situated in the City of Cincinnati, County of Hamilton, State of Ohio, and being more particularly described as follows:

Being part of Outlot No. 29 and beginning at a point in the North line of Fourteenth Street (formerly Allison Street) 60 feet 2 inches west of the northwest corner of Clay and Allison Streets; thence west along the north side of Allison Street 26 feet to a point; thence northwardly 70 feet; thence eastwardly 26 feet; thence southwardly 70 feet to the place of beginning.

Property Address: **1400 Clay Street, Cincinnati, Ohio 45202**
Parcel ID No.: **080-0001-0170-00**

SITUATEDIN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, AND STATE OF OHIO, ON THE NORTH SIDE OF ALLISON STREET (NOW 14TH STREET) ABOUT 162 FEET WEST OF MAIN STREET, MEASURING 20 FEET IN THE FRONT ON ALLISON STREET (NOW 14TH STREET) AND EXTENDING BACK NORTHWARDLY THE SAME WIDTH IN REAR AS IN FRONT 70 FEET. SAID LOT OF LAND IS BOUNDED ON THE EAST BY THE LOT FORMERLY OWNED BY JOHN FREY. THE CENTER OF THE BRICK WALL BUILT BY FREY IS ON THE DIVISION LINE, AND ON THE WEST BY CLAY STREET. ALSO THE STRIP OF GROUND ADJOINING THE AFORESAID LOT IN THE REAR AND DESCRIBED AS FOLLOWS TO WIT:

ALL THAT PARCEL OF LAND SITUATED IN THE CITY OF CINCINNATI MEASURING 8 FEET 6 INCHES IN FRONT OF THE EAST SIDE OF CLAY STREET AND EXTENDING BACK EASTWARDLY THE SAME WIDTH PARALLEL WITH ALLISON STREET (NOW 14TH STREET) 30 FEET AND LIES 70 FEET NORTH OF 14TH STREET. SAID PREMISES ALSO BEING KNOWN AS 1400/16 CLAY STREET.

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED TO EXECUTION VERSION

city of CINCINNATI
Interdepartment Correspondence Sheet

October 19, 2022

To: Mayor and Members of City Council 202201924

From: Sheryl M.M. Long, City Manager

Subject: **Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with 2378 Park Owner, LLC**

Attached is an Emergency Ordinance captioned:

> **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 2378 Park Owner, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 2378 Park Avenue in the Walnut Hills neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 26,078 square feet of residential space, consisting of 35 affordable residential rental units, at a total construction cost of approximately $2,362,838.

BACKGROUND/CURRENT CONDITIONS

2378 Park Avenue, LLC an affiliate of Urban Sites LLC plans to renovate the property located at 2738 Park Avenue in the Walnut Hills Neighborhood. The property has 35 former market-rate units which are being renovated and brought back to the market in line with affordable rents.

DEVELOPER INFORMATION

Urban Sites is a private real estate developer with $70M invested in the Greater Cincinnati Region. Urban Sites has a portfolio of over 90 commercial spaces (335,000SF) and 515 residential units. Many of these units have been brought to life through historic rehabilitation which has brought many new residents, new businesses, and job creation to the region.

PROJECT DESCRIPTION

The renovation of this existing apartment building will bring 35 affordable units. The project consists of (17) 1-bedroom units that rent at $911 and (18) 2-bedroom units that rent $1,090. The total project cost is estimated to be $3,839,745 with the construction cost estimated to be $2,362,838. At the proposed rents, the project is affordable to households at 50-60% AMI levels. The project is estimated to take eight months to complete and will support the creation of 20 temporary construction jobs with a total payroll of $1,250,000.

The proposed project is consistent with *Plan Cincinnati* within the Live Initiative Area's Goals to "Create a more livable community" (p. 156) and "Provide a full spectrum of housing options and improve housing quality and affordability" (p. 164).

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
$911.00	$39,640.00	Laboratory Assistant, Supervising Clerk, Clerk Typist 2,
$1,090.00	$43,600.00	Clerk Typist 3, Telecommunication Specialist, Fire Fighter, Paramedic 1

AMI	1	2	3	4	5	6	7	8
30%	$20,100	$22,950	$25,800	$28,650	$32,470	$37,190	$49,910	$46,360
50%	$33,450	$38,200	$43,000	$47,750	$51,600	$55,400	$49,250	$63,050
60%	$40,140	$45,840	$51,600	$57,300	$61,920	$66,480	$59,100	$75,660
80%	$53,520	$61,120	$68,800	$76,400	$82,560	$88,640	$78,800	$100,880

PROPOSED INCENTIVE

DCED is recommending a 15-year, net 67% CRA tax exemption. This recommendation is based on a commitment from the developer to keep the rents affordable to households at 60% of AMI households for the term of the CRA. The exemption only applies to the increase in improvement value attributed to the construction.

Pursuant to the Commercial CRA policy established by City Council, this project scored 3 points as indicated below. However, based on a commitment from the developer to keep the rents affordable to 60% of AMI households for the term of the CRA, the Department is recommending a 15-year net 67% CRA, consistent with the established City policy for Low-Income Housing Tax Credit projects and merited by the project underwriting.

Tax Abatement:

"But For" Analysis (0-3 points) *	3
LEED (0-6 points)	0
Neighborhood VTICA (1 point for contributions over 1% but less than 15% and 8 points for contributions of 15% or more)	0
TOTAL	**3**

* *"But For" Analysis Explanation:* 3 points were awarded for the following reasons:

- Even with an abatement, the projected return on equity is at 6% for a for-profit developer for the first 15 years following renovation.
- Providing this level of abatement will lower operating costs and help maintain lower rents that will support a lower AMI household.
- Park Avenue committed to keeping the rents affordable to 60% of AMI households for the duration of the 15-year term.

SUMMARY	
Incentive Value	
Annual Net Incentive to Developer	$29,398
Total Term Incentive to Developer	**$440,965**
City's Portion of Property Taxes Forgone	**$84,943**
City's TIF District Revenue Forgone (Term)	**$480,455**
Public Benefit	
CPS PILOT	
Annual CPS Pilot	$14,479
Total Term CPS PILOT	**$217,192**
VTICA	
Annual VTICA	$0
Total Term VTICA	**$0**
Income Tax (Max)	**$15,000**
Total Public Benefit (CPS PILOT/VTICA /Income Tax)	**$232,192**
Total Public Benefit ROI*	$0.53
City's ROI**	$0.41

*This figure represents the total dollars returned for public purposes (City/Schools/Other) over the benefit received. Note that projects may be recommended with an ROI of less than 1 if they meet specific policy objectives of the City like creation of new housing.
**This figure represents the total dollars returned for City/VTICA over the City's property taxes forgone including TIF district revenues. Note that projects may be recommended with an ROI of less than 1 if they meet specific policy objectives of the City like creation of new housing.

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the council member(s).

- Assistant City Manager: William Weber
- DCED Director: Markiea Carter
- Project Attorney: Samantha Brandenburg

The anticipated council timeline, which includes two Budget and Finance meetings if necessary is as follows:

- October 19, 2022: Introduction to City Council
- October 24, 2022: Budget and Finance (1)
- October 31, 2022: Budget and Finance (2)
- November 2, 2022: Budget and Finance

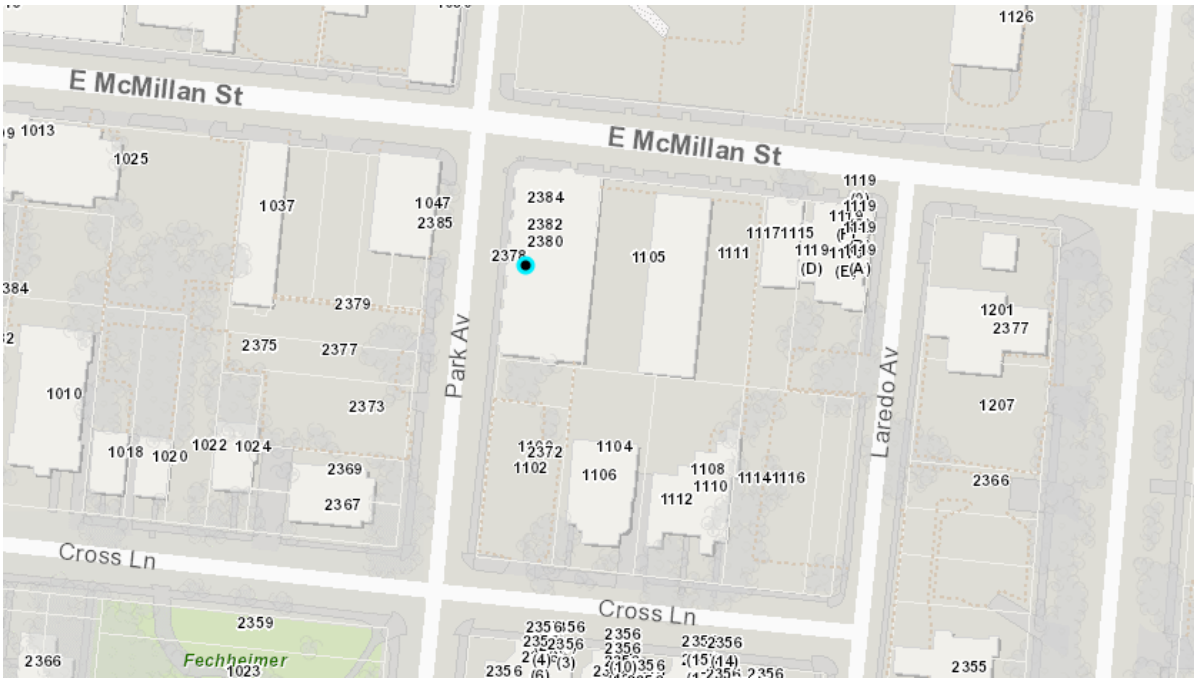
RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance so construction pricing can hold stable, and renovation can begin while the weather is still suitable.

Attachment: A. Property location and photographs

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

Attachment A: Location and Photographs



Property Location

2378 Park Avenue

EMERGENCY

City of Cincinnati

EVK

An Ordinance No. _____ -2022

EESW

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 2378 Park Owner, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 2378 Park Avenue in the Walnut Hills neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 26,078 square feet of residential space, consisting of 35 affordable residential rental units, at a total construction cost of approximately $2,362,838.

WHEREAS, to encourage the development of real property and the acquisition of personal property, the Council of the City of Cincinnati by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a "Community Reinvestment Area" pursuant to Ohio Revised Code ("ORC") Sections 3735.65 through 3735.70 (the "Statute"); and

WHEREAS, Ordinance No. 275-2017 passed by this Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by this Council on October 31, 2018, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, 2378 Park Owner, LLC (the "Company") desires to remodel an existing building on real property at 2378 Park Avenue, located within the corporate boundaries of the City of Cincinnati, into approximately 26,078 square feet of residential space, consisting of 35 residential rental units (the "Improvements"), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a *Community Reinvestment Area Tax Exemption Agreement*, in substantially the form of Attachment A to this ordinance (the "Agreement"), to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the Company has represented and warranted to the City that it will, for the term of the real property exemption, lease the residential rental units to individuals with gross household income at or below 60% of Area Median Income, on the terms and conditions more particularly described in the Agreement; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the "Board of Education Agreement"), has approved exemptions of up to 100% of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33% of the exempt real property taxes; and

WHEREAS, the Improvements do not involve relocation of part or all of the Company's operations from another county or municipal corporation in Ohio or, if there is relocation, notice has been given per ORC Section 3735.673; now, therefore,

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with 2378 Park Owner, LLC (the "Agreement"), thereby authorizing a 15-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 2378 Park Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 26,078 square feet of residential space, consisting of 35 affordable residential rental units, to be completed at a total construction cost of approximately $2,362,838.

