



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

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Wednesday, April 5, 2023

2:00 PM

Council Chambers, Room 300

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#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

#### Citizen Complaint Authority

1. [202301037](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint John J. Williams to the Citizen Complaint Authority for a term of two years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/African American)

**Recommendation** CONFIRM

**Sponsors:** Mayor

#### MS. OWENS

2. [202301048](#) **ORDINANCE**, submitted by Councilmember Owens, from Emily Smart Woerner, City Solicitor, **ORDAINING** Chapter 1041, "Environmental Advisory Board," of Title X, "Environmental Code," of the Cincinnati Municipal Code to establish the Environmental Advisory Board as a resource for the City in its ongoing commitment to enact polices, practices, and procedures that combat climate change, improve the health and well-being of our citizens and our environment, and position Cincinnati to be a leader in sustainability policy and city-level climate change initiatives.

**Recommendation** CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

**Sponsors:** Owens

#### CITY MANAGER

3. [202301026](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Clifton Memorial Day Parade.

**Recommendation** FILE

**Sponsors:** City Manager

4. [202301027](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Juneteenth Parade.

**Recommendation** FILE

- Sponsors:** City Manager
5. [202301028](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for FCC3 - 5K.
- Recommendation** FILE
- Sponsors:** City Manager
6. [202301029](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Second Sundays On Main.
- Recommendation** FILE
- Sponsors:** City Manager
7. [202301030](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Reds Nike Event.
- Recommendation** FILE
- Sponsors:** City Manager
8. [202301031](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Oakley After Hours.
- Recommendation** FILE
- Sponsors:** City Manager
9. [202301038](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Concours d'Elegance 2023.
- Recommendation** FILE
- Sponsors:** City Manager
10. [202301039](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Cincinnati Reds Post Game Concerts.
- Recommendation** FILE
- Sponsors:** City Manager
11. [202301040](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Queen City 5K.
- Recommendation** FILE
- Sponsors:** City Manager
12. [202301041](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for UCHC23.
- Recommendation** FILE
- Sponsors:** City Manager
13. [202301042](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Bash on Short Vine.
- Recommendation** FILE
- Sponsors:** City Manager
14. [202301043](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager,

regarding Special Event Permit Application for Oaktobberfest.

**Recommendation** FILE

**Sponsors:** City Manager

15. [202301044](#) **REPORT**, dated 4/5/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Festival 513.

**Recommendation** FILE

**Sponsors:** City Manager

16. [202301049](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Common Ground Community Development, LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 1901 Baymiller Street in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 871 square feet of commercial space and approximately 3,071 square feet of residential space, consisting of 7 residential rental units, at a total construction cost of approximately \$650,000.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

17. [202301050](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **AUTHORIZING** City Manager or her designee to apply for, accept, and appropriate a grant in the amount of \$265 from Adopt A Class for the purpose of providing resources to assist with transportation costs related to an Adopt A Class Program field trip tour of the Greater Cincinnati Water Works treatment plant facilities to Water Works non-personnel operating budget account no. 314x301x7200; and **AUTHORIZING** the Finance Director to deposit any such grant funds received into Fund No. 314x8571, "Special Events."

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

18. [202301051](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **ESTABLISHING** the classification and salary range schedule for the new employment classification of Wastewater Crew Leader, and **ORDAINING** Section 722 of Division 1, Chapter 307, of the Cincinnati Municipal Code to reflect this new employment classification.

**Recommendation** PUBLIC SAFETY AND GOVERNANCE COMMITTEE

**Sponsors:** City Manager

19. [202301052](#) **RESOLUTION (LEGISLATIVE)** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **DECLARING** the necessity of assessing properties in Lighting Group 2 that benefit from special street lighting within the City of Cincinnati for the cost of such lighting for the three-year period beginning August 1, 2022.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

20. [202301060](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **AMENDING** Ordinance No. 139-1960, which authorized the establishment of Fund No. 756, "Water Works Capital Improvements Program," for the purpose of expanding the permissible sources for deposit into the fund to include state and federal loan and grant funding for water works capital improvements.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
21. [202301061](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **AUTHORIZING** the payment of \$3,745.14 from Cincinnati Recreation Commission Recreation Federal Grant Projects Fund non-personnel operating budget account no. 324x192x2210x7473 as a moral obligation to MMP LLC (dba Creative Storm) for marketing materials purchased for upcoming spring and summer events.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
22. [202301062](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **AUTHORIZING** the City Manager to apply for grant resources from the Clean Ohio Trails Fund grant program to be awarded by the Ohio Department of Natural Resources in an amount up to \$500,000 for the purpose of providing resources for the Red Bank Road Shared Use Path (PID 86461).
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
23. [202301063](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/5/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 1007 Dayton Street, LLC, an affiliate of 8K Development Company, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1001-1007 Dayton Street in the West End neighborhood of Cincinnati, in connection with the remodeling of approximately 935 square feet of commercial space and approximately 3,510 square feet of residential space, consisting of 8 residential rental units, at a total construction cost of approximately \$1,269,520.
- Recommendation** BUDGET AND FINANCE COMMITTEE
- Sponsors:** City Manager
24. [202301064](#) **REPORT**, dated 4/5/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Hilltop Cincy LLC, 950 Pavilion Street. (#3854990, D1 D2 D3 D3A D6, Transfer) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
25. [202301065](#) **REPORT**, dated 4/5/2023 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Rookwood Pottery Restaurant LLC, 1077 Celestial

Street. (#75094090010, D1 D2 D3 D6, Transfer) [Objections: None]

**Recommendation** FILE

**Sponsors:** City Manager

## CLERK OF COUNCIL

26. [202301069](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Mollie Kathleen Lair/City Manager's Office/Director of Communications.

**Recommendation** FILE

**Sponsors:** Clerk of Council

27. [202301070](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Robert Bertsch/Community and Econ Dev/Division Manager.

**Recommendation** FILE

**Sponsors:** Clerk of Council

28. [202301071](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jason Nathan Cooper/Cincinnati Police/Division Manager.

**Recommendation** FILE

**Sponsors:** Clerk of Council

29. [202301072](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Matthew Charles Brinck/DOTE/Division Manager.

**Recommendation** FILE

**Sponsors:** Clerk of Council

30. [202301073](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Erica Elizabeth Faaborg/Law/Deputy City Solicitor.

**Recommendation** FILE

**Sponsors:** Clerk of Council

31. [202301074](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Matthew E Shad/Buildings & Inspections/Division Manager.

**Recommendation** FILE

**Sponsors:** Clerk of Council

32. [202301075](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Maria Meyer/Greater Cincinnati Water Works/Interim Chief Engineer.

**Recommendation** FILE

**Sponsors:** Clerk of Council

33. [202301076](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Doris Adotey/Division Manager.

