



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Neighborhoods Committee

*Chairperson Jan-Michele Lemon Kearney
Vice Chair Betsy Sundermann
Councilmember Wendell Young
Vice-Mayor Christopher Smitherman*

Monday, March 15, 2021

11:00 AM

Council Chambers, Room 300

PRESENTATIONS

Greater Cincinnati Regeneration Alliance

Peg Moertl -Executive Director

Sheila Mixon - Senior Vice President , Business Development,

Exec Director, Women's Business Ent Council, OH River Valley at the Urban League

The Queen City Tour of Neighborhoods

East Westwood Improvement Association

Rodney Christian- President

Lisa Hyde-Miller- Trustee

Oakley Community Council

Colleen Reynolds- President

AGENDA

[202100906](#)

MOTION, submitted by Councilmember Mann, **WE MOVE** that the City make a secondary name change to Hatch Street, between Loudon and Wareham Streets to Pat Berry Way. (STATEMENT ATTACHED).

Sponsors:

Mann

Attachments:

[Motion- Mann](#)

[202100950](#)

MOTION, submitted by Councilmember Sundermann and Mann, **WE MOVE** the Administration prepare a report on the feasibility of creating a Residential Parking Permit Area on Livingston Street in the West End. (STATEMENT ATTACHED)

Sponsors:

Sundermann and Mann

Attachments:

[Motion](#)

[202100932](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/10/2021, **DETERMINING** to proceed with the assessment of properties located on the southern side of the street between 49 and 67 Mulberry Street in the Over-the-Rhine neighborhood in the City of Cincinnati to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, pursuant to Ohio Revised Code Section 727.23.

Sponsors: City Manager

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

[202100933](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 3/10/2021, **TO LEVY** special assessments to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, adjacent to certain lots located between 49 and 67 Mulberry Street on the southern side of the street in the Over-the-Rhine neighborhood in the City of Cincinnati, in accordance with the Ohio Revised Code Section 727.25.

Sponsors: City Manager

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

ADJOURNMENT



David S. Mann
Councilmember

March 3, 2021

MOTION

WE MOVE that the City make a secondary name change to Hatch Street, between Loudon and Wareham Streets to Pat Barry Way.



Councilmember David Mann 

Statement:

Pat Barry's voice is interwoven in the fabric of Cincinnati. For more than 5 decades, he was a fixture on this city's airwaves. From radio to television, he helped mark the moments that make this city remarkable, providing the soundtrack and the words that are ingrained in our collective memories. This portion of Hatch Street is where that on-air magic met the human reality. Pat was a fixture on Hatch Street. Pat's connection was more than any radio microphone or television camera could contain. It was here in Mt. Adams, that many in Cincinnati heard that famous laugh in person and saw that Pat's unique ability to uplift everyone within earshot was a true Queen City treasure.



202100950

Betsy Sundermann
Cincinnati City Councilmember

March 5, 2021

MOTION

WE MOVE the Administration prepare a report on the feasibility of creating a Residential Parking Permit Area on Livingston Street in the West End.


Betsy Sundermann


David Mann *gpc*

STATEMENT

CMs Mann and Sundermann via motion #202001432 previously requested that a Livingston Street Task Force be established by the Administration aimed at solving a variety of safety and quality of life issues surrounding this West End street.

As a result, the City Manager's Office is currently coordinating a cross departmental team aimed at developing a City-Community strategy for addressing concerns regarding crime and property conditions.

One specific solution often requested by residents on Livingston Street by virtual unanimity is a Residential Parking Permit Area. The Administration should consider all options for its creation, including the possible necessity for a notwithstanding ordinance should certain criteria not exist for a program on this street.

CALENDAR
DLM
02/00/20



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Date: March 10, 2021

To: Mayor and Members of City Council 202100932
From: Paula Boggs Muething, City Manager
Subject: EMERGENCY ORDINANCE - PEETE STREET RETAINING WALL – DETERMINING TO PROCEED

Attached is an emergency ordinance captioned as follows:

DETERMINING to proceed with the assessment of properties located on the southern side of the street between 49 and 67 Mulberry Street in the Over-the-Rhine neighborhood in the City of Cincinnati to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, pursuant to Ohio Revised Code Section 727.23.