Section 2. That Council authorizes the City Manager:

(i) to execute the Agreement on behalf of the City in substantially the form of Attachment A to this ordinance; and

(ii) to forward on behalf of Council a copy of the Agreement, within fifteen (15) days after execution, to the Director of the Ohio Development Services Agency in accordance with Ohio Revised Code Section 3735.671(F); and

(iii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Development Services Agency and to the Board of Education of the Cincinnati City School District in accordance with Ohio Revised Code Section 3735.672; and

(iv) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

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 allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Contract No. _____

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption 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 (the "City"), and 2378 PARK OWNER, LLC, an Ohio limited liability company (the "Company"), an affiliate of Urban Sites.

Recitals:

A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").

B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.

C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.

D. The Company is the sole owner of certain real property within the City, located at 2378 Park Avenue, Cincinnati, Ohio 45206 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.

E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.

F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

(i) the City application fee of One Thousand Two Hundred Fifty Dollars ($1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars ($750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.

J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.

K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").

L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").

M. The Company represents that within the past five (5) years neither the Company, nor any related member of the Company nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.

N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.

O. The Company acknowledges that the Walnut Hills neighborhood of Cincinnati is in need of assistance in creating and maintaining affordable housing. Therefore, the Company represents and warrants to the City that it will, for the term of the abatement provided pursuant hereto, lease all units at the Property to individuals with gross household income at or below 60% of Area Median Income as determined and published annually by the U.S. Department of Housing and Urban Development (the "Affordable Units") for the Cincinnati OH-KY-IN HUD Metro Area.

P. This Agreement has been authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.

Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the Affordable Units, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants

contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel an existing building into approximately 26,078 square feet of residential space, consisting of 35 residential rental units, which include the Affordable Units, on the Property (the "Improvements") at an estimated aggregate cost of $2,362,838 to commence after the execution of this Agreement and to be completed no later than April 24, 2024; *provided,* however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, 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 the Company 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.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of fifteen (15) years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer, and with such application submit evidence of the Company's leasing of the Affordable Units. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event

shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program. [1]

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources. The Company 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, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors 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 SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its 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. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create, or cause to be created, 20 full-time equivalent temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling.

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[1] Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately $1,250,000 of additional annual payroll prior to the completion of the Project with respect to the full-time equivalent temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report.

A. Generally. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City

Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information, for the Annual Review and Report to the City no later than March 1 of each year.

B. Affordable Units Reporting. In the event that the Company provides evidence to the City with the completion application that it will be leasing the Affordable Units for the term of the abatement provided for hereunder, then for the Annual Review and Report, the Company shall also provide the City's Tax Incentive Review Council (or the City Manager, if so requested by the City) with an affidavit certifying that it has leased the Affordable Units for the prior year and any other information requested by the Council or the City Manager to ensure compliance with the Company's representation regarding the Affordable Units.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future

economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars ($1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and Affordable Units. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or the provision of the Affordable Units shall constitute an event of default for purposes of Section 16 (*Default)* and the basis for revocation under Section 18 (*Revocation*). Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars ($500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars ($2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

2378 Park Owner, LLC
The Western and Southern Life Insurance Company
400 Broadway, MS 37

Cincinnati, Ohio 45202
Attn: General Counsel

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance 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.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents

required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (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. Cincinnati Municipal Code 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.

Section 37. Legal Requirements. In completing and operating the Project, the Company 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.

Section 38. 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.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2022

Approved as to Form:

_____
Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

2378 PARK OWNER, LLC,
an Ohio limited liability company

By: 2378 Park Holding, LLC,
a Delaware limited liability company,
Its: Sole Member

By: Walnut Hills Interests, LLC,
an Ohio limited liability company
Its: Managing Member

By: _____
Gregory W. Olson, Manager

Authorized by resolution dated _____

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 2378 Park Avenue, Cincinnati, Ohio 45206
Auditor's Parcel No.: 063-0003-0071-00

Situated in the City of Cincinnati, County of Hamilton, State of Ohio. Beginning at the southeast corner of McMillan Street and Park Avenue; thence running along the south side of McMillan Street, in an easterly direction sixty (60) feet; thence southwardly at right angles to said McMillan Street, one hundred forty (140) feet, more or less, to the North line of lands formerly owned by Joseph B. Foraker and Elizabeth Appleton; thence along the said line in a westerly direction and parallel to McMillan Street sixty (60) feet, to the east line of Park Avenue; thence along the east line of Park Avenue in a northerly direction one hundred forth (140) feet, more or less, to the place of beginning.

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED TO EXECUTION VERSION

Community Reinvestment Area Tax Exemption Agreement

This Community Reinvestment Area Tax Exemption 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 (the "City"), and 2378 PARK OWNER, LLC, an Ohio limited liability company (the "Company"), an affiliate of Urban Sites.

Recitals:

A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").

B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.

C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.

D. The Company is the sole owner of certain real property within the City, located at 2378 Park Avenue, Cincinnati, Ohio 45206 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.

E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.

F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.

G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

(i) the City application fee of One Thousand Two Hundred Fifty Dollars ($1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars ($750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.

J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.

K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").

L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").

M. The Company represents that within the past five (5) years neither the Company, nor any related member of the Company nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.

N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.

O. The Company acknowledges that the Walnut Hills neighborhood of Cincinnati is in need of assistance in creating and maintaining affordable housing. Therefore, the Company represents and warrants to the City that it will, for the term of the abatement provided pursuant hereto, lease all units at the Property to individuals with gross household income at or below 60% of Area Median Income as determined and published annually by the U.S. Department of Housing and Urban Development (the "Affordable Units") for the Cincinnati OH-KY-IN HUD Metro Area.

P. This Agreement has been authorized by Ordinance No. _____-2022, passed by Cincinnati City Council on _____, 2022.

Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the Affordable Units, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

NOW, THEREFORE, pursuant to Ohio Revised Code Section 3735.67(A) and in conformity with the format required under Ohio Revised Code Section 3735.671, in consideration of the mutual covenants

contained herein and the benefit to be derived by the parties from the execution hereof, the parties agree as follows:

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel an existing building into approximately 26,078 square feet of residential space, consisting of 35 residential rental units, which include the Affordable Units, on the Property (the "Improvements") at an estimated aggregate cost of $2,362,838 to commence after the execution of this Agreement and to be completed no later than April 24, 2024; *provided,* however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, 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 the Company 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.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of fifteen (15) years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer, and with such application submit evidence of the Company's leasing of the Affordable Units. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15th) year of exemption.

Section 3. Use; Maintenance; Inspections. The Company shall use the Property solely for the purposes described in Section 1 hereof and shall properly maintain and repair the Property throughout the period of tax exemption authorized herein. The Company authorizes the Housing Officer, or the Housing Officer's designees, to enter upon the Property as reasonably required to perform property inspections in accordance with Ohio Revised Code Section 3735.68.

Section 4. Compliance with Board of Education Agreement. As a condition of the tax exemption authorized under this Agreement, the Company agrees to enter into and comply with its obligation under the Board of Education Agreement.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

Section 10. City Not Liable. The Company acknowledges that the exemption authorized in this Agreement is subject to approval and implementation by the appropriate state and/or county taxing authorities. The Company acknowledges that the City does not give any guarantee or assurance that the exemption approved in this Agreement will be so approved, and the Company agrees that in no event

shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program. [1]

A. Compliance with Small Business Enterprise Program. The policy of the City is that a fair share of contracts be awarded to Small Business Enterprises (as such term is defined in Cincinnati Municipal Code ("CMC") Section 323-1-S, "SBEs"). Pursuant to CMC Section 323-11, the City's annual goal for SBE participation shall be thirty percent (30%) of the City's total dollars spent for construction (as such term is defined in CMC Section 323-1-C4), supplies (as such term is defined in CMC Section 323-1-S5), services (as such term is defined in CMC Section 323-1-S) and professional services (as such term is defined in CMC Section 323-1-P2). Accordingly, the Company shall use its best efforts and take affirmative steps to achieve the City's goal of voluntarily meeting thirty percent (30%) SBE participation. A list of SBEs may be obtained from the City's Department of Economic Inclusion. The Company may refer interested firms to the City's Department of Economic Inclusion for review and possible certification as an SBE. The Company shall comply with the provisions of CMC Chapter 323, including without limitation taking at least the following affirmative steps:

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources. The Company 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, as applicable.

(iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.

(v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors 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 SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its 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. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

Section 12. Jobs. The Company represents that, as of the date of the execution of this Agreement, the Company has no existing employment at the Property or in the State.

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create, or cause to be created, 20 full-time equivalent temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling.

[1] Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately $1,250,000 of additional annual payroll prior to the completion of the Project with respect to the full-time equivalent temporary construction jobs.

C. Community Reinvestment Area Employment. The Company shall (i) adopt hiring practices to ensure that at least twenty-five percent (25%) of the new employees shall be residents of the City of Cincinnati and (ii) give preference to residents of the City relative to residents of the State who do not reside in the City when hiring new employees under this Agreement.

D. Posting Available Employment Opportunities. To the extent allowable by law, the Company shall use its best efforts to post available employment opportunities within the Company's organization or the organization of any subcontractor working with the Company with the Ohio Means Jobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-746-7200.

Section 14. Equal Employment Opportunity. This Agreement is subject to the City's Equal Employment Opportunity Program contained in CMC Chapter 325. The Equal Employment Opportunity Clause in CMC Section 325-9 is incorporated by reference in this Agreement. The term "Company" is substituted for "Contractor" throughout CMC Section 325-9 in the context of this Agreement.

Section 15. Compliance with Immigration and Nationality Act. In the performance of its obligations under this Agreement, the Company agrees to comply with the provisions of the Immigration and Nationality Act codified at 8 U.S.C. §§ 1324a(a)(1)(A) and (a)(2). Any noncompliance with such provisions shall be solely determined by either the federal agencies authorized to enforce the Immigration and Nationality Act or the U.S. Attorney General, in accordance with Executive Order 12989 of the U.S. President dated February 13, 1996, and as amended by Executive Order 13465 of the U.S. President dated June 6, 2008.

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report.

A. Generally. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City

Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information, for the Annual Review and Report to the City no later than March 1 of each year.

B. Affordable Units Reporting. In the event that the Company provides evidence to the City with the completion application that it will be leasing the Affordable Units for the term of the abatement provided for hereunder, then for the Annual Review and Report, the Company shall also provide the City's Tax Incentive Review Council (or the City Manager, if so requested by the City) with an affidavit certifying that it has leased the Affordable Units for the prior year and any other information requested by the Council or the City Manager to ensure compliance with the Company's representation regarding the Affordable Units.

Section 18. Revocation.

A. Generally. Pursuant to Ohio Revised Code Section 3735.68, the housing officer shall make annual inspections of the properties within the community reinvestment area upon which are located structures or remodeling for which an exemption has been granted under Ohio Revised Code Section 3735.67. If the housing officer finds that the property has not been properly maintained or repaired due to the neglect of the Company, the housing officer may revoke the exemption at any time after the first year of exemption. If the Company has materially failed to fulfill its obligations under this Agreement, or if the owner is determined to have violated division (E) of that section (see Section 18(B) of this Agreement), City Council, subject to the terms of the agreement, may revoke the exemption at any time after the first year of exemption. The housing officer or City Council shall notify the county auditor and the Company that the tax exemption no longer applies. If the housing officer or legislative authority revokes a tax exemption, the housing officer shall send a report of the revocation to the community reinvestment area housing council and to the tax incentive review council established pursuant to section 3735.69 or 5709.85 of the Revised Code, containing a statement of the findings as to the maintenance and repair of the property, failure to fulfill obligations under the written agreement, or violation of division (E) of Ohio Revised Code Section 3735.671, and the reason for revoking the exemption.

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future

economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars ($1,000) and/or a term of imprisonment of not more than six (6) months.

B. Material Representations – Board of Education Agreement and Affordable Units. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement or the provision of the Affordable Units shall constitute an event of default for purposes of Section 16 (*Default)* and the basis for revocation under Section 18 (*Revocation*). Any determination of infeasibility or mechanism for providing alternative arrangements is subject to approval by the City at its sole discretion. Nothing in this Section 19.B shall operate to limit the City's enforcement authority under this Agreement including, without limitation, Section 16, Section 18, and Section 19.A.