**Recommendation** FILE

- Sponsors:** Clerk of Council
34. [202301077](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Jerry Lavene Wilkerson Jr/Dept of Public Services/Director.
- Recommendation** FILE
- Sponsors:** Clerk of Council
35. [202301078](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for John Cranley/Former Mayor. (ETHICS)
- Recommendation** FILE
- Sponsors:** Clerk of Council
36. [202301079](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for Curtis Allen Hines/Transportation and Engineering/Division Manager.
- Recommendation** FILE
- Sponsors:** Clerk of Council
37. [202301080](#) **STATEMENT**, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for William F Vedra III/City Manager's Office/ECC Director.
- Recommendation** FILE
- Sponsors:** Clerk of Council

## BUDGET AND FINANCE COMMITTEE

38. [202301001](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **AUTHORIZING** the City Manager to apply for grant resources in an amount up to \$500,000 from the Federal Transit Administration under the Areas of Persistent Poverty Grant Program (ALN 20.505) for the purpose of providing resources for improvements and upgrades to streetcar technology, station information displays, and transit management software.
- Recommendation** PASS
- Sponsors:** City Manager
39. [202301002](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **AUTHORIZING** the establishment of new capital improvement program project account no. 980x203x232032, "DNR Team HQ Renovation," for the purpose of providing resources for renovation of the former District 5 Police Station located at 1012 Ludlow Avenue; and **AUTHORIZING** the transfer and appropriation of the sum of \$1,450,000 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to newly established capital improvement program project account no. 980x203x232032, "DNR Team HQ Renovation."
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager

40. [202301003](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$1,600 from Clifton Town Meeting for the purpose of hosting neighborhood community events throughout calendar year 2023; and **AUTHORIZING** the Finance Director to deposit the donated resources into Contributions for Recreation Purposes Fund 319x8571.
- Recommendation** PASS
- Sponsors:** City Manager
41. [202301004](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation in an amount up to \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing resources for the Cincinnati Recreation Commission's annual RiverTrek program and newly established ski and snowboard program; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund revenue account no. 319x8571.
- Recommendation** PASS
- Sponsors:** City Manager
42. [202301005](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission ("CRC") to solicit and accept donations of money and in-kind contributions from the local business community, individual benefactors, and other appropriate sources for the purpose of supporting CRC's programming needs including, but not limited to, the annual Scavenger Hunt event in Clifton; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.
- Recommendation** PASS
- Sponsors:** City Manager
43. [202301006](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of new roller skates from the Preservation of Affordable Housing valued at up to \$15,000 for the purpose of providing roller skates at the Over-the-Rhine Recreation Center.
- Recommendation** PASS
- Sponsors:** City Manager
44. [202301007](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **AUTHORIZING** the City Manager to accept in-kind donations and contributions of supplies, professional services, and contracted services from the Cincinnati Parks Foundation, valued at approximately \$235,136.11, to benefit various City parks; and **AUTHORIZING** the City Manager to accept in-kind donations of park supplies, professional services, and contracted services from the Cincinnati Riding Or Walking Network and Green Umbrella, valued at approximately \$121,450, to benefit various City parks.
- Recommendation** PASS
- Sponsors:** City Manager

**SUPPLEMENTAL ITEMS****PUBLIC SAFETY & GOVERNANCE COMMITTEE**

45. [202300887](#) **RESOLUTION (LEGISLATIVE) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/22/2023, **OBJECTING** to the renewal of the C1 and C2 liquor permit number 4371715 applied for by John Street Market, LLC, 1715 John Street, Cincinnati, Ohio 45214 to the Ohio Division of Liquor Control.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

**HEALTHY NEIGHBORHOODS COMMITTEE**

46. [202300769](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Parks, from Emily Smart Woerner, City Solicitor, **RENAMING** East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way in the City of Cincinnati, notwithstanding Council Resolution No. 16-2003, any Committee of Names conflicting rules and regulations, or any provision of the Cincinnati Municipal Code that would prohibit the renaming of a street in honor of a living person.

**Recommendation** PASS EMERGENCY

**Sponsors:** Parks

47. [202300934](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/29/2023, **NAMING** the steps between Vine Street and Ohio Avenue in the Mt. Auburn neighborhood the "Fig Alley Steps."

**Recommendation** PASS

**Sponsors:** City Manager

**ANNOUNCEMENTS**

Adjournment





**AFTAB PUREVAL**

City of Cincinnati, Office of the Mayor

March 2023

**APPOINTMENT**

I hereby appoint John J. Williams to the Citizen Complaint Authority for a term of two years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



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Mayor Aftab Pureval

**JOHN J. WILLIAMS**

**PROFESSIONAL PROFILE**

John J. Williams is an Associate General Counsel at FirstGroup America, Inc. where he internally works with the various business units of FirstGroup America including but not limited to First Student and First Transit offering them advise and developing strategies with them to work through or avoid legal conflict. He also helps to manage outside counsel as well as engage with them to resolve various issues for FirstGroup/First Student, Inc. John also serves as the Chair of the FirstGroup/First Student's Diversity & Inclusion Council.

**PRACTICE AREAS:**

**Civil Litigation Practice:** Conduct all phases of litigation as lead counsel in state and federal courts from discovery through bench and/or jury trial. Draft and argue various motions including summary judgment, discovery motions and motions to compel, and answer same. Take and defend depositions, draft legal memoranda, opinion letters, briefs, and settlement agreements. Provide, obtain and exchange information and advice with consultants and experts, including doctors and engineers.

**Employment Litigation:** Represents and counsel management in the defense of various Title VII discrimination matters, harassment claims, FMLA violations and various other breaches of employment contracts. Drafted numerous EEOC responses. Defend management in arbitrations and federal and state trials.

**Tort Defense/Personal Injury:** Represent insurance companies and self-insured entities in the defense and settlement of bodily injury and property damage lawsuits. Determine liability and severity of injuries and property damage. Conduct all phases of litigation including jury trials. Provide, obtain and/or exchange information or advice with external consultants and customers.

**Transactional:** Provided outside counsel and assistance to a publicly traded company regarding responding to RFPs and contract review and interpretation also drafted and reviewed commercial contracts for various entities. Drafted and negotiated loan documents, including review of public finance documents as Issuer or Authority Counsel.

**Small Businesses:** Advise and counsel small businesses.

**Criminal Litigation:** Former City of Lincoln Heights Prosecutor and Village of Golf Manor Magistrate. Extensive criminal bench and jury trial experience representing City of Cincinnati.