Approval of this emergency ordinance enables the City to proceed with assessing the property owners between 49 and 67 Mulberry Street for the cost of constructing the retaining wall along Peete Street. The wall was constructed in accordance with Resolution No. 23-2019 which declared the necessity of assessing the owners of the property between 49 and 67 Mulberry for the construction of the retaining wall.

The reason for the emergency is the immediate need to begin the process for levying the assessment for the amounts of the public improvement described in Resolution No. 23-2019 and set forth in Exhibit A.

The Administration recommends passage of the attached emergency ordinance.

Attachment I – Exhibit A

cc: John S. Brazina, Director, Transportation and Engineering

EMERGENCY

City of Cincinnati

JRS

AWB

- 2021

An Ordinance No. _____

DETERMINING to proceed with the assessment of properties located on the southern side of the street between 49 and 67 Mulberry Street in the Over-the-Rhine neighborhood in the City of Cincinnati to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, pursuant to Ohio Revised Code Section 727.23.

WHEREAS, 49 Mulberry Street through 67 Mulberry Street are properties in the Over-the-Rhine neighborhood situated along the north side of Peete Street, between Peete and Mulberry Streets, which collectively have been impacted by the failure of a downhill retaining wall; and

WHEREAS, pursuant to Ohio Revised Code (“ORC”) Section 727.06, the owners of these properties petitioned the City to construct a replacement retaining wall and to assess the costs of its construction to their properties; and

WHEREAS, the proposed retaining wall constitutes a public improvement whose costs may properly be assessed to adjacent owners under Chapter 727 of the Ohio Revised Code; and

WHEREAS, on April 10, 2019, pursuant to Ohio Revised Code Section 727.12, City Council adopted Resolution No. 23-2019 (“Resolution”) and declared the necessity of assessing the properties between 49 and 67 Mulberry Street for the construction of a retaining wall; and

WHEREAS, pursuant to the Resolution, the estimated assessments for the public improvements were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, pursuant to ORC Section 727.13, the affected property owners have been given notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, no objection to the proposed assessments has been received; and

WHEREAS, Council hereby determines to proceed with the assessment to pay for the costs of the retaining wall; now, therefore,

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

Section 1. That, pursuant to Ohio Revised Code (“ORC”) Section 727.23, City Council hereby determines to proceed with the assessment of the properties set forth in Exhibit A hereto,

incorporated herein by refence, for the costs of the public improvement described in Resolution No. 23-2019.

Section 2. That City Council hereby adopts the assessments on file with the Clerk of Council in accordance with the Resolution, which assessments have been finally calculated and apportioned in the manner provided in Resolution No. 23-2019 and passed by Council on April 10, 2019.

Section 3. That no claim for damages has been filed pursuant to ORC Section 727.18.

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 begin the process for levying the assessments for the amounts of the public improvement described in Resolution No. 23-2019.

Passed: _____, 2021

John Cranley, Mayor

Attest: _____
Clerk

EXHIBIT A

Final Cost for Peete Street Retaining Wall

Design/Build Contract	\$280,148.00
Graffiti Protection	\$0.00
Change Order	\$12,407.50
City Service ("soft cost")	\$32,632.43
2.0% City Contribution	<u>-\$6,503.76</u>
Cost to Homeowners	\$318,684.17

Total Sq. Ftg. Of Wall	2050.9
Est. Homeowner Cost per sq. ft.	\$155.39

Annual Assessment Costs per SF

Upfront Payment ¹	\$156.94
Level Payments on 10 Year Loan ²	\$19.17
Level Payments on 20 Year Loan ²	\$11.88