Section 20. Conflict of Interest. The Company covenants that, to the Company's knowledge, no employee of the City has any personal interest, direct or indirect, in any matters pertaining to the Project, and the Company agrees to take appropriate steps to prevent any employee of the City from obtaining any such interest throughout the term of this Agreement.

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars ($500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars ($2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

Section 23. Notices. Unless otherwise specified herein, each party shall address written notices, demands and communications in connection with this Agreement to the other party as follows (or to such other address as is communicated in accordance with this Section):

To the City:

City of Cincinnati
Attention: Director of the Department of Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue
Cincinnati, Ohio 45202

To the Company:

2378 Park Owner, LLC
The Western and Southern Life Insurance Company
400 Broadway, MS 37

Cincinnati, Ohio 45202
Attn: General Counsel

If the Company sends a notice to the City alleging that the City is in default under this Agreement, the Company shall simultaneously send a copy of such notice to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

Section 24. Acknowledgment of City Participation. The Company agrees to acknowledge the support of the City on construction signs, project and exhibition signage, and any publicity such as that appearing on the internet, television, cable television, radio, or in the press or any other printed media. In identifying the City as a Project partner, the Company shall use either the phrase "Project Assistance 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.

Section 25. Entire Agreement. This Agreement and the Exhibits attached hereto constitute the entire agreement between the City and the Company with respect to the subject matter herein, superseding any prior or contemporaneous agreement with respect thereto.

Section 26. Governing Law. This Agreement is entered into and is to be performed in the State. The City and the Company agree that the law of the State of Ohio shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement.

Section 27. Waiver. The City's waiver of any breach by the Company of any provision of this Agreement shall not constitute or operate as a waiver by the City of any other breach of such provision or of any other provisions, nor shall any failure or delay by the City to enforce any provision hereof operate as a waiver of such provision or of any other provision.

Section 28. Severability. This Agreement shall be severable; if any part or parts of this Agreement shall for any reason be held invalid or unenforceable by a court of competent jurisdiction, all remaining parts shall remain binding and in full force and effect.

Section 29. Amendment. This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

Section 31. Recording. At its election, the City may record this Agreement at the City's expense in the Hamilton County Recorder's Office.

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

Section 33. Additional Representations and Warranties of Company. The Company represents and warrants that (a) it is duly organized and existing and it has full power and authority to take, and has taken, all action necessary to execute and deliver this Agreement and any other documents

required or permitted to be executed or delivered by it in connection with this Agreement, and to fulfill its obligations hereunder; (b) no notices to, or consents, authorizations or approvals of, any person are required (other than any already given or obtained) for its due execution, delivery and performance of this Agreement; and (c) this Agreement has been duly executed and delivered by it and constitutes the legal, valid and binding obligation of the Company.

Section 34. Certification as to Non-Debarment. The Company represents that neither it nor any of its principals is presently debarred by any federal, state, or local government agency. In completing the Project, the Company shall not solicit bids from any contractors or subcontractors who are identified as being debarred by any federal, state, or local government agency. If the Company or any of its principals becomes debarred by any federal, state, or local government agency during the term of this Agreement, the company shall be considered in default under this Agreement.

Section 35. Appeals. Pursuant to Ohio Revised Code Section 3735.70, a person aggrieved under the Statute or this Agreement may appeal to the community reinvestment area housing council, which shall have the authority to overrule any decision of a housing officer. Appeals may be taken from a decision of the council to the court of common pleas of the county where the area is located.

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (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. Cincinnati Municipal Code 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.

Section 37. Legal Requirements. In completing and operating the Project, the Company 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.

Section 38. 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.

Remainder of this page intentionally left blank. Signature page follows.

Executed by the parties on the dates indicated below, effective as of the later of such dates (the "Effective Date").

CITY OF CINCINNATI,
an Ohio municipal corporation

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2022

Approved as to Form:

_____
Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

2378 PARK OWNER, LLC,
an Ohio limited liability company

By: 2378 Park Holding, LLC,
a Delaware limited liability company,
Its: Sole Member

By: Walnut Hills Interests, LLC,
an Ohio limited liability company
Its: Managing Member

By: _____
Gregory W. Olson, Manager

Authorized by resolution dated _____

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 2378 Park Avenue, Cincinnati, Ohio 45206
Auditor's Parcel No.: 063-0003-0071-00

Situated in the City of Cincinnati, County of Hamilton, State of Ohio. Beginning at the southeast corner of McMillan Street and Park Avenue; thence running along the south side of McMillan Street, in an easterly direction sixty (60) feet; thence southwardly at right angles to said McMillan Street, one hundred forty (140) feet, more or less, to the North line of lands formerly owned by Joseph B. Foraker and Elizabeth Appleton; thence along the said line in a westerly direction and parallel to McMillan Street sixty (60) feet, to the east line of Park Avenue; thence along the east line of Park Avenue in a northerly direction one hundred forth (140) feet, more or less, to the place of beginning.

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED TO EXECUTION VERSION

city of CINCINNATI
Interdepartment Correspondence Sheet

October 19, 2022

To: Mayor and Members of City Council 202201906

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Authorizing a Grant of Easement in favor of Market House, LLC**

Attached is an Ordinance captioned:

> **AUTHORIZING** the City Manager to execute a *Grant of Easement* in favor of Market House, LLC, pursuant to which the City of Cincinnati will grant an access easement across a portion of City-owned real property in Over-the-Rhine.

BACKGROUND/CURRENT CONDITIONS

118 W. Elder Street is a City-owned property in the Over-the-Rhine neighborhood. The property contains a 3.5-story historic mixed-use building. The building was leased to and managed by the Corporation for Findlay Market (CFFM). The bottom floor is occupied by two commercial tenants, Silverglades Deli and Pet Wants, while the upper floors have been vacant for several years.

Pursuant to a Preferred Developer Agreement with OTR Holdings, Inc., a subsidiary of 3CDC, the City granted OTR Holdings, Inc. the right to solicit development proposals for the property through an open and public process. Through that process, OTR Holdings, Inc. recommended the City sell the upper floors to husband and wife Andrew Reider and Rachel Reider. The building was subdivided into a residential air lot consisting of the upper floors of 118 W. Elder Street and a street-level commercial lot at 118 W. Elder Street, which is retained by the City and leased to CFFM. The property sale of the upper floors was approved by City Council on June 27, 2018 under Ordinance No. 212-2018

The address for the newly created air parcel is 1811 Pleasant Street. Sole access to the property is from the former Pleasant Street right-of-way, in between Sellew Alley and W. Elder Street. This section of Pleasant Street was vacated in 2010 and is currently owned by the City of Cincinnati and1811 Pleasant Street was transferred to Market House, LLC in March of 2022. A Right-of-Entry (ROE) was executed to grant temporary access to permit construction commencement, but will expire in March of 2023, or once a permanent grant of easement is executed and recorded.

DEVELOPER INFORMATION

Market House, LLC is owned by Andrew and Rachel Reider. The Reiders previously lived in Over-the-Rhine and will move into the building with their children following construction completion. The Reiders will remain the sole owner of the parcel.

PROJECT DESCRIPTION

Market House, LLC is in the process of renovating 1811 Pleasant Street into one owner-occupied unit, which the Reiders will occupy, and two market-rate, one-bedroom, renter-occupied units. An access easement will permit building access to the property.

The easement will be a six-foot-wide section along the west property line of the former Pleasant Street ROW, totaling approximately 480 square feet. Fair market value (FMV) is $900.00, but the easement will be granted for $1 as the access issue was not identified when FMV was determined for the property sale.

City Planning Commission approved the easement on August 5, 2022.

The proposed project is consistent with *Plan Cincinnati* (2012) in the Live Initiative Area's Goal to "Provide a full spectrum of housing options, and improve housing quality and affordability" (p. 164) and the Sustain Initiative Area's Strategy to "Preserve our built history" (p. 197). It is also consistent with portions of the *Over-the-Rhine Comprehensive Plan* (2002) in the Housing section and the *Brewery District Master Plan* (2013) within Goal 4: Rediscovering a Mixed-Use Economy (p. 74).

PROPOSED INCENTIVE

DCED is recommending a grant of easement to Market House, LLC at the reduced price of $1. DCED's recommendation is based on the following reasons:

- Without this easement, the owners and future tenants will not have legal access to their property.
- The access issue was not identified when FMV was determined for the property sale.
- The project will return the upper floors of the property back into productive use by renovating vacant property into three (3) housing units. This site has been dormant for several years.

PROJECT TEAM & TIMELINE

The project team (listed below) will make themselves available at the request of the councilmember(s).

- Assistant City Manager: William Weber
- DCED Director: Markiea L. Carter
- Project Attorney: Charles Martinez

The anticipated council timeline, which includes two Budget and Finance meetings if necessary is as follows:

- October 24, 2022: Budget and Finance (1)
- October 31, 2022: Budget and Finance (2)
- November 2, 2022: City Council for Final Approval

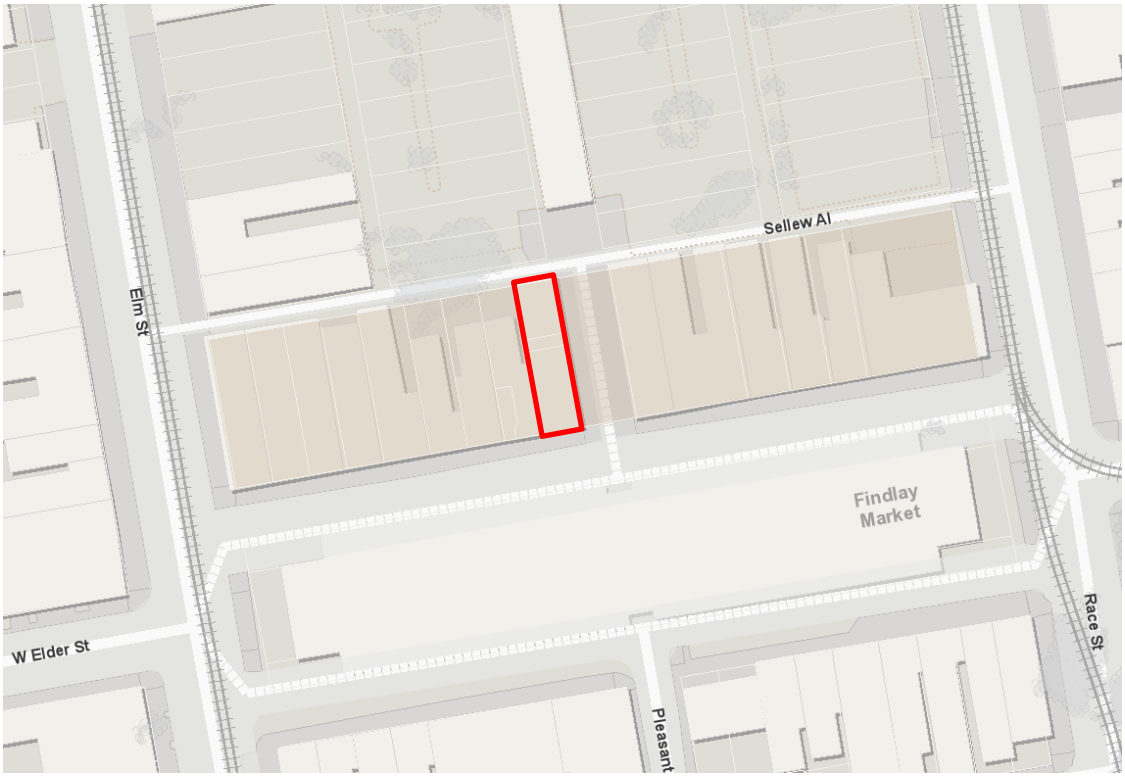
RECOMMENDATION

The Administration recommends approval of this Ordinance.