**EMPLOYMENT HIGHLIGHTS:**

**John J. Williams, Inc. LPA**

***Of Counsel***, Minnillo & Jenkins, LPA

***Partner***, Gonzalez, Saggio & Harlan

***Special Counsel***, Ohio Attorney General Office

***Co-General Counsel***, Port Authority of Greater Cincinnati

***Assistant City Solicitor***, Civil Division Office of the Solicitor for the City of Cincinnati

***Assistant City Prosecutor***, Criminal Division Office of the Solicitor of Cincinnati

**EDUCATION:**

**SUNY at Purchase**

Bachelor of Arts - May 1985

**SUNY Buffalo**

Juris Doctor May - 1988

**BAR ADMISSIONS:**

Ohio	U.S. District Court for the Southern District of Ohio
Kentucky	U.S. District Court for the Northern District of Ohio
New York	U.S. District Court for the Eastern District of Kentucky
	U.S. Court of Appeals for the Sixth Circuit
	U.S. Court of Appeals for the District of Columbia
	U.S. Court of Federal Claims

**BAR MEMBERSHIPS AND PARTICIPATION**

Cincinnati Bar Association, President 2017-18  
Cincinnati Bar Foundation, President 2000-2002  
Black Lawyers Association of Cincinnati, Lifetime Member- President from 1995-1999  
Greater Cincinnati Minority Counsel Program, Steering Committee Member, Former Co-Chair  
Ohio State Bar Association, Member since 1995, Council of Delegates since 2000  
ABA House of Delegate Representing Cincinnati Bar Association

**CIVIC MEMBERSHIPS**

Board Member Spring Grove Cemetery  
Camp Joy Outdoor Educational Center, Former Board Member  
Steering Committee Leadership Cincinnati  
Leadership Cincinnati Class XXIII  
ProKids, Former Board Member and President  
ProSeniors, Former Board Member and President  
Cincinnati Reds Hall of Fame, Former Board Member

**AWARDS**

Ohio State Bar Foundation Community Service Award for Lawyers Forty and Under  
2016 Black Lawyers Association Distinguished Service Award Recipient

202301048

**Date:** April 5, 2023

**To:** Councilmember Meeka Owens  
**From:** Emily Smart Woerner, City Solicitor *EESW/EEF*  
**Subject:** Ordinance – Environmental Advisory Council Renewal

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Transmitted herewith is an ordinance captioned as follows:

**ORDAINING** Chapter 1041, “Environmental Advisory Board,” of Title X, “Environmental Code,” of the Cincinnati Municipal Code to establish the Environmental Advisory Board as a resource for the City in its ongoing commitment to enact polices, practices, and procedures that combat climate change, improve the health and well-being of our citizens and our environment, and position Cincinnati to be a leader in sustainability policy and city-level climate change initiatives.

EESW/MSS(dmm)  
Attachment  
379766

**City of Cincinnati**  
**An Ordinance No. \_\_\_\_\_**

MSS  
EESW/EEF  
-2023

**ORDAINING** Chapter 1041, “Environmental Advisory Board,” of Title X, “Environmental Code,” of the Cincinnati Municipal Code to establish the Environmental Advisory Board as a resource for the City in its ongoing commitment to enact polices, practices, and procedures that combat climate change, improve the health and well-being of our citizens and our environment, and position Cincinnati to be a leader in sustainability policy and city-level climate change initiatives.

WHEREAS, the City of Cincinnati established an Environmental Task Force in 1972 to advise and make recommendations to Council regarding actions the City could take to improve the environment; and

WHEREAS, on March 26, 1975, the recommendations of the Environmental Task Force led to the establishment of the Environmental Advisory Council, with the City Manager selecting 25 citizens as members; and

WHEREAS, on January 28, 1976, Council passed a resolution ratifying and approving creation of the Environmental Advisory Council to identify both immediate and long-term environmental issues and to alert City leaders regarding such issues; and

WHEREAS, the Environmental Advisory Council was further tasked with developing and providing advice on specific issues, both internally generated and as requested by the City; and

WHEREAS, the Environmental Advisory Council has served the City for nearly fifty years; and

WHEREAS, since the establishment of the Environmental Advisory Council, the City established the Office of Environmental Quality, which later became the current Office of Environment and Sustainability, whose mission is to advance the sustainability, equity, and resilience of our City; and

WHEREAS, in 2008 the City adopted the first Green Cincinnati Plan, which has been renewed by the Mayor and Council three times; and

WHEREAS, the Green Cincinnati Plan is the City’s sustainability blueprint and set the groundwork for Cincinnati being recognized as an international leader in sustainability policy and city-level climate change initiatives; and

WHEREAS, Council again moved for renewal of the Green Cincinnati Plan in 2022; and

WHEREAS, Council would like to continue the City’s productive engagement with community partners, stakeholders, and advocates to implement and oversee implementation of the recommendations in the Green Cincinnati Plan; and

WHEREAS, Council believes that the Green Cincinnati Plan should continue to be renewed from time to time, with the advice, assistance, and expertise of sustainability leaders and community stakeholders; and

WHEREAS, the Environmental Advisory Board will be tasked to oversee and advise on implementation of the Green Cincinnati Plan of 2023, working with the staff of the Office of the Environment and Sustainability, to solidify prioritization, timelines, partners, and potential funding sources for the Green Cincinnati Plan’s recommendations; and

WHEREAS, consistent with these aims, Council wishes to refresh the purpose and role of the Environmental Advisory Council to assist the Office of Environment and Sustainability with implementation and oversight of the Green Cincinnati Plan, and to align its purpose with modern environmental sciences and policies by formalizing its mission and responsibilities in the Cincinnati Municipal Code; and

WHEREAS, the Environmental Advisory Board authorized by this ordinance therefore will succeed the Environmental Advisory Council with the new purpose, mission, and structure set forth herein; now, therefore,

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

Section 1. That Chapter 1041, “Environmental Advisory Board,” of Title X, “Environmental Code,” of the Cincinnati Municipal Code, is hereby ordained as follows:

**Chapter 1041. – Environmental Advisory Board.**

**Sec. 1041-1. – Definitions.**

For the purpose of this chapter, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

**Sec. 1041-1-G. – Green Cincinnati Plan.**

“Green Cincinnati Plan” shall mean the Green Cincinnati Plan adopted by Council in 2018 and any successor plan approved by council.

**Sec. 1041-1-O. – Office of Environment and Sustainability; Office.**

“Office of Environment and Sustainability” or “office” shall mean the city’s office of environment and sustainability and any future city office or department that succeeds to the responsibilities of the office of environment and sustainability.

**Sec. 1041-3. – Mission and duties of board.**

- (a) The mission of the environmental advisory board is to promote awareness of environmental and sustainability issues in the city, serve as a public advocate for the office of environment and sustainability, and assist the office of environment and sustainability in implementing the recommendations of the Green Cincinnati Plan, including measuring the impact of the programs and initiatives identified therein.
- (b) The environmental advisory board shall have the following functions and duties associated with environmental and sustainability issues and programs:
  - (1) Recommending policies and strategies to implement the recommendations of the Green Cincinnati Plan;
  - (2) Measuring implementation of and impact to the community and region of the recommendations of the Green Cincinnati Plan;
  - (3) Preparing and distributing reports, which shall be filed with the clerk of council and the city manager, including at least an annual report regarding the city’s progress in implementing the recommendations of the Green Cincinnati Plan; and
  - (4) Providing advice and guidance regarding environmental and sustainability issues and policies, including implementation of the Green Cincinnati Plan, at the request of the director of the office of environment and sustainability, other members of the administration, or elected officials.