Option 1 - Does NOT include 69 Mulberry Street							Payment Options		
Mulberry Street Address	Owner	Peete Street Frontage (ft.)*	Average Height of Wall Along Frontage (ft.)	Square Footage of Wall (sq. ft.)	Percentage of Project Area, Option 1	Total Assessment	Upfront Payment	Annual Assessment on 10 yr. Loan	Annual Assessment on 20 yr. Loan
49	First Born Church of the Living God	40.00	11.5	460.0	22.43%	\$71,480.86	\$72,192.40	\$8,818.20	\$5,464.80
53	Smith, Rodney C.	30.12	11.5	346.4	16.89%	\$53,825.76	\$54,360.88	\$6,640.10	\$4,114.99
55	Foster, James R.	14.78	9.7	143.4	6.99%	\$22,276.02	\$22,500.49	\$2,748.40	\$1,703.24
57	Rose, Shannon	22.00	9.0	198.0	9.65%	\$30,753.02	\$31,074.12	\$3,795.66	\$2,352.24
59	Cohen, Leah	20.00	9.0	180.0	8.78%	\$27,980.47	\$28,249.20	\$3,450.60	\$2,138.40
61	Hartman, Kevin L.	13.45	9.0	121.1	5.90%	\$18,802.37	\$18,997.59	\$2,320.53	\$1,438.07
63	Hilton, Jerome and Lawrence	30.12	9.0	271.1	13.22%	\$42,130.05	\$42,543.30	\$5,196.60	\$3,220.43
65	4B Capital, Inc.	20.78	9.0	187.0	9.12%	\$29,064.00	\$29,350.92	\$3,585.17	\$2,221.80
67	Gorman, Joseph T.	16.00	9.0	144.0	7.02%	\$22,371.63	\$22,599.36	\$2,760.48	\$1,710.72
TOTALS		207.25		2050.9	100.00%	\$318,684.18			

* Frontage lengths do not account for wall returns at ends of project (considered incidental to overall costs)

¹Upfront Payment option includes a 1% City processing fee.

²Annual Assessment costs include estimated construction costs plus interest. The annual interest rate charged is 5%. **NOTE THAT THESE COSTS DO NOT INCLUDE THE HAMILTON COUNTY AUDITOR'S COLLECTION FEE. PROPERTY OWNERS SHOULD CONTACT THE HAMILTON COUNTY AUDITOR'S OFFICE WITH ANY QUESTIONS ABOUT THIS FEE OR THE COLLECTION PROCESS.**

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Date: March 10, 2021

To: Mayor and Members of City Council 202100933
From: Paula Boggs Muething, City Manager
Subject: ORDINANCE - PEETE STREET RETAINING WALL – LEVYING SPECIAL ASSESSMENTS

Attached is an ordinance captioned as follows:

TO LEVY special assessments to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, adjacent to certain lots located between 49 and 67 Mulberry Street on the southern side of the street in the Over-the-Rhine neighborhood in the City of Cincinnati, in accordance with the Ohio Revised Code Section 727.25.

Approval of this ordinance finalizes the cost and enables the City to proceed with assessing the property owners between 49 and 67 Mulberry Street for the cost of the retaining wall behind their residences along Peete Street. This wall was constructed in accordance with Resolution No. 23-2019 which declared the necessity of assessing the owners of the property between 49 and 67 Mulberry Street for the construction of the retaining wall.

The actual cost of the project to be assessed to the homeowners is \$318,684.17. This total includes the contract cost and reimbursement of payroll expenses incurred by the City for overhead/support and construction management. The City funded 2% of the project at a cost of \$6,503.76.

The assessment method is the percentage of the retaining wall square footage that abuts each benefitted party. Assessments are payable in cash within thirty days after the passage of this ordinance, or at the option of the property owner, with their property taxes in installments as provided in Exhibit A.

The Administration recommends passage of the attached ordinance.

Attachment I – Exhibit A

cc: John S. Brazina, Director, Transportation and Engineering

TO LEVY special assessments to pay for the costs of constructing a public improvement, namely a 243-foot retaining wall along Peete Street, adjacent to certain lots located between 49 and 67 Mulberry Street on the southern side of the street in the Over-the-Rhine neighborhood in the City of Cincinnati, in accordance with Ohio Revised Code Section 727.25.