Attachment: A. Property location, photographs, and easement plat

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

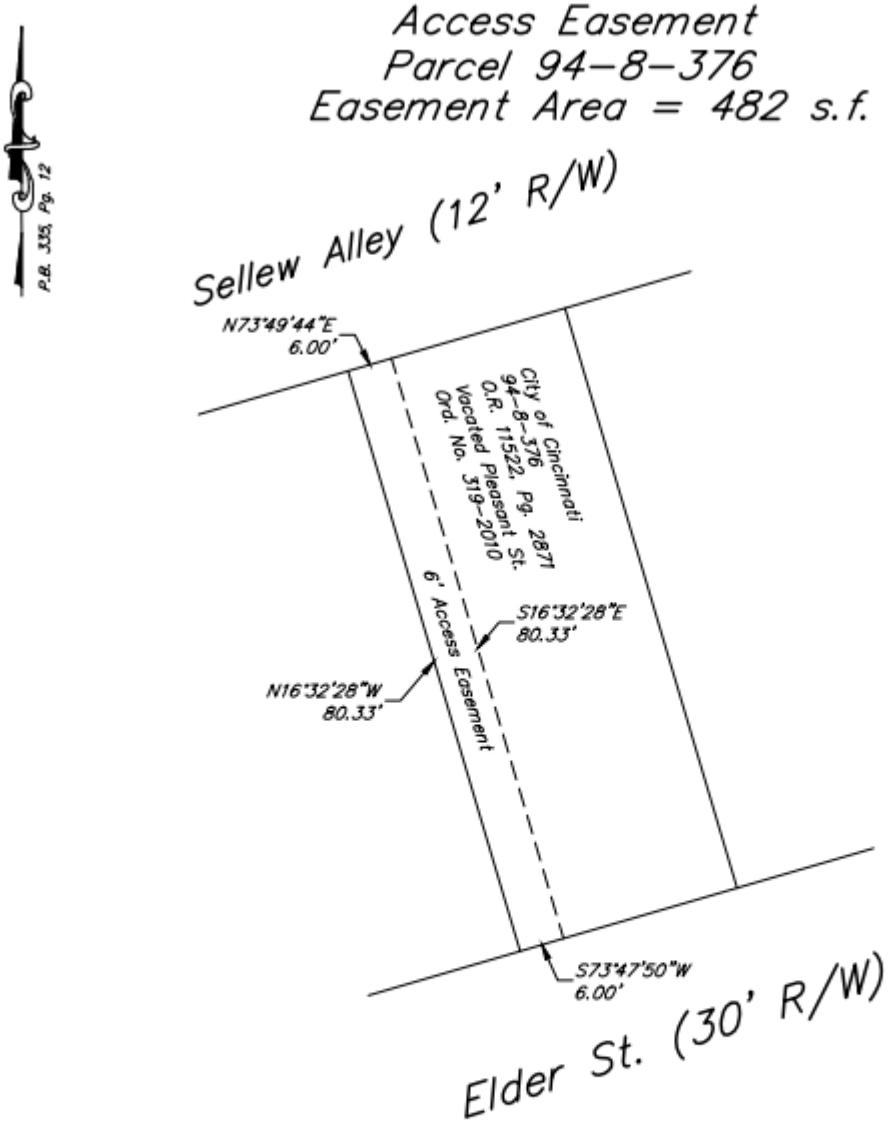
Attachment A: Location and Photographs



Property Location

118 W. Elder Street / 1811 Pleasant Street

Access Easement
Parcel 94-8-376
Easement Area = 482 s.f.



Situate in Section 13, F.R. 2, Town 3,, Millcreek Township
City of Cincinnati, Hamilton County, Ohio.

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

Date: June, 2022

Department of Transportation and Engineering

City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

City of Cincinnati

CHM

EESW

An Ordinance No. _____ - 2022

AUTHORIZING the City Manager to execute a *Grant of Easement* in favor of Market House, LLC, pursuant to which the City of Cincinnati will grant an access easement across a portion of City-owned real property in Over-the-Rhine.

WHEREAS, pursuant to a *Quitclaim Deed* authorized by Ordinance No. 212-2018, passed by Cincinnati City Council on June 27, 2018, the City of Cincinnati ("City") conveyed to Market House, LLC, an Ohio limited liability company ("Grantee"), all its right, title, and interest in and to an air parcel consisting of the upper floors of a building located at 1811 Pleasant Street, also known as 118 W. Elder Street (the "Benefitted Property") at Findlay Market in the Over-the-Rhine neighborhood; and

WHEREAS, the City owns an adjoining parcel of real property identified as Hamilton County, Ohio Auditor's Parcel ID No. 094-0008-0376-00, as more particularly described and depicted in the *Grant of Easement* attached to this ordinance as Attachment A and incorporated herein by reference ("Property"), which Property consists of vacated former public right-of-way that is under the management of the City's Department of Public Services ("DPS"); and

WHEREAS, Grantee has undertaken a project to renovate the Benefitted Property into a residential dwelling (the "Project"), and Grantee requires an access easement across the Property to the Sellew Alley and West Elder Street public rights-of-way, as more particularly detailed in Attachment A ("Easement"); and

WHEREAS, Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing; and

WHEREAS, pursuant to Ordinance No. 212-2018, the Council determined 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; and

WHEREAS, the City Manager, in consultation with DPS, has determined that granting the Easement to Grantee is not adverse to the City's retained interest in the Property; and

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

WHEREAS, the City's Real Estate Services Division has determined by an appraisal that the fair market value of the Easement is approximately $900.00; however, the City has agreed to grant the Easement to Grantee for $1.00 because the City will receive benefits from the Project that equal or exceed the fair market value of the Easement through the creation of temporary construction jobs and the increased availability of adequate housing in the City; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the Easement at its meeting on August 5, 2022; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Grant of Easement* in favor of Market House, LLC, an Ohio limited liability company ("Grantee") and the owner of an air parcel consisting of the upper floors of a building located at 1811 Pleasant Street, also known as 118 W. Elder Street (the "Benefitted Property") at Findlay Market in Over-the-Rhine, in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati ("City") will grant to Grantee an access easement ("Easement") across a portion of certain real property identified as Hamilton County, Ohio Auditor's Parcel ID No. 094-0008-0376-00, as more particularly described and depicted in Attachment A ("Property").

Section 2. That granting the Easement to Grantee is not adverse to the City's retained interest in the Property.

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

Section 4. That the fair market value of the Easement, as determined by a professional appraisal by the City's Real Estate Services Division, is approximately $900.00; however, the City has agreed to grant the Easement to Grantee for $1.00 because the City will receive benefits

from Grantee's renovation of the Benefitted Property into a residential dwelling that equal or exceed the fair market value of the Easement through the creation of temporary construction jobs and the increased availability of adequate housing in the City.

Section 5. That the proceeds from the *Grant of Easement* shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the *Grant of Easement*, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof, if any, into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and to fulfill the terms of the *Grant of Easement*, including, without limitation, executing any and all ancillary agreements, plats, and other real estate documents.

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

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(access across a portion of APN 94-8-376)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **MARKET HOUSE, LLC**, an Ohio limited liability company, with a tax mailing address of 4100 Brookdale Lane, Dayton, OH 45440 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on March 24, 2022, in OR 14631, Page 1504, Hamilton County, Ohio Records, Grantee holds title to certain real property consisting of a residential air lot comprising the upper levels of a building located at 1811 Pleasant Street, also known as 118 W. Elder Street, Cincinnati, OH 45202, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**"). Grantee purchased the Benefitted Property pursuant to a *Property Sale and Development Agreement* by and between the City and Andrew and Rachel Reider, as assigned by the aforesaid to Grantee (the "**Agreement**").

B. Pursuant to Cincinnati Municipal Ordinance No. 319-2010, passed by Cincinnati City Council on August 4, 2010, as recorded in Official Record 11522, Page 2871, Hamilton County, Ohio Records, the City vacated a portion of Pleasant Street located in the Over-the-Rhine neighborhood of Cincinnati between Sellew Alley and West Elder Street (the "**Property**"). The Property is more particularly identified as Hamilton County, Ohio Auditor's Parcel No. 094-0008-0376, and more particularly depicted on Exhibit B hereto. The Property is under the management of the City's Department of Public Services ("**DPS**").

C. As set forth by the Agreement, Grantee has undertaken a project at the Benefitted Property to renovate the upper floors of the building into a residential dwelling. The primary ingress and egress to the upper floors of the building is from the Property, and due to the vacation of the Property as public right-of-way, Grantee requires ingress and egress access rights across the Property to the public right-of-way.

D. The City Manager, in consultation with DPS, has determined that the easement will not have an adverse effect on the City's retained interest in the Property.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is $900; however, the City has agreed to grant the easement to Grantee for $1.00, because the City will receive benefits from Grantee's renovation of the Benefitted Property that equal or exceed the fair market value of the easement and enhance the availability of adequate housing in the City.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on August 5, 2022.

G. Cincinnati City Council approved the easement by Ordinance No. [___]-2022, passed on [___], 2022.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive access easement for access, ingress, and egress across the Property to and from the Sellew Alley and West Elder Street public rights-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (*Legal Description- Easement*) hereto (the "**Access Easement**" or "**Access Easement Area**", as applicable).

2. Permitted Use. Grantee, its agents, tenants, licensees, and invitees shall have the non-exclusive right to use the Access Easement Area for the sole and limited purpose of ingress and egress on foot, wheelchair, or similar ambulatory device across Property to the adjoining public rights-of-way. Grantee shall not use or permit the use of the Access Easement Area in any manner that is inconsistent with the rights granted herein or in a manner that impairs or unreasonably interferes with the rights of the City or others permitted by the City to the full use and enjoyment of the Property, as determined by the City.

3. Termination. Notwithstanding anything herein to the contrary, the Access Easement shall automatically terminate upon any permanent alteration of access to the Benefitted Property or elimination or demolition of the improvements located on the Benefitted Property such that the Access Easement would be rendered unnecessary, unless construction to replace the building improvements is commenced within 12 months thereafter.

3. Relocation of Access Easement. The City, at its sole discretion, and upon no less than 10 days prior written notice to Grantee, may relocate the Access Easement Area from time to time to a pathway of its choosing, provided that the City's Department of Buildings and Inspections determines that the relocated pathway conforms to applicable building code requirements. The City's notice of relocation of the Access Easement Area shall be accompanied by a survey drawing depicting the relocated Access Easement Area, and such notice shall automatically serve as an amendment to this instrument. The City shall have the right to execute and record an amendment to this instrument in the Hamilton County Recorder's Office to memorialize the relocated Access Easement Area.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of general liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than $300,000 per occurrence, combined single limit/$300,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to or loss of personal property, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including, without limitation, reasonable attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use of the Access Easement by Grantee, its agents, tenants, licensees, and invitees.

5. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

6. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

7. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof, or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

8. Coordinated Report Conditions (CR #17-2022). The following additional conditions shall apply: None

9. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument 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.

10. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Property*
Exhibit B –*Survey Plat*
Exhibit C – *Legal Description - Easement*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

_____
Notary Public
My commission expires: _____

Approved by:

_____
John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

_____
Assistant City Solicitor

[*Grantee Signature Page Follows*]

ACCEPTED AND AGREED TO BY:

MARKET HOUSE, LLC,
an Ohio limited liability company,

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of **MARKET HOUSE, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

_____
Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

Property Address: 1811 Pleasant Street, f/k/a 118 W. Elder Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 094-0008-0441-00 ST

SITUATE IN SECTION 13, TOWN 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF AIR LOT 2 OF 118 WEST ELDER STREET SUBDIVISION AS RECORDED IN PLAT BOOK 480, PAGE 2 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

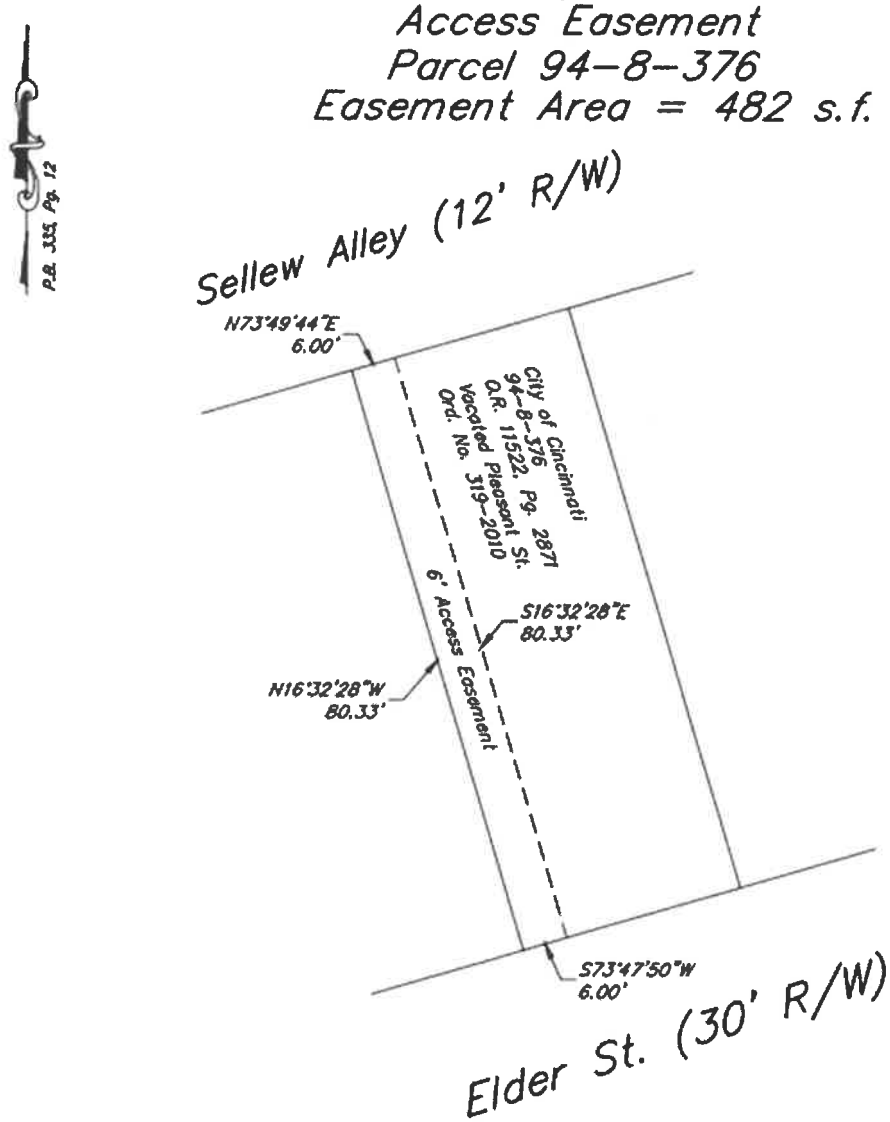
BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

EXHIBIT B

to Grant of Easement

Survey Plat

Access Easement
Parcel 94-8-376
Easement Area = 482 s.f.



Situate in Section 13, F.R. 2, Town 3,, Millcreek Township
City of Cincinnati, Hamilton County, Ohio.

GRAPHIC SCALE

10 0 10 20 40

(IN FEET)
1 inch = 20 ft.

Date: June, 2022

Department of Transportation and Engineering
City of Cincinnati
City Hall
801 Plum Street
Cincinnati, Ohio 45202

EXHIBIT C

to Grant of Easement

Legal Description –Easement

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to the City of Cincinnati in O.R. 11522, Pg. 2871 and being part of vacated Pleasant Street, Ord. No. 319-2010 and being more particularly described as follows:

Beginning at the intersection of the north line of Elder Street, 30' R/W and the west line of said vacated Pleasant Street; thence with the west line of said vacated Pleasant Street, North 16°32'28" West, 80.33 feet to a point in the south line of Sellew Alley, 12' R/W; thence with the south line of said Sellew Alley, North 73°49'44" East, 6.00 feet to a point; thence South 16°32'28" East, 80.33 feet to a point in the north line of said Elder Street,; thence South 73°47'50" West, 6.00 feet to the Place of Beginning. Containing 482 square feet of land more or less (0.011 acres). Bearings based on Plat Book 335, Page 12. Subject to all legal highways, easements and restrictions of record.

[SPACE ABOVE FOR RECORDER'S USE]

GRANT OF EASEMENT

(access across a portion of APN 94-8-376)

This Grant of Easement is granted as of the Effective Date (as defined on the signature page hereof) by the **CITY OF CINCINNATI**, an Ohio municipal corporation, 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), in favor of **MARKET HOUSE, LLC**, an Ohio limited liability company, with a tax mailing address of 4100 Brookdale Lane, Dayton, OH 45440 ("**Grantee**").

Recitals:

A. By virtue of a *Quitclaim Deed* recorded on March 24, 2022, in OR 14631, Page 1504, Hamilton County, Ohio Records, Grantee holds title to certain real property consisting of a residential air lot comprising the upper levels of a building located at 1811 Pleasant Street, also known as 118 W. Elder Street, Cincinnati, OH 45202, as more particularly described on Exhibit A (*Legal Description – Benefitted Property*) and depicted on Exhibit B (*Survey Plat*) hereto (the "**Benefitted Property**"). Grantee purchased the Benefitted Property pursuant to a *Property Sale and Development Agreement* by and between the City and Andrew and Rachel Reider, as assigned by the aforesaid to Grantee (the "**Agreement**").

B. Pursuant to Cincinnati Municipal Ordinance No. 319-2010, passed by Cincinnati City Council on August 4, 2010, as recorded in Official Record 11522, Page 2871, Hamilton County, Ohio Records, the City vacated a portion of Pleasant Street located in the Over-the-Rhine neighborhood of Cincinnati between Sellew Alley and West Elder Street (the "**Property**"). The Property is more particularly identified as Hamilton County, Ohio Auditor's Parcel No. 094-0008-0376, and more particularly depicted on Exhibit B hereto. The Property is under the management of the City's Department of Public Services ("**DPS**").

C. As set forth by the Agreement, Grantee has undertaken a project at the Benefitted Property to renovate the upper floors of the building into a residential dwelling. The primary ingress and egress to the upper floors of the building is from the Property, and due to the vacation of the Property as public right-of-way, Grantee requires ingress and egress access rights across the Property to the public right-of-way.

D. The City Manager, in consultation with DPS, has determined that the easement will not have an adverse effect on the City's retained interest in the Property.

E. The City's Real Estate Services Division has determined that the fair market value of the easement, as determined by professional appraisal, is $900; however, the City has agreed to grant the easement to Grantee for $1.00, because the City will receive benefits from Grantee's renovation of the Benefitted Property that equal or exceed the fair market value of the easement and enhance the availability of adequate housing in the City.

F. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the easement at its meeting on August 5, 2022.

G. Cincinnati City Council approved the easement by Ordinance No. [___]-2022, passed on [___], 2022.

NOW THEREFORE, the parties do hereby agree as follows:

1. Grant of Easement. The City does hereby grant to Grantee, on the terms and conditions set forth herein, as an appurtenance to and for the benefit of the Benefitted Property, a non-exclusive access easement for access, ingress, and egress across the Property to and from the Sellew Alley and West Elder Street public rights-of-way, as more particularly depicted on Exhibit B and described on Exhibit C (*Legal Description- Easement*) hereto (the "**Access Easement**" or "**Access Easement Area**", as applicable).

2. Permitted Use. Grantee, its agents, tenants, licensees, and invitees shall have the non-exclusive right to use the Access Easement Area for the sole and limited purpose of ingress and egress on foot, wheelchair, or similar ambulatory device across Property to the adjoining public rights-of-way. Grantee shall not use or permit the use of the Access Easement Area in any manner that is inconsistent with the rights granted herein or in a manner that impairs or unreasonably interferes with the rights of the City or others permitted by the City to the full use and enjoyment of the Property, as determined by the City.

3. Termination. Notwithstanding anything herein to the contrary, the Access Easement shall automatically terminate upon any permanent alteration of access to the Benefitted Property or elimination or demolition of the improvements located on the Benefitted Property such that the Access Easement would be rendered unnecessary, unless construction to replace the building improvements is commenced within 12 months thereafter.

3. Relocation of Access Easement. The City, at its sole discretion, and upon no less than 10 days prior written notice to Grantee, may relocate the Access Easement Area from time to time to a pathway of its choosing, provided that the City's Department of Buildings and Inspections determines that the relocated pathway conforms to applicable building code requirements. The City's notice of relocation of the Access Easement Area shall be accompanied by a survey drawing depicting the relocated Access Easement Area, and such notice shall automatically serve as an amendment to this instrument. The City shall have the right to execute and record an amendment to this instrument in the Hamilton County Recorder's Office to memorialize the relocated Access Easement Area.

4. Insurance; Indemnification. At all times, and in addition to whatever other insurance and bond requirements the City may from time to time require, Grantee shall maintain or cause to be maintained a policy of general liability insurance, with an insurance company reasonably acceptable to the City and naming the City as an additional insured, in an amount not less than $300,000 per occurrence, combined single limit/$300,000 aggregate, or in such greater amount as the City may from time to time require. Grantee shall furnish to the City a certificate of insurance evidencing such insurance upon the City's request. Grantee hereby waives all claims and rights of recovery against the City, and on behalf of Grantee's insurers, rights of subrogation, in connection with any damage to or loss of personal property, no matter how caused. Grantee shall defend (with counsel reasonably acceptable to the City), indemnify, and hold the City harmless from and against any and all claims, actions, losses, costs (including, without limitation, reasonable attorneys' fees), liability and damages suffered or incurred by, or asserted against, the City in connection with the use of the Access Easement by Grantee, its agents, tenants, licensees, and invitees.

5. Covenants Running with the Land. The provisions hereof shall run with the land and shall inure to the benefit of and be binding upon the City, Grantee, and their respective successors-in-interest and assigns.

6. Governing Law; Severability. This instrument shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. If any provisions hereof are determined to be invalid or unenforceable by a court of law, the remainder of this instrument shall not be affected thereby, and all other provisions of this instrument shall be valid and enforceable to the fullest extent permitted by law.

7. Notices. All notices given hereunder shall be in writing and shall be sent by U.S. certified or registered mail, return receipt requested, or delivered by a recognized courier service, or by personal delivery, to the parties at their respective addresses set forth in the introductory paragraph hereof, or such other address as either party may specify from time to time by notice given in the manner prescribed herein. All notices to the City shall be addressed to the Office of the City Manager. In the event of an alleged breach by the City of this instrument, a copy of each notice of breach shall simultaneously be delivered to the Office of the City Solicitor, 801 Plum Street, Room 214, Cincinnati, OH 45202.

8. Coordinated Report Conditions (CR #17-2022). The following additional conditions shall apply: None

9. Counterparts and Electronic Signatures. This instrument may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This instrument 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.

10. Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description - Benefitted Property*
Exhibit B –*Survey Plat*
Exhibit C – *Legal Description - Easement*

Executed by the parties on the respective date of acknowledgement listed below, effective as the later of such dates (the "**Effective Date**").

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

_____
Notary Public
My commission expires: _____

Approved by:

_____
John S. Brazina, Director
Department of Transportation and Engineering

Approved as to Form by:

_____
Assistant City Solicitor

[*Grantee Signature Page Follows*]

ACCEPTED AND AGREED TO BY:

MARKET HOUSE, LLC,
an Ohio limited liability company,

By: _____

Printed Name: _____

Title: _____

Date: _____, 2022

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2022 by _____, the _____ of **MARKET HOUSE, LLC**, an Ohio limited liability company, on behalf of the company. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

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Notary Public
My commission expires: _____

This instrument prepared by:
City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, OH 45202

EXHIBIT A

to Grant of Easement

LEGAL DESCRIPTION - BENEFITTED PROPERTY

Property Address: 1811 Pleasant Street, f/k/a 118 W. Elder Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 094-0008-0441-00 ST

SITUATE IN SECTION 13, TOWN 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF AIR LOT 2 OF 118 WEST ELDER STREET SUBDIVISION AS RECORDED IN PLAT BOOK 480, PAGE 2 OF THE HAMILTON COUNTY, OHIO RECORDER'S OFFICE.

BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

EXHIBIT B

to Grant of Easement

Survey Plat

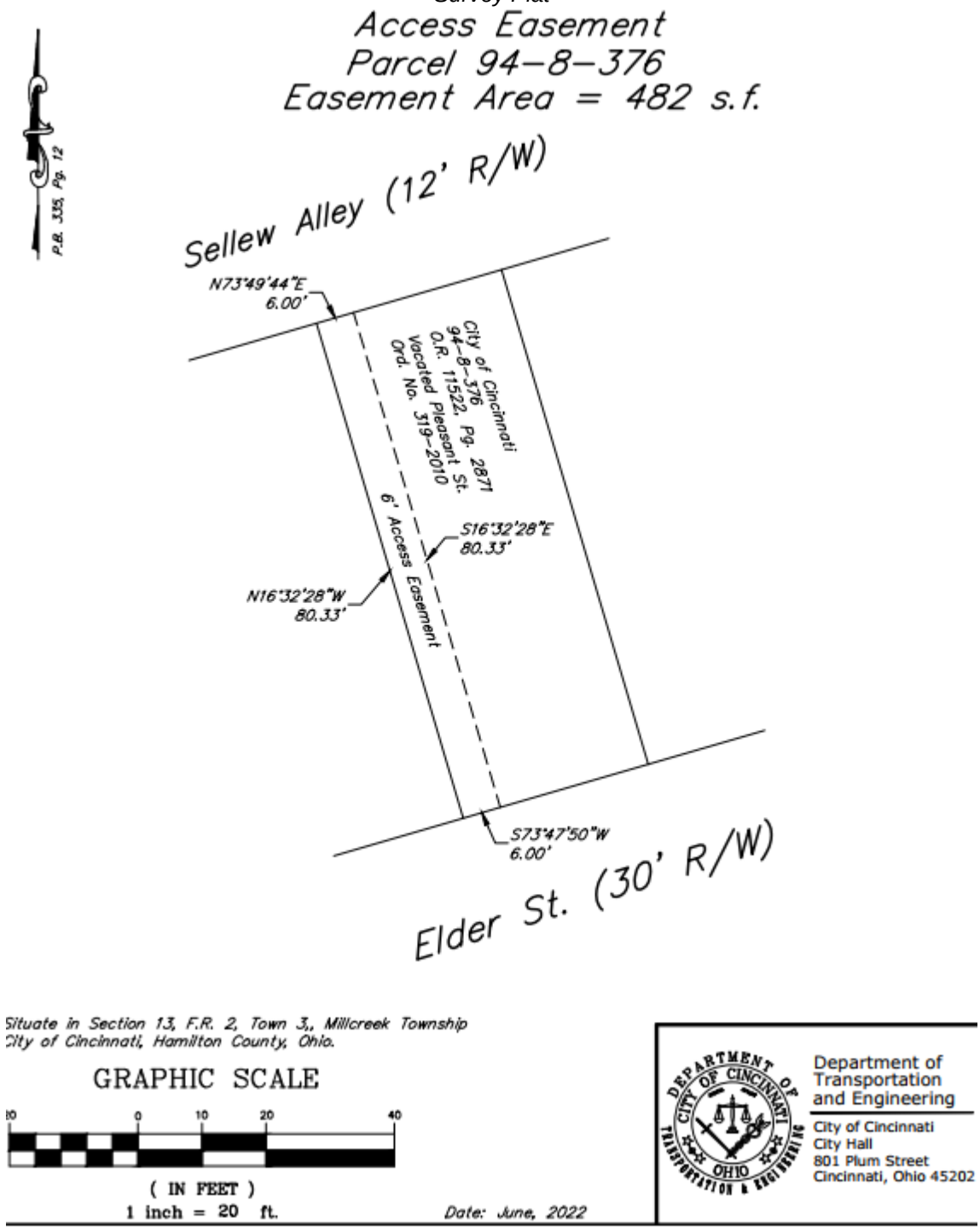


EXHIBIT C

to Grant of Easement

Legal Description –Easement

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to the City of Cincinnati in O.R. 11522, Pg. 2871 and being part of vacated Pleasant Street, Ord. No. 319-2010 and being more particularly described as follows:

Beginning at the intersection of the north line of Elder Street, 30' R/W and the west line of said vacated Pleasant Street; thence with the west line of said vacated Pleasant Street, North 16°32'28" West, 80.33 feet to a point in the south line of Sellew Alley, 12' R/W; thence with the south line of said Sellew Alley, North 73°49'44" East, 6.00 feet to a point; thence South 16°32'28" East, 80.33 feet to a point in the north line of said Elder Street,; thence South 73°47'50" West, 6.00 feet to the Place of Beginning. Containing 482 square feet of land more or less (0.011 acres). Bearings based on Plat Book 335, Page 12. Subject to all legal highways, easements and restrictions of record.

city of CINCINNATI
Interdepartment Correspondence Sheet

October 18, 2022

202201925

To: Members of the Public Safety and Governance Committee

From: Sheryl M. M. Long, City Manager

Subject: Ordinance Modifying Chapter 311 "City of Cincinnati Income Tax" (B Version)

Attached is an Emergency Ordinance captioned:

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

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

The Administration recommends passage of this Emergency Ordinance.

c: Karen Alder, Finance Director

Attachment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

city of CINCINNATI

Interdepartmental Correspondence Sheet

Date: October 20, 2022

To: Councilmember Meeka Owens

From: Emily Smart Woerner, City Solicitor

Subject: **Resolution – Expressing Support of Cardinal Land Conservancy Grant Application**

Transmitted herewith is a resolution captioned as follows:

> **EXPRESSING** the support of the Mayor and the Council of the City of Cincinnati for the application for a grant from the 2022 Clean Ohio Conservation Fund, NRAC 2, Round 17, by the Cardinal Land Conservancy on behalf of David Nathan Rosenberg, for the purchase of approximately six acres of land in fee title and four acres of land for an agricultural easement by the Cardinal Land Conservancy from David Nathan Rosenberg, in order to create permanent greenspace within the City of Cincinnati and preserve a protected area for agricultural uses in the historic Wooden Shoe Hollow area within the City.

EESW/KKF(lb)
Attachment
372641

{00372655-1}

RESOLUTION NO. _____ - 2022

EXPRESSING the support of the Mayor and the Council of the City of Cincinnati for the application for a grant from the 2022 Clean Ohio Conservation Fund, NRAC 2, Round 17, by the Cardinal Land Conservancy on behalf of David Nathan Rosenberg, for the purchase of approximately six acres of land in fee title and four acres of land for an agricultural easement by the Cardinal Land Conservancy from David Nathan Rosenberg, in order to create permanent greenspace within the City of Cincinnati and preserve a protected area for agricultural uses in the historic Wooden Shoe Hollow area within the City.

WHEREAS, the Cardinal Land Conservancy, formerly known as the Citizen's Land Conservancy of Hamilton County ("the Conservancy"), a non-profit, 501(c)(3) land preservation organization and land trust, has worked since 1999 to preserve land in Hamilton County and elsewhere in southwest Ohio for farmland, agricultural use, natural areas, and open space, focusing on the preservation of regional lands with natural, recreational, scenic, historic, or agricultural value; and

WHEREAS, the Conservancy seeks a resolution of support from the City of Cincinnati for the award of a grant from the State of Ohio 2022 Clean Ohio Conservation Fund ("the Fund"), which would allow the Conservancy to create a permanent nature preserve on approximately six acres of land, and to preserve, pursuant to an agricultural easement, an additional area of land of over four acres within the historic Wooden Shoe Hollow area within the City; and

WHEREAS, David Nathan Rosenberg intends to sell certain real property more particularly described as Hamilton County, Ohio parcel numbers 238-0001-0092, 238-0001-0051, 238-0001-0073, and 233-0001-0083 totaling approximately 10.78 acres (the "Property") and further identified in attachment "A" to this resolution, to the Conservancy at a reduced price in coordination with the Conservancy's intention to apply for a grant from the Fund to help preserve the Property in its natural and agricultural state as a farmstead and preserve; and

WHEREAS, Council has received a request from the Conservancy and David Nathan Rosenberg for the support of the Conservancy's application to the State of Ohio for grant funds to purchase the Property; and

WHEREAS, Council further acknowledges that the requirements of the Fund require at least a 25 percent match for project costs, to be provided by David Nathan Rosenberg; and

WHEREAS, Council finds that the request for the preservation of the Property as open space, natural habitat, and agricultural use, through nomination of the Property for the Fund program, is compatible with the long-range goals regarding greenspace preservation for the City; now, therefore,

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

Section 1. That the Mayor and this Council support the application for a grant from the 2022 Clean Ohio Conservation Fund, NRAC 2, Round 17, by the Cardinal Land Conservancy on

behalf of David Nathan Rosenberg, for the purchase of approximately 10.7 total acres of land by the Cardinal Land Conservancy from David Nathan Rosenberg, in order to create permanent greenspace within the City of Cincinnati and preserve a portion of the historical agricultural use in the Wooden Shoe Hollow area within the City.

Section 2. That Council has determined that the purchase of the nominated land and its proposed use of the majority of it as permanent greenspace is compatible with the long-range land use goals of the City of Cincinnati.

Section 3. That Council acknowledges that as the sponsor, Cardinal Land Conservancy has agreed to hold, monitor, and supervise the land to be purchased with the 2022 Clean Ohio Conservation grant monies, and will do so in conjunction with the rights of the Public Works Commission according to the terms of the 2022 Clean Ohio Conservation Fund.

Section 4. That Council acknowledges that, per the 2022 Clean Ohio Conservation Fund requirements, David Nathan Rosenberg as landowner is required to donate a local match of at least 25 percent of the appraised property value, and that Council appreciates this commitment by the landowners who voluntarily participate in the program.

Section 5. That this resolution be spread upon the minutes of Council and that a copy be sent to Cardinal Land Conservancy, c/o Mr. Andy Dickerson, 790 Garfield Avenue, P.O. Box 957, Milford, OH 45150.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmember Meeka Owens

ATTACHMENT A

ATTACHMENT A TO RESOLUTION _____

2022 Clean Ohio Conservation Fund, NRAC 2,
properties nominated for preservation by
Local Sponsor Cardinal Land Conservancy, Inc.

PROJECT NAME: WOODEN SHOE HOLLOW

Hamilton County, Ohio, Auditor Parcels (partial)

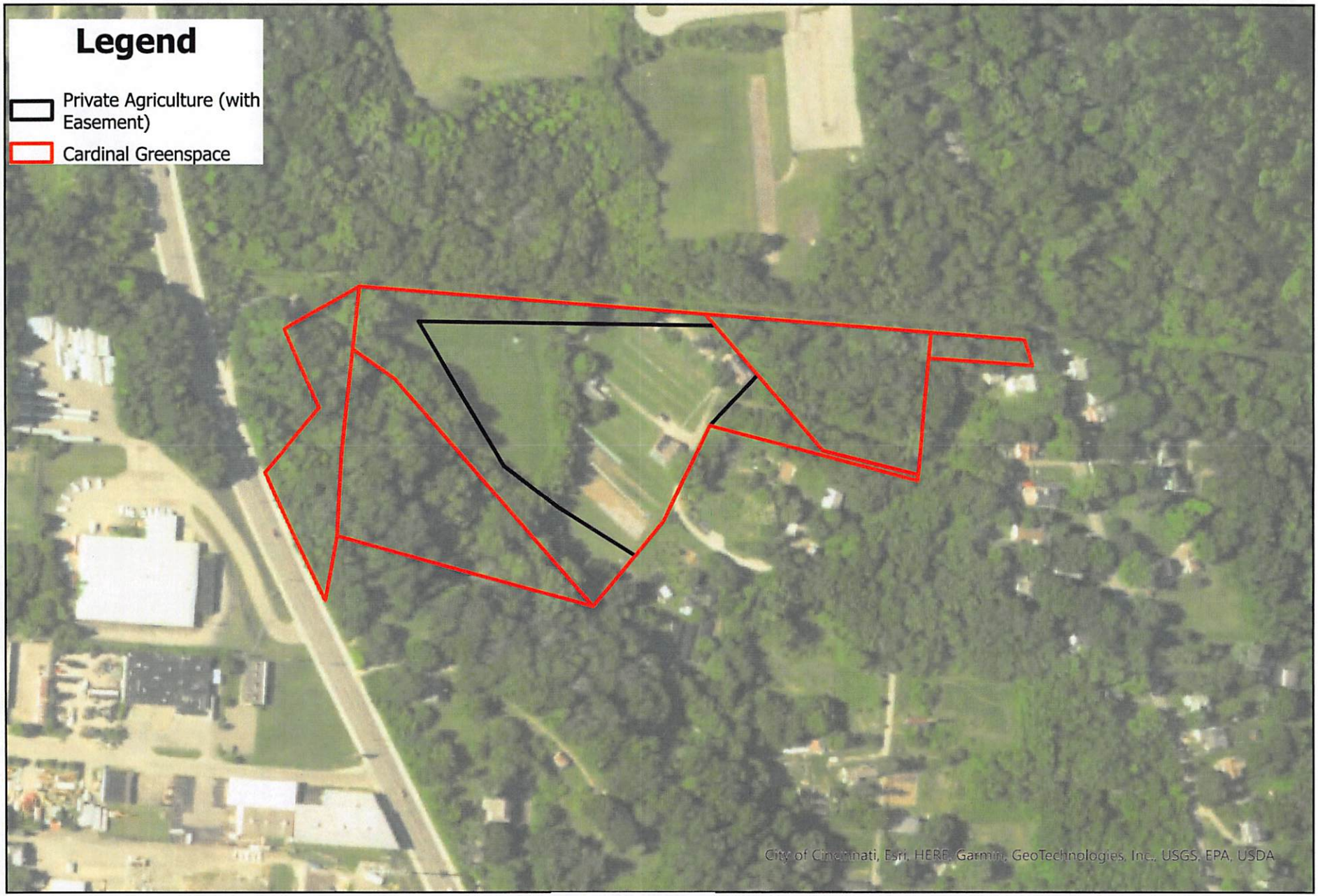
Titled in the name of Cincinnati David Nathan Rosenberg:

238-0001-0092
238-0001-0051
238-0001-0073
233-0001-0083

collectively containing 10.78 acres, more or less (the "Property").

An aerial map depicting the property follows and this attachment is also being provided to the Hamilton County Commissioners.

Exhibit A - Wooden Shoe Hollow (6.8 acres in Red)



0 155 310 620 Feet

Cardinal LAND CONSERVANCY

N W E S

City of Cincinnati

801 Plum Street, Suite 348
Cincinnati, Ohio 45202

Phone: (513) 352-3466
Email: meeka.owens@cincinnati-oh.gov
Web: www.cincinnati-oh.gov

Meeka D. Owens
Cincinnati City Council

September 26, 2022

MOTION
Human Services Funding

WE MOVE that the City of Cincinnati amend Ord. 197-2020 and adopt an updated human services strategies and priorities plan ("Plan") for allocations from the Human Services Fund ("HSF"). The Plan should:

1. Include a large-scale Impact Award to assist an innovative project to create real, lasting impact in the community.
2. Establish data-driven, evidence-based metrics for monitoring the success of organizations that receive allocations.
3. Structure the Request-for-Proposal process in such a way to increase the impact of the City's funds.

WE FURTHER MOVE that between twenty-five percent (25%) and thirty-three percent (33%) of the Human Services Fund ("HSF") be allocated for an Impact Award. The Impact Award should be granted for one large-scale social innovation project. **The project should seek to prioritize the following area in the first year**: Eviction Prevention and Housing Stabilization. The exact percent allocated should be determined by the Administration based on the needs of the selected project. Any remaining funds should be allocated to Supporting, Securing, and Stabilizing Housing for High-Risk Populations.

The Impact Award should seek to address a local market failure impacting the quality of life of city residents. The City Administration should ensure tracking, identifying insights, analyzing, and evaluating data of the programs and policies that receive the Impact Award to spend taxpayer dollars more effectively.

WE FURTHER MOVE that the remaining HSF dollars be allocated based on the following priorities, as defined in Attachment A:

1. Overhead at two percent (2%)
2. Youth Gun Violence Prevention and Reduction at twenty percent (20%)
3. Comprehensive Workforce Development at twenty-five percent (25%)
4. Supporting, Securing, and Stabilizing Housing for High-Risk Populations at ten percent (10%)
5. Project LIFT at ten percent (10%)

The Human Service Fund is intended to provide funding to organizations that deliver human services to the local community in alignment with City Council's established human services priorities (as outlined above) and to be allocated through a competitive proposal process. To ensure that the residents of Cincinnati receive the best services for their tax dollars, the HSF process should also thoroughly evaluate program outcomes.

Every Cincinnatian should be able to afford to live in their City and feel safe in their City. The Human Services Fund should prioritize projects that will achieve this goal and provide long-term, sustainable outcomes in the City of Cincinnati.

WE FURTHER MOVE that the Ordinance to fund HSF with these priorities should be submitted to Council no later than sixty days after the passage of this Motion.

WE FURTHER MOVE that the Request-for-Proposal ("RFP") process for all HSF priorities, including the Impact Award, should be funded on a multi-year cycle. All contracts should be aligned with the City's performance-based contract policy as set in Ord. 309-2018 (Attachment B). In addition, the RFP process should encourage innovation and maximize the impact of City funds.

WE FURTHER MOVE that the Administration focus on a robust evaluation process to determine whether recipient organizations are meeting their intended outcomes.

WE FURTHER MOVE that to ease the transition to the new priorities, the City should offer adequate notice of the change and a transition period for current recipient organizations.

Meeka D. Owens

Councilmember Meeka D. Owens

Councilmember Liz Keating

Jeff Cramerding

Councilmember Jeff Cramerding

STATEMENT

It is important for the City to meet emergent needs of its communities and to recognize new issues that pose a public crisis. Council and the City must continue to fund human services at 1.5% of the General Fund, as set forth in Ord. 0153-2017. The City must be proactive, rather than reactive, in its investment in people.

The Human Service Fund is intended to provide funding to organizations that deliver human services to the local community in alignment with City Council's established human services priorities (as outlined above) and to be allocated through a competitive proposal process. To ensure that the residents of Cincinnati receive the best services for their tax dollars, the HSF process should also thoroughly evaluate program outcomes.

Every Cincinnatian should be able to afford to live in their City and feel safe in their City. The Human Services Fund should prioritize projects that will achieve this goal and provide long-term, sustainable outcomes in the City of Cincinnati.

ATTACHMENT A – PRIORITY PROBLEM STATEMENTS

The primary challenge of setting priorities for the Human Services Fund is that the City's human services needs far exceed current available resources. Current HSF investments are spread across X priorities and Y funded programs. As a result, it is impossible to "move the needle" in any particular area. Although funded programs achieve results for the individuals they serve, the current funding structure is not sufficient for community-level impact.

In 2014, the Human Services Priority Review Working Group strongly recommended that the City restore HSF to 1.5 percent of the General Fund. If that goal was not possible, the Working Group recommended in the alternative that to achieve measurable impact, that "Council must adequately invest in one goal before establishing additional goals."

With this past budget, the City has finally restored the Human Services Fund to 1.5 percent of the General Fund. Yet there is still an opportunity to make a measurable, community-level impact by investing significant dollars in one priority.

Council will maintain funding based on the current priorities, however they are re-framed to take a strategic focus. The goal is to impact specific city-wide issues with the HSF. In this partnership with local organizations, the City can use data and analytics to address these insights to better understand and solve for disparities as they relate to the City's funding of Human Services, and the delivery of those services, to implement effective programs and generate better outcomes for residents.

Throughout all of these priority initiatives, the City seeks to partner with local organizations to collaboratively use their data to better understand the problems facing Cincinnati residents. By introducing specific, measurable priorities and leveraging city leadership and departmental resources, we can build a stronger and healthier City, together.

Impact Award: Eviction Prevention and Housing Stabilization

Cincinnati is in the middle of a historic housing crisis. In 2017, less than one percent (0.4%) of evictions in Hamilton County were decided in favor of the tenant.[1] This is further an issue of equity, with neighborhood racial composition being the strongest predictor of eviction filing rates in Hamilton County.[2] The housing crisis is further impacted by the rapid spike in rental

[1] https://cincinnatilegalaid.net/wp-content/uploads/Eviction-Report_Final-1.pdf, page i
[2] *Id.* at 7

rates across the entire state. Just last month, Cincinnati ranked as one of the Top 10 U.S. Cities for largest year-over-year rent increases.[3]

With the Impact Award, Council seeks to fund one collaborative project between multiple organizations and the City to address Cincinnati's eviction and housing crisis. The project should work to reduce evictions and stabilize housing by tracking eviction trends; using predictive analysis; funding immediate costs; and providing access to legal services. Project proposals are encouraged to leverage multiple solutions to create a comprehensive strategy to address eviction and housing instability, including access to legal services, financial support, and social services.

Reducing the number of evictions will ensure more stability for families and children, reduce the community costs associated with evictions, maximize the City's limited housing supply, and create a better quality of life for residents of all our neighborhoods.

Comprehensive Workforce Development

During the COVID-19 pandemic, 2.4 million women left the workforce, and nearly half (46%) were Hispanic or Black women.[4] Between 2019 and 2021, there was a 6.0% decline in high school graduate women in the labor force.[5] In comparison, men with the same education only was a 1.8% decline.[6] Women who did not graduate high school had a 12.7% decline in the workforce, while men of a similar education level only saw a 4.9% decline.[7] This loss in the workforce has resulted in lower financial stability for families and a loss of tax revenue for the City. A large percentage of these women were mothers who left due to family demands, such as school closures or lack of childcare.

Through this priority, Council seeks to fund projects that:

- expand access to quality childcare;
- build capacity and career opportunities within the childcare industry;
- provide upskill training that prepares women for careers in growing sectors such as technology, infrastructure, or sustainability;
- or other similar projects with a focus on creating economic stability.

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[3] https://www.citybeat.com/news/report-cincinnati-in-top-10-us-cities-for-largest-year-over-year-rent-increase-13897025#:~:text=Average%20rents%20throughout%20the%20Buckeye,year%20to%20%241%2C253%20in%20August.
[4] https://www.pewresearch.org/fact-tank/2021/04/14/u-s-labor-market-inches-back-from-the-covid-19-shock-but-recovery-is-far-from-complete/
[5] https://www.pewresearch.org/fact-tank/2022/01/14/some-gender-disparities-widened-in-the-u-s-workforce-during-the-pandemic/
[6] *Id*.
[7] *Id.*

Removing barriers to workforce participation and providing the training for a meaningful career will empower mothers and caregivers to return the workforce, achieve financial stability, and increase the tax base for the City.

Youth Gun Violence Prevention and Reduction

In February 2022, the City of Cincinnati declared gun violence as a public health crisis. Gun violence can happen anywhere: places of worship, grocery stores, hospitals, schools. Gun violence has surpassed traffic crashes as a leading cause of death among US children and teens. The increase in juveniles charged with murder in Hamilton County has increased significantly in the last two years.[8] The City must address the root causes of gun violence and collaborate with our community partners to create truly comprehensive, trauma-informed solutions to gun violence and its effect on our youth (14-35). Initiatives should be data-driven and explore innovative solutions to both stop the violence and uplift our residents.

With this project, Council seeks to fund projects that:

- target youth in the Top 10 neighborhoods for gun violence;
- address all those caught in the cycle of gun violence - both the potential victims and the potential perpetrators;
- provide economic stability for youth at-risk such as job training, training stipends, credentialing, or placement in good-paying jobs;
- and other community- and place-based initiatives.

These types of community-based intervention and prevention strategies help to break the cycle of violence and will help us build a safer Cincinnati.