**Sec. 1041-5. – Board membership, meetings, and governance.**

- (a) The city manager shall appoint the members of the environmental advisory board. The environmental advisory board shall consist of a minimum of nine and a maximum of fourteen members, with a majority of currently serving members creating a quorum. The members shall be diverse in terms of race, ethnicity, gender, and age, and shall be professionally involved in environmental and sustainability projects and issues or community advocates for such projects and issues. Members shall serve without compensation. The city manager shall take into account and reflect the priorities of the Green Cincinnati Plan when appointing members and shall prefer stakeholders who are personally or professionally focused on such priorities for appointment.
- (b) The director of the office of environment and sustainability or the director’s designee shall be an ex-officio board member who shall not vote and shall not count as one of the fourteen board members appointed by the city manager.

- (c) In the environmental advisory board’s first year, the city manager shall appoint up to five members for a term of three years, up to five members for a term of two years, and up to four members for a term of one year, so that approximately one-third of the positions shall be eligible for renewal or replacement each year. Upon the expiration of the initial term of each member, each member’s appointment may be renewed for up to two additional three-year terms. Members may hold over until the appointment of a successor member, but for not more than a period of six months. The city manager shall make appointments to fill vacancies caused by the death or resignation of members in unexpired terms.
- (d) The environmental advisory board shall meet on a quarterly basis or more frequently as needed. All meetings shall be public meetings.
- (e) The environmental advisory board is authorized to pass by-laws or other regulations governing the board, provided that such bylaws or regulations do not conflict with any provision of the municipal code.
- (f) The environmental advisory board, through its bylaws, shall establish a structure of standing committees with specific areas of responsibility for accomplishing the mission and duties of the board. The board shall elect a chair, who shall be responsible for setting the board’s agenda. The chair shall consult with the director of the office of environment and sustainability in developing the board’s agenda.

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

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

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

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

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



Date: 4/5/2023

To: Mayor and Members of City Council 202301026  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Clifton Memorial Day Parade)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Barry Gee) 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: Clifton Memorial Day Parade  
EVENT SPONSOR/PRODUCER: Clifton Town Council  
CONTACT PERSON: Barry Gee  
LOCATION: Middleton Avenue and McAlpin Avenue to Lafayette to Mt. Storm Park  
DATE(S) AND TIME(S): 05/29/2023 11:00am—05/29/2023 12:00pm  
EVENT DESCRIPTION: Parade will go from the corner of Middleton and McAlpin Aves over to Mt. Storm Park. Mt. Storm is where a picnic will be and they have filed their own permit.  
ANTICIPATED ATTENDANCE: 400  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: N/A

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

To: Mayor and Members of City Council 202301027  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: (Juneteenth Parade)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Patrice Logan) 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:** Juneteenth Parade  
**EVENT SPONSOR/PRODUCER:** COJP Committee - Patrice Logan  
**CONTACT PERSON:** Patrice Logan  
**LOCATION:** Court St (Between Linn St and Plum St)  
**DATE(S) AND TIME(S):** 06/19/2023 8:00am—06/19/2023 1:00pm  
**EVENT DESCRIPTION:** The 2nd Annual Cincinnati Official Juneteenth Parade will take place Monday June 19, 2023. The parade will kick off at 10 am at the corner of Linn & Court Street. The parade will walk along Court St., making a right onto Plum Street with a brief pause in front of the review stand (stage, adjacent to Richmond St.) Exiting right on Richmond Street.  
**ANTICIPATED ATTENDANCE:** 200  
**ALCOHOL SALES:**  YES.  NO.  
**TEMPORARY LIQUOR PERMIT HOLDER IS:** N/A

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

202301028

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (FCC3 5K)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Jeanette Kiely) 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: FCC3 5K  
EVENT SPONSOR/PRODUCER: Pig Works  
CONTACT PERSON: Jeanette Kiely  
LOCATION: The Banks  
DATE(S) AND TIME(S): 09/30/2023 6:00pm—09/30/2023 10:00pm  
EVENT DESCRIPTION: Road race for Charity, partnered with FCC Foundation  
ANTICIPATED ATTENDANCE: 2,500  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: N/A

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

202301029

To: Mayor and Members of City Council  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: (Second Sundays on Main)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Megyn Norbut, Over-The-Rhine Chamber of Commerce) 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:** Second Sundays on Main  
**EVENT SPONSOR/PRODUCER:** Over-The-Rhine Chamber of Commerce  
**CONTACT PERSON:** Megyn Norbut  
**LOCATION:** Main Street OTR ( Between 12<sup>th</sup> St and E Liberty St)  
**DATE(S) AND TIME(S):** 06/11/2023 12:00pm—06/11/2023 5:00pm  
 07/09/2023 12:00pm—07/09/2023 5:00pm  
 08/13/2023 12:00pm—08/13/2023 5:00pm  
 09/10/2023 12:00pm—09/10/2023 5:00pm  
**EVENT DESCRIPTION:** Second Sunday on Main is a FREE neighbor- hood street festival in Cincinnati's historic Over-The-Rhine neighborhood. This monthly celebration includes vibrant arts and music programming, a diverse and eclectic vendor market, and Biergarten lounge. Each month from June to October, an estimated 3,000 visitors attend SSOM to explore Main Street's 30+ participating shops, galleries, restaurants, cafes, and bars.  
**ANTICIPATED ATTENDANCE:** 3,000  
**ALCOHOL SALES:**  YES.  NO.  
**TEMPORARY LIQUOR PERMIT HOLDER IS:** Over-The-Rhine Chamber of Commerce

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

To: Mayor and Members of City Council 202301030  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Reds Nike Event)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Cincinnati Reds) 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: Reds Nike Event  
EVENT SPONSOR/PRODUCER: Cincinnati Reds  
CONTACT PERSON: Kaitlin Simcoe  
LOCATION: 100 W. Elder St.  
DATE(S) AND TIME(S): 5/20/2023 10:00AM to 7:00PM  
EVENT DESCRIPTION: Nike retail event. Will have the ability to watch the game, listen to a live DJ and purchase beer from the beer truck.  
ANTICIPATED ATTENDANCE: 1,500  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

202301031

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

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In accordance with Cincinnati Municipal Code, Chapter 765; (Oakley Community Council) 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: Oakley After Hours  
EVENT SPONSOR/PRODUCER: Oakley Community Council  
CONTACT PERSON: Jon Bernier  
LOCATION: Geier Eplanade  
DATE(S) AND TIME(S): 5/13/2023 5:00pm to 9:00pm  
EVENT DESCRIPTION: This is a neighborhood gathering celebrating Oakley with a little music  
ANTICIPATED ATTENDANCE: 400  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