WHEREAS, 49 Mulberry Street through 67 Mulberry Street are properties in the Over-the-Rhine neighborhood situated along the north side of Peete Street, between Peete and Mulberry Streets, which collectively have been impacted by the failure of a downhill retaining wall; and

WHEREAS, pursuant to Ohio Revised Code ("ORC") Section 727.06, the owners of these properties petitioned the City to construct a replacement retaining wall and to assess the costs of its construction to their properties; and

WHEREAS, the proposed retaining wall constitutes a public improvement whose costs may properly be assessed to adjacent owners under Chapter 727 of the Ohio Revised Code; and

WHEREAS, on April 10, 2019, pursuant to Ohio Revised Code Section 727.12, City Council adopted Resolution No. 23-2019 ("Resolution") and declared the necessity of assessing the properties between 49 and 67 Mulberry Street for the construction of a retaining wall; and

WHEREAS, pursuant to the Resolution, the estimated assessments for the public improvements were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, pursuant to ORC Section 727.13, the affected property owners have been given notice of the passage of the Resolution and the filing of the estimated assessments; and

WHEREAS, no objection to the proposed assessments have been received; and

WHEREAS, pursuant to ORC Section 727.23, by its passage of Ordinance No. _____-2021, Council has determined to proceed with the assessment to pay for the costs of the public improvements; and

WHEREAS, the actual costs for public improvements have been ascertained, and the apportionment of those costs among the properties are substantially similar to the estimated assessment amounts on file with the Clerk; and

City of Cincinnati

An Ordinance No.

- 2021

JRS

BWB

WHEREAS, the Council hereby determines to levy the assessments to pay for the costs of the public improvements and to pay one-fiftieth (2%) of the total costs of the project pursuant to ORC Section 727.05; now, therefore,

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

Section 1. That that the City Council hereby assesses all properties located between 49 and 67 Mulberry Street on the southern side of the street in the Over-the-Rhine neighborhood to pay for the cost of constructing the public improvement described in Resolution No. 23-2019, namely a 243-foot retaining wall along Peete Street.

Section 2. That the assessment shall be calculated and apportioned based upon percentage of the retaining wall square footage that abuts each benefitted property.

Section 3. That the actual amounts of the assessments are set forth on Exhibit A, attached hereto and incorporated herein by reference, which amounts are hereby adopted and affirmed pursuant to Ohio Revised Code (“ORC”) Section 727.25.

Section 4. That, pursuant to ORC Section 727.05, the City will be responsible for one-fiftieth (2%) of the total costs of the public improvement.

Section 5. That the assessments levied by this ordinance shall be payable in cash to the Treasurer of the City of Cincinnati within 30 days after the passage of this ordinance or, at the option of each property owner, in annual installments as provided in Exhibit A at the annual rate of interest in the terms established by the City’s Director of Finance. Each property owner’s election shall be confirmed in a written communication provided to the City’s Director of Finance or other designated City official.

Section 6. That, upon the expiration of such 30-day period, the Clerk of Council or other appropriate City official shall certify any unpaid assessments to the Auditor of Hamilton County to be placed on the tax duplicate for collection at the time and in the same manner as property

taxes are collected. Upon certification, the assessments shall be paid based upon the annual installment option selected by the property owner and confirmed with writing and, if no selection is timely made and confirmed in writing, then the assessment shall be paid in twenty semi-annual installments, at the same time and in the same manner as real property taxes, commencing with the taxes that are due and payable in January 2022.

Section 7. That the City of Cincinnati shall not issue any notes or bonds in anticipation of the collection of the assessments.

Section 8. That the appropriate City officials are authorized to add to the assessment an amount to cover the cost of collection, to accept the assessment funds, to deposit them into the appropriate account for the purpose of paying the costs and expenses of the public improvement concerned here, and to disburse them as required by law.

Section 9. That the Clerk of Council is hereby directed to cause notice of this ordinance to be published once in a newspaper of general circulation within the City of Cincinnati pursuant to ORC Section 727.26.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed _____, 2021

John Cranley, Mayor

Attest: _____

Clerk

EXHIBIT A

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Design/Build Contract	\$280,148.00
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