Supporting, Securing, and Stabilizing Housing for High-Risk Populations

Some populations are disproportionately high-risk for homelessness, including but not limited to, the chronically homeless, senior citizens, those with mental illness or substance use disorders, and LGBTQIA+ teens. For example, nearly a quarter (23%) of the entire sheltered population is over the age of 50, with a predicted increase in the older adult homeless population.[9] Most residents of encampments are adult men with disabilities, including mental illness and substance use disorders.[10] Local housing providers estimate that as many as 40% of homeless teens in Cincinnati are LGBTQIA+.[11]

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[8] https://www.wlwt.com/article/wlwt-investigates-an-in-depth-look-at-youth-violence-surging-in-hamilton-county/41322823
[9] https://endhomelessness.org/wp-content/uploads/2020/03/Covid-Fact-Sheet-3.25.2020-2.pdf
[10] https://www.huduser.gov/portal/sites/default/files/pdf/Unsheltered-Homelessness-and-Homeless-Encampments.pdf, page 2
[11] https://www.huduser.gov/portal/pdredge/pdr-edge-inpractice-050216.html

Through this priority, Council seeks to provide funding for projects aimed at the populations the most high-risk for homelessness that

- provide housing support;
- provide transitional housing for those in recovery;
- or other housing resources.

Taking a housing-first approach to helping our most high-risk and vulnerable residents will create a stable, equitable future for all Cincinnatians.

Project LIFT

Project LIFT is an initiative of the United Way that works through nearly 30 sponsor agencies that provides wraparound services, short-term financial assistance and ongoing coaching to families to help them weather temporary, short-term setbacks that might otherwise knock them off the path to economic well-being. Poverty is a complex and stubborn issue, but Project LIFT has led to impactful results, with more than 15.5 percent of participants seeing their income increase by at least 20 percent, and nearly 10 percent having their income increase by at least one interval of the Federal Poverty Level. Providing ongoing financial support to Project LIFT allows for these wraparound services to continue having a significant impact on Cincinnatians living on the precipice.

City of Cincinnati

CMZ/B PBM/RSA

An Ordinance No. 309 - 2018

AUTHORIZING the City Manager to utilize performance-based contracts with all contractors that receive operational support from the City or are awarded grants through a process overseen by a third party to ensure that taxpayer funds achieve maximum results from such contracts.

WHEREAS, the City contracts directly with third parties to provide a wide range of services, and the City also contracts with a third party to review and score proposals from entities seeking funding from the City to provide human services; and

WHEREAS, the process currently used by the City's contractor to review and score proposals for human services funding is a rigorous process involving competitive proposals and specific reporting outcomes from entities that are awarded funding; and

WHEREAS, the City's service contracts may be established as fee-for-service contracts where contractors are paid a fixed amount for providing certain services; and

WHEREAS, performance-based contracts can give the City more control over contract outcomes, which can be specified and tracked; and

WHEREAS, the City also provides funding to third parties that is used by those third parties to pay for their organization's operations, and those contracts also could benefit from performance-based assessments; and

WHEREAS, according to information published by the City of Chesapeake, Virginia, performance-based contracts "define the work to be accomplished in measurable, mission-related terms, contain performance standards, include quality assurance plans for measuring contractor performance against those standards, and provide financial incentives and penalties based on performance measurement"; and

WHEREAS, an Urban Institute study of performance contracting in six states cited in the information published by the City of Chesapeake found that states that tied payments to outcomes tended to obtain results more quickly and that when governments work with providers to formulate client outcomes, indicators, and targets and to design payment schedules, performance-based contracts are more successful; and

WHEREAS, providing contractors with incentives as part of performance-based contracts makes such contracts more successful, and such incentives can be both monetary, such as bonus payments for exceeding performance goals, and non-monetary, such as public recognition of meeting or exceeding performance goals; and

WHEREAS, successful performance-based contracting requires the City to formulate contracts with appropriate performance metrics, receive timely information from contractors on a variety of issues, monitor contractors' performance, and adjust contract metrics as necessary to obtain the best outcomes, and this contracting approach will take time to implement fully and successfully; and

WHEREAS, successful performance-based contracting also requires individualized metrics and goals for each organization providing services for the City and its residents because each organization's capacity, mission, and strengths are unique; and

WHEREAS, successfully implementing performance-based contracting requires the City Administration to have flexibility in approach and timing, especially in introducing this model into contracts with smaller organizations that may have to develop capacity to collect and report necessary performance data; and

WHEREAS, the Administration should conduct regular community needs assessments to determine which services are most needed by City residents, establish how best to meet those needs, and award funding to organizations that are best able to meet those needs identified through such an assessment; and

WHEREAS, the community needs assessment could be conducted by the Administration using existing studies determined relevant, applicable, and reliable by the Administration; and

WHEREAS, the interest of the City's residents and taxpayers in receiving full and efficient benefit for the money spent on services by the City and in having a transparent process for spending money for such services is best protected by those services being procured through an open process; 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 utilize an outcome-based performance contracting approach for City service contracts and contracts that pay for an organization's operations, including those contracts awarded through a third party's review and recommendation process, which contracting approach may result in individualized metrics and goals for each organization providing services for the City and its residents because each organization's capacity, mission, and strengths are unique.

Section 2. That the City Manager is hereby authorized to have the flexibility necessary to successfully develop and implement performance-based contracting for appropriate City services

contracts, including without limitation the City's contract with a third party hired by the City to assist with the City's evaluation of human services grant applications or human services proposals, and for City contracts by which the City pays for an organization's operations, and is further authorized to work with such contractors so they understand how to collect and track the data necessary to comply with performance-based contracts.

Section 3. That the City Manager is authorized to develop performance-based contracts with those organizations providing services for the City or those organizations that receive financial operational support from the City, and that such contracts may include some or all of the following aspects:

- Clearly establish the information and data deemed necessary by the City for the contractor to provide in a timely manner to measure performance, including organization and project budget, employee information, other contracts or work being done by the organization, and the organization's mission and priorities;
- Require regular and frequent performance review and discussion with the contractor of any performance problems or insufficiencies;
- Publish the performance data to provide transparency and inform the public regarding the success of the contractors' work

Section 4. That the proper City officials are authorized to do all things necessary and proper to comply with the provisions of Sections 1 through 3 hereof.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: October 3, 2018

John Cranley, Mayor

Attest: Clerk

HEREBY CERTIFY THAT ORDINANCE No. 309
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON Oct. 16, 201
CLERK OF COUNCIL

city of
CINCINNATI
Interdepartmental Correspondence Sheet

Date: October 6, 2022

To: Councilmember Greg Landsman

From: Emily Smart Woerner, City Solicitor EESW

Subject: **Emergency Ordinance – Jeff Ruby Way Honorary Street Naming**

Transmitted herewith is an emergency ordinance captioned as follows:

> **DECLARING** that Vine Street between Fifth Street and Sixth Street shall hereby receive the honorary, secondary name of "Jeff Ruby Way" in honor of Jeff Ruby and in recognition of his contributions and dedication to the City of Cincinnati through decades of influence on Greater Cincinnati's restaurant scene and his philanthropic efforts.

EESW/JRS(lb)
Attachment
370771

EMERGENCY

City of Cincinnati

JRS EESW

An Ordinance No. _____ - 2022

DECLARING that Vine Street between Fifth Street and Sixth Street shall hereby receive the honorary, secondary name of "Jeff Ruby Way" in honor of Jeff Ruby and in recognition of his contributions and dedication to the City of Cincinnati through decades of influence on Greater Cincinnati's restaurant scene and his philanthropic efforts.

WHEREAS, in the early 1970s, Jeff Ruby, a recent Cornell graduate, arrived in Cincinnati and began creating popular concepts for event and dining establishments, such as Den of Little Foxes and Lucy's in the Sky; and

WHEREAS, in 1981, Jeff Ruby opened his first luxury steakhouse, The Precinct, in the old Cincinnati Police Patrol House #6, in the Columbia Tusculum neighborhood; and

WHEREAS, Jeff Ruby's success led him to opening his eponymous steakhouse in downtown Cincinnati, at the corner of Seventh Street and Walnut Street, anchoring and invigorating the Backstage District; and

WHEREAS, Jeff Ruby's restaurants are recognized as among the top steakhouses in the United States by Travel + Leisure, USAToday, Food Network, Business Insider, and many more; and

WHEREAS, in 2022, Jeff Ruby sought to reinvigorate the Central Business District by relocating Jeff Ruby's Steakhouse to the new Foundry development across from Fountain Square; and

WHEREAS, in his over forty-one years in Cincinnati, Jeff Ruby has sought to not only provide Cincinnati with world-class fine dining, but also have a transformational cultural impact through philanthropy and community involvement; and

WHEREAS, Jeff Ruby established the Jeff Ruby Foundation, which seeks to eradicate childhood poverty and eliminate obstacles that orphans and children in foster care face towards breaking the cycle of poverty and achieving positive life outcomes; and

WHEREAS, Jeff Ruby has spent a lifetime in the pursuit of excellence and deeply impacted the culture of Cincinnati and had a profound impact on its citizens; and

WHEREAS, Jeff Ruby's exceptional business talent and success has enriched Cincinnati's restaurant scene and made Cincinnati a destination for world-class dining; now, therefore,

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

Section 1. That Vine Street between Fifth Street and Sixth Street shall hereby receive the honorary, secondary name of "Jeff Ruby Way" in honor of Jeff Ruby and in recognition of his contributions and dedication to the City of Cincinnati through decades of influence on Greater Cincinnati's restaurant scene and his philanthropic efforts.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Section 1 herein, including the generation and installation of appropriate secondary street signage, which shall designate Vine Street between Fifth Street and Sixth Street as "Jeff Ruby Way" in accordance with the Department of Transportation and Engineering's procedures relating to street designation and related signage.

Section 3. That a copy of this ordinance be sent to Jeff Ruby via the office of Councilmember Landsman.

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 allow the Department of Transportation and Engineering to move forward with the administrative requirements related to the honorary naming of streets to provide for the ceremony and dedication of the honorary street name at the earliest possible time.

Passed: _____, 2022

_____
Aftab Pureval, Mayor

Attest: _____
Clerk

City of Cincinnati

801 Plum Street, Suite 351
Cincinnati, Ohio 45202

Phone (513) 352-5243
Email reggie.harris@cincinnati-oh.gov
Web www.cincinnati-oh.gov

Reggie Harris
Councilmember

October 25, 2022

MOTION

Councilmember Reggie Harris Motion on Housing Funding Priorities

WE MOVE that the City Administration, through amending its contract with the Cincinnati Development Fund (CDF) establish the following priorities regarding all City contributions to the "Fund of Funds":

1. City dollars are highly leveraged by CDF
2. Funding projects that are mixed income when possible
3. Funding projects in high opportunity neighborhoods that do not concentrate subsidized housing
4. Funding projects in the lower AMI range where there is the greatest need (0-60%)
5. FY' 23 Carryover dollars being directed to CDF would only be used for projects up to 80% AMI

WE MOVE that the Department of Community & Economic Development (DCED) shall establish as a priority in its annual Notice of Funding Availability (NOFA) projects targeted at 0-60% AMI.

Reggie Harris, Councilmember

Mark Jeffreys, Councilmember

STATEMENT

Since this council and administration took office in January of 2022, tangible progress has been made on creating effective systems to address the affordable housing shortage in Cincinnati. A significant step in this direction was the partnership with Cincinnati Development Fund (CDF). This body authorized the administration to execute a contract with CDF via Ordinance Nos. 53-2022 and 191-2022, passed by City Council on March 2, 2022, and June 23, 2022, respectively. Since then, CDF has successfully leveraged $15M on top of the approval of Hamilton County's $15M commitment, the $34M HUD Section 108 loan and the over $10M the city has contributed through the new stabilization policy and ARP allocation, bringing the "Fund of Funds" to just over $76 million.

Today, through the Mayor and Council's leadership the Housing Advisory Board is finally active, and the Trust Fund is dispersing much-needed funding to Affordable Housing Projects for the first time. It is the role of this council to clearly

City of Cincinnati

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Reggie Harris
Councilmember

articulate to CDF and the Housing Advisory Board what our values and priorities are of vibrant, mixed-income communities. This motion affirmatively states an alignment on what projects we would like to see our NOFA and Trust Fund Dollars go towards, specifically addressing the communities with the greatest need.

We recognize we will only solve these problems with a comprehensive approach, which includes serious land use reform and an intentional realignment of our tax incentives to promote the construction of affordable housing. It is also only through close collaboration with those who are doing the work, like the Cincinnati Development Fund, that we will be successful.