To: Mayor and Members of City Council 202301038  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Concours d'Elegance 2023)**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Cincinnati Concours Committee  
EVENT SPONSOR/PRODUCER: Concours d'Elegance 2023  
CONTACT PERSON: Julie Wyte  
LOCATION: Ault Park  
DATE(S) AND TIME(S): 6/11/2023 10:00am to 4:00pm  
EVENT DESCRIPTION: Car show  
ANTICIPATED ATTENDANCE: 6,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

202301039

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Cincinnati Reds Post Game Concerts)**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Cincinnati Reds Post Game Concerts  
EVENT SPONSOR/PRODUCER: Cincinnati Reds  
CONTACT PERSON: Tim O'Connell  
LOCATION: 100 Broadway  
DATE(S) AND TIME(S): 6/2/2023, 6/23/2023, 8/5/2023, 8/18/2023, 9/9/2023 (Times T.B.D.)  
EVENT DESCRIPTION: The Reds have scheduled 5 post-game concerts for the 2023 season. While these concerts are intended to occur inside of the ballpark (which have been approved under the 2023 Regular Baseball Season permit) there is a desire to have a backup plan in case of foul weather. The dates for the concerts are: June 2, June 23, August 5, August 18, and September 9.  
ANTICIPATED ATTENDANCE: 2,064  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (Cincinnati Reds)

cc: Colonel Teresa A. Theetge, Police Chief



April 5, 2023

To: Mayor and Members of City Council 202301040  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: Queen City 5K**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Queen City 5K  
EVENT SPONSOR/PRODUCER: Queen City Foundation  
CONTACT PERSON: Treigg Turner  
LOCATION: 5K walk/run fund-raiser downtown Cincinnati for Queen City Foundation. Start/finish line and a post race celebration on West Pete Rose Way. West of Central Avenue.  
DATE(S) AND TIME(S): 07/22/23 0730-1030  
EVENT DESCRIPTION: 5K walk/run fund-raiser downtown Cincinnati for Queen City Foundation with Music and General Merchandise Vendors  
ANTICIPATED ATTENDANCE: 750  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: N/A

cc: Colonel Teresa A. Theetge, Police Chief

April 5, 2023

To: Mayor and Members of City Council 202301041  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: UCHC23**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: UCHC23  
EVENT SPONSOR/PRODUCER: Christopher Steward  
CONTACT PERSON: Christopher Steward  
LOCATION: 2600 Vine Street  
DATE(S) AND TIME(S): 10/14/23 1200-2000 hrs  
EVENT DESCRIPTION: Alumni organization gathering to support the local businesses in the area. Wide range of various DJs who curate the vibes of the annual event.  
ANTICIPATED ATTENDANCE: 2500  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: To Be Determined

cc: Colonel Teresa A. Theetge, Police Chief

April 5, 2023

To: Mayor and Members of City Council 202301042  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: Bash on Short Vine**

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

The particulars of the requested event are as indicated:

**EVENT NAME/TITLE:** Bash on Short Vine  
**EVENT SPONSOR/PRODUCER:** Trace Fowler  
**CONTACT PERSON:** Trace Fowler  
**LOCATION:** 2600 Vine Street  
**DATE(S) AND TIME(S):** 09/02/23 1000-1900 hrs, 09/16/23 1000-1900 hrs, 09/23/23 1000-1900, 10/21/23 1000-1900 hrs, 11/04/23 1000-1900 hrs.  
**EVENT DESCRIPTION:** Bash on Short Vine is a tailgate area to root on the Cincinnati Bearcats with a pregame show featured via Chatterbox Sports.  
**ANTICIPATED ATTENDANCE:** 3500  
**ALCOHOL SALES:**  YES.  NO.  
**TEMPORARY LIQUOR PERMIT HOLDER IS:** To Be Determined

cc: Colonel Teresa A. Theetge, Police Chief

Date: 4/5/2023

To: Mayor and Members of City Council 202301043  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Oaktoberfest)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Oakley Community Council) 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: Oaktoberfest  
EVENT SPONSOR/PRODUCER: Oakley Community Council  
CONTACT PERSON: Jon Bernier  
LOCATION: Geier Eplanade  
DATE(S) AND TIME(S): 9/9/2023 5:00pm to 9:00pm  
EVENT DESCRIPTION: Neighborhood Gathering on the square to celebrate Oakley  
ANTICIPATED ATTENDANCE: 400  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

April 5, 2023

202301044

To: Mayor and Members of City Council  
 From: Sheryl M. M. Long, City Manager  
 Subject: **SPECIAL EVENT PERMIT APPLICATION: Festival 513**

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

The particulars of the requested event are as indicated:

**EVENT NAME/TITLE:** Festival 513  
**EVENT SPONSOR/PRODUCER:** Group 513 LLC and Ourstory Foundation  
**CONTACT PERSON:** Bomani Tyehimba  
**LOCATION:** Freedom Way and Race St. (Bounded by Elm and Rosa Parks as well as West 2nd St. to Freedom Way)  
**DATE(S) AND TIME(S):** 07/21/23 1600-0200, 07/22/23 1200-0200  
**EVENT DESCRIPTION:** Music and Radio Broadcast, Food, and General Merchandise Vendors  
**ANTICIPATED ATTENDANCE:** 7500  
**ALCOHOL SALES:**  YES.  NO.  
**TEMPORARY LIQUOR PERMIT HOLDER IS:** To Be Determined

cc: Colonel Teresa A. Theetge, Police Chief

April 5, 2023

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

202301049

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

**Subject: Ordinance – Approving and Authorizing a CRA Tax Abatement with Common Ground Community Development, LLC**

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Attached is an Ordinance captioned:

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Common Ground Community Development, LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 1901 Baymiller Street in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 871 square feet of commercial space and approximately 3,071 square feet of residential space, consisting of 7 residential rental units, at a total construction cost of approximately \$650,000.

### **BACKGROUND/CURRENT CONDITIONS**

Common Ground Community Development, LLC will be renovating the historic building located at 1901 Baymiller Street in the West End neighborhood of Cincinnati. This project will transform the vacant building into 7 – 1 bedroom apartment units (3,071 square feet of residential space) and 874 square feet of commercial space. Common Ground Community Development, LLC submitted a Commercial CRA Application to initiate this process.

### **DEVELOPER INFORMATION**

The Common Ground Community Development LLC. team consists of Means Cameron, Tony Jones and Robert Sanders. Means Cameron is a West End native, owner of Black Coffee and Black Owned Outerwear. Cameron has 10+ years' experience as a business owner with experience in events, marketing and is currently doing rehab projects. Tony Jones is a Cincinnati native, a realtor and experienced rehabber. Jones has been in business on his own for 7+ years. Robert Sanders is an experienced developer, and principal of Sanders Development Group, who has completed several projects in Cincinnati, including mostly recently the redevelopment of a vacant historic building in Walnut Hills into the new Triversity Construction Headquarters.

### **RECOMMENDATION**

The Administration recommends approval of this Ordinance.

Attachment: Project Outline

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

# Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	1901 Baymiller
Street Address	1901 Baymiller Street
Property Condition	Historic building currently sits vacant; Developer signed Option to Purchase Agreement with the Hamilton County Land Reutilization Corporation in 2021.
Neighborhood	West End
Incentive Application Process	Commercial CRA – Neighborhood (Non-LEED)
Recent or other projects by Developer	Triversity Construction Headquarters
Approval at planning commission/Neighborhood support	West End Community Council has submitted a letter of support
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120) and Sustain Initiative Area Goal 2 (pages 193-198) of Plan Cincinnati

## Project Image



<b><u>Incentive Summary Category</u></b>	<b><u>Explanation</u></b>
Abatement Term and amount	12-year, net 52%
Construction Cost & Private investment committed	\$650,000 in hard construction costs, \$100,000 in soft costs; Developer has received construction loan of \$665,000 from Cincinnati Development Fund.
Sq. Footage by Use	871 sf – commercial 3,071 - residential
Number of units and rental ranges	7 residential units Ranging from \$850/month- \$1,000/month
Jobs created/retained and payroll (living wage)	Projected to create 2 FTE positions at \$50,000 in annual payroll (avg. of \$25,000 annually per job)
“But For”	This project would not proceed without an abatement; the developer would lose money on the project post-construction with their projected ROI
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: -.05% (stabilized vacancy) With Abatement: Year 5: 0.4% (stabilized vacancy)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	Neighborhood VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$4.25 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$10,800
MBE/WBE Goals	N/A
Transit Access/Walkability	Sits 2 blocks away from a Metro Route 27 stop   77 Walk Score
Geography	Located in an Opportunity Zone and the OTR-West End NRSA
Historic Preservation/Existing Building Renovation	This project will renovate a currently vacant historic building and bring it back to use
Public Infrastructure Improvements	N/A



Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
<b>\$850.00</b>	\$33,450	Municipal Worker, Public Affairs Assistant, Clerk Typist, Home Health Aide
<b>\$1,000.00</b>	\$40,140	Support Services Specialist, Legal Assistant, Laborer, Community Center Director, Sanitation Helper, Cleaner, Secretary

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

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Common Ground Community Development, LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 1901 Baymiller Street in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 871 square feet of commercial space and approximately 3,071 square feet of residential space, consisting of 7 residential rental units, at a total construction cost of approximately \$650,000.

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, Common Ground Community Development, LLC (the “Company”) desires to remodel an existing building on real property at 1901 Baymiller Street located within the corporate boundaries of the City of Cincinnati into approximately 871 square feet of commercial space and approximately 3,071 square feet of residential space, consisting of 7 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, 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 City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$5,797; 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 facilitate permanent improvements and neighborhood services furthering redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; 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 Common Ground Community Development, LLC (the “Agreement”), thereby authorizing a 12-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 1901 Baymiller Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 871 square feet of commercial space and approximately 3,071 square feet of residential space, consisting of 7 residential rental units, to be completed at a total construction cost of approximately \$650,000.

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 take effect and be in force from and after the earliest period allowed by law.

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

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

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

## 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 COMMON GROUND COMMUNITY DEVELOPMENT, LLC, an Ohio limited liability company (the "Company").

## 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 1901 Baymiller 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 the remodeling of 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. The Company acknowledges that the West End neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project’s success. The Project’s success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the West End neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement (“VTICA”) with a City-designated third-party non-profit administrative organization (the “Third-Party Administrator”) to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the “VTICA Contribution”). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the West End neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- P. This Agreement has been authorized by Ordinance No. \_\_\_\_\_-2023, passed by Cincinnati City Council on \_\_\_\_\_, 2023.
- 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 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 the existing building on the Property to create approximately 3,071 square feet of residential space consisting of 7 residential rental units and approximately 871 square feet of commercial space (the "Improvements") at an estimated aggregate cost of \$650,000 to commence after the execution of this Agreement and to be completed no later than November 31, 2025; *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 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 12 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 2026 nor extend beyond the earlier of (i) tax year 2037 or (ii) the end of the twelfth (12<sup>th</sup>) 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.

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 (i) 2 full-time permanent jobs, and (ii) 25 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) \$50,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$325,000 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. 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:

Common Ground Community Development, LLC  
Attention: Tony Jones, Owner

2460 E. Sharon Rd.  
Cincinnati, Ohio 45241

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

COMMON GROUND COMMUNITY  
DEVELOPMENT, LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

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

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

**Address: 1901 Baymiller Street, Cincinnati, OH 45214**  
**Parcel No.: 184-0003-0071-00**

Situate in the City of Cincinnati, Hamilton County, Ohio, to-wit: All that certain lot of ground situated at the northwest corner of Baymiller and York Streets in said city, known and designated as Lot Twenty-One (21) on the plat of E. & F. Avery's Subdivision of Square 2 of Avery & Kirby's Subdivision of land in Millcreek Township, the restored plat of said E. & F. Avery's Subdivision being recorded in Plat Book 17, Page 6 of the said records, said lot being Twenty-five (25) feet in front on the West Side of Baymiller Street, and extending back westwardly along the North line of York Street on a line parallel to and Twenty-five (25) feet North of said York Street, the same width in rear as in front One Hundred (100) feet to a ten (10) foot alley.

**Exhibit B to CRA Agreement**  
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

**April 5, 2023**

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

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

202301050

**Subject: Emergency Ordinance – GCWW: Adopt A Class Field Trip Grant**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** City Manager or her designee to apply for, accept, and appropriate a grant in the amount of \$265 from Adopt A Class for the purpose of providing resources to assist with transportation costs related to an Adopt A Class Program field trip tour of the Greater Cincinnati Water Works treatment plant facilities to Water Works non-personnel operating budget account no. 314x301x7200; and **AUTHORIZING** the Finance Director to deposit any such grant funds received into Fund No. 314x8571, “Special Events.”

This Emergency Ordinance authorizes the City Manager or her designee to apply for, accept, and appropriate a grant in the amount of \$256 from Adopt A Class to the Water Works non-personnel operating budget account no. 314x301x7200 for the purpose of providing resources to assist with transportation costs related to an Adopt A Class Program field trip tour of the Greater Cincinnati Water Works (GCWW) treatment plant facilities. This Emergency Ordinance further authorizes the Finance Director to deposit any such grant funds received into Fund No. 314x8571, “Special Events.”

On May 2, 2023, the City of Cincinnati will bring students from Riverview East Academy to the City’s water treatment facilities to observe and investigate water treatment processes. The tour will include hands-on experiments with actual GCWW chemists and technicians, exploring the GCWW museum, seeing the full water treatment process in action, and enjoying lunch with mentors and friends. The Adopt A Class grant will offset the cost of transporting the students from the school to the water treatment facilities’ sites. The grant requires no local match and there are no additional FTEs associated with this grant.

The Adopt A Class field trip is in accordance with the “Collaborate” goal to “Work in synergy with the Cincinnati community” and strategy to “Unite our communities” as described on pages 207-212 of Plan Cincinnati.

The reason for the emergency is the immediate need to accept the grant funds for the cost of the May 2, 2023 field trip transportation.

The Administration recommends passage of this Emergency Ordinance.

cc: Verna Arnette, GCWW, Interim Executive Director  
Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director



Attachment

**EMERGENCY**

AEY

- 2023

**AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate a grant in the amount of \$265 from Adopt A Class for the purpose of providing resources to assist with transportation costs related to an Adopt A Class Program field trip tour of the Greater Cincinnati Water Works treatment plant facilities to Water Works non-personnel operating budget account no. 314x301x7200; and **AUTHORIZING** the Finance Director to deposit any such grant funds received into Fund No. 314x8571, “Special Events.”

WHEREAS, a grant in the amount of \$265 is available from Adopt A Class to support educational field trips for students; and

WHEREAS, on May 2, 2023, the City of Cincinnati will bring students from Riverview East Academy to the City’s water treatment facilities to observe and investigate water treatment processes; and

WHEREAS, the tour will include hands-on experiments with actual Greater Cincinnati Water Works (“GCWW”) chemists and technicians, exploring the GCWW museum, seeing the full water treatment process in action, and enjoying lunch with mentors and friends; and

WHEREAS, the Adopt A Class grant will offset the cost of transporting the students from the school to the water treatment facilities sites; and

WHEREAS, the grant requires no local match and there are no additional FTEs associated with this grant; and

WHEREAS, the Adopt A Class field trip is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community,” and strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager or her designee is hereby authorized to apply for, accept, and appropriate a grant in the amount of \$265, to Water Works non-personnel operating budget account no. 314x301x7200 from Adopt A Class for the purpose of providing resources to assist

with transportation costs related to an Adopt A Class Program field trip tour of the Greater Cincinnati Water Works treatment plant facilities.

Section 2. That the City Finance Director is authorized to deposit the proceeds of the grant into Special Events Fund 314x8571.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the grant funds for the cost of the May 2, 2023 field trip transportation.

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

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

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

**April 5, 2023**

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

202301051

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

**Subject: Emergency Ordinance: Establishing the Classification and Salary Range for the Employment Classification of Wastewater Crew Leader**

---

Attached is an Emergency Ordinance captioned:

**ESTABLISHING** the classification and salary range schedule for the new employment classification of Wastewater Crew Leader, and **ORDAINING** Section 722 of Division 1, Chapter 307, of the Cincinnati Municipal Code to reflect this new employment classification.

The Human Resources Director has approved the request for this ordinance to establish the classification of Wastewater Crew Leader, and to establish the salary range. The Department of Human Resources has done its due diligence and conducted appropriate internal comparisons to ensure that the new classification and salary range is consistent with the scope of work and the level of responsibility of the position of Wastewater Crew Leader. This classification is necessary to ensure retention of staff in this specialized area of work and ensure promotional opportunities.

The Administration recommends passage of this Emergency Ordinance.

cc: Edward G. Ramsey, Human Resources Director

**EMERGENCY**

MSS

-2023

**ESTABLISHING** the classification and salary range schedule for the new employment classification of Wastewater Crew Leader, and **ORDAINING** Section 722 of Division 1, Chapter 307, of the Cincinnati Municipal Code to reflect this new employment classification.

WHEREAS, the City’s Department of Human Resources, in consultation with the Metropolitan Sewer District, has determined that it is necessary to create a new Wastewater Crew Leader classification specification to recruit and retain quality employees; and

WHEREAS, the Wastewater Crew Leader classification and compensation plan is necessary to ensure consistency in the knowledge, skills, and abilities required to carry out the duties and tasks prescribed for the position; and

WHEREAS, creation of the Wastewater Crew Leader position and salary range provides an opportunity to increase organizational effectiveness while maintaining a standard of excellence and a clear pathway for continued growth and career progression for employees; and

WHEREAS, the Department of Human Resources has performed due diligence and conducted appropriate internal comparisons to ensure that the new classification and salary range are consistent with the scope of work and the level of responsibility of the position of Wastewater Crew Leader, with factors considered throughout the evaluation process including a review of planning, scheduling, and crew leader duties in performing preventive maintenance and repair work; and

WHEREAS, adopting the new salary range and classification title for the position is based upon an internal classification review and internal cost of living adjustment comparisons as approved by Council; now, therefore,

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

Section 1. That Section 722 of Division 1, Chapter 307 of the Cincinnati Municipal Code is hereby ordained as follows:

<b>Classification</b>	<b>Minimum Annual Salary</b>	<b>Maximum Annual Salary</b>
Wastewater Crew Leader	\$68,488.55	\$76,936.76

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

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 establish the classification and salary range of Wastewater Crew Leader to recruit and retain qualified employees in the Metropolitan Sewer District.

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

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

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



Date: April 5, 2023

To: Mayor and Members of City Council

202301052

From: Sheryl M. M. Long, City Manager

Subject: RESOLUTION OF NECESSITY FOR GROUP 2 CENTRAL BUSINESS DISTRICT (2022-2025)

---

Attached is a legislative resolution captioned as follows:

**DECLARING** the necessity of assessing properties in Lighting Group 2 that benefit from special street lighting within the City of Cincinnati for the cost of such lighting for the three-year period beginning August 1, 2022.

The Assessed Street Lighting program allows property owners to pay the added cost for enhanced or increased street lighting services. The Assessed Street Lighting program is divided into three groups; each group is assessed for a three-year period with one group being renewed each year. The groups are classified by the category of lighting and divided into individual districts usually consisting of a street segment.

- Group 1 consists of residential streets lighted by boulevard lights on decorative poles with underground wiring formally owned by Duke Energy and now owned and maintained by the City.
- Group 2 consists of streets within the central business district. There are various types of lighting within this area, most of which is owned and maintained by the City.
- Group 3 is an assortment of lights and streets not included in Group 1 and Group 2. Included in this group are neighborhood business districts and new residential developments. The ownership and maintenance responsibility for the lighting in these areas is divided between Duke Energy and the City.

The lighting for Group 2 consists of 920 streetlights of various types and wattages installed on boulevard poles. The estimated total assessment for Group 2 is \$658,261.85 for the three-year assessment period. The City pays for a portion of the total street lighting costs that is relatively equivalent to what is normally provided from City funds on non-assessed streets. This lighting credit, the city's share of the cost of this lighting, for Group 2 varies from \$0.35 to \$1.04 per foot for the period and is determined by the street classification. On streets that have both standard lighting and special lighting, a 2% credit to the total operating and maintenance costs is applied instead. The City also pays the assessments associated with lighting intersections and city, federal, and state property contained within an assessment district.

The annual assessment renewal process has four major steps, which require action by City Council.

1. A Resolution of Necessity is prepared by the Law Department and submitted for passage.
2. After Council passes the Resolution of Necessity, all property owners who will be assessed

more than \$500.00 for the three-year period are notified and given an opportunity to object to the proposed assessment.

3. After all objections to the proposed assessment have been addressed, an Ordinance Determining to Proceed is prepared by the Law Department and submitted for passage.
4. Immediately following the Ordinance Determining to Proceed, an Assessing Ordinance is prepared and submitted.

The Administration recommends the passage of the attached legislative resolution.

Attachment I – Lighting Assessment Estimates

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

# Legislative Resolution

JRS

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

**DECLARING** the necessity of assessing properties in Lighting Group 2 that benefit from special street lighting within the City of Cincinnati for the cost of such lighting for the three-year period beginning August 1, 2022.

WHEREAS, Chapter 727 of the Ohio Revised Code authorizes the City to levy and collect special assessments for the cost of special street lighting upon abutting, adjacent, contiguous, or specially benefitted lots or lands within the City; and

WHEREAS, Council has determined that properties abutting, adjacent, and contiguous to the streets or portions of streets identified on the attached Exhibit A specially benefit from the special street lighting thereon; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio, three-fourths of the members elected thereto concurring:

Section 1. That it is hereby declared necessary and conducive to the public health, safety, convenience, and general welfare to assess properties that benefit from special street lighting in Lighting Group 2 on the streets set forth in Exhibit A attached hereto, which assessments shall be for such properties' share of the cost of such lighting during the three-year period commencing on August 1, 2022.

Section 2. That the plans, specifications, and cost estimates corresponding to the proposed assessments are on file in the Clerk of Council's office, incorporated herein by reference, and hereby approved.

Section 3. That the City of Cincinnati shall pay from \$0.35 to \$1.04 per front foot for the City's share of the cost of the special lighting subject to the proposed assessment, depending on the street classification, which is equivalent to the estimated cost of lighting the streets to

standard-level street lighting and is greater than two percent of the total cost of the special street lighting.

Section 4. The balance of the cost shall be assessed by the front-foot method upon all lots and lands that specially benefit from the lighting, except public right-of-way bounding and abutting upon the street or portions thereof and lands owned by the federal or state government.

Section 5. That all properties along the portions of the right-of-way listed on Exhibit A are found to be specially benefited by the special street lighting.

Section 6. That the assessments shall be paid in cash to the City Treasurer within 45 days after the passage of the assessing ordinance or, at the option of the property owner, in three annual installments with interest payable to the City; and that assessments not paid in cash within the 45-day period shall be certified to the County Auditor for collection by the County Treasurer in the same manner as real estate taxes are collected.

Section 7. That the City Administration shall prepare, in accordance with the method of assessment set forth in Sections 3 and 4 hereof, an estimate of the amount of the assessment against each lot or parcel to be assessed and shall file it in the Clerk of Council's office.

Section 8. That notice of the passage of this resolution shall be provided to the owners of the parcels of land to be assessed pursuant to Ohio Revised Code Section 727.14 by the Clerk of Council, or a person designated by the Clerk: (i) by publication once a week for two consecutive weeks in a newspaper of general circulation within the City of Cincinnati; (ii) by publication of notice on the City's website; (iii) as provided in Ohio Revised Code Section 7.16; or (iv) if the estimated assessment against an owner is over five hundred dollars, as provided in Ohio Revised Code Section 727.13. Notice shall also be provided in accordance with Article II, Section 6 of the City Charter.

Section 9. That the portion of the cost of any uncollectible assessments of federal, state, or City property shall be paid by the City out of a fund provided for this purpose.

Section 10. That notes and bonds of the City of Cincinnati may be issued in anticipation of the levy and collection of the special assessments.

Section 11. That this legislative resolution shall take effect and be in force from and after the earliest period allowed by law.

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

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

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

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
1	BROADWAY	from the north line of Third Street to the north line of Eggleston Avenue	50	\$1.92	\$31,723.63
2	SYCAMORE STREET	from the north line of Third Street to the south line of Central Parkway	51	\$1.72	\$31,274.51
3	MAIN STREET	from the north line of Third Street to the south line of Sixth Street	24	\$2.57	\$20,470.90
4	MAIN STREET	from the north line of Sixth Street to the south line of Central Parkway	64	\$4.22	\$41,546.38
5	WALNUT STREET	from the north line of Third Street to the south line of Seventh Street	27	\$2.91	\$31,326.94
6	WALNUT STREET	from the north line of Seventh Street to the south line of Central Parkway	22	\$1.89	\$13,346.82
7	VINE STREET	from the north line of Third Street to the south line of Eighth Street	52	\$3.32	\$41,640.82
8	VINE STREET	from the north line of Eighth Street to the south line of Central Parkway	12	\$1.65	\$8,925.12
9	RACE STREET	from the north line of Third Street to the south line of Seventh Street	39	\$2.34	\$25,137.27
10	RACE STREET	from the north line of Seventh Street to the south line of Central Parkway	23	\$1.68	\$11,843.59
11	ELM STREET	from the north line of Third Street to the south line of Fifth Street	15	\$2.91	\$15,018.88
12	ELM STREET	from the north line of Seventh Street to the south line of Central Parkway	26	\$2.07	\$14,546.08
13	PLUM STREET	from the north line of Third Street to the south line of Fifth Street	11	\$1.57	\$8,107.07
14	PLUM STREET	from the north line of Seventh Street to the south line of Central Parkway	14	\$1.43	\$10,138.70
15	FOURTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.97	\$9,942.82
16	FOURTH STREET	from the east line of Elm Street to the west line of Race Street	11	\$3.63	\$8,547.21
17	FOURTH STREET	from the east line of Race Street to the west line of Vine Street	46	\$10.64	\$25,557.17
18	FOURTH STREET	from the east line of Vine Street to the west line of Walnut Street	24	\$7.98	\$19,073.48
19	FOURTH STREET	from the east line of Walnut Street to the west line of Broadway	29	\$2.68	\$21,567.86
20	FIFTH STREET	from the east line of Central Avenue to the west line of Race Street	16	\$1.49	\$11,676.11
21	FIFTH STREET	from the east line of Race Street to the west line of Vine Street	8	\$2.66	\$6,366.31
22	FIFTH STREET	from the east line of Walnut Street to the west line of Main Street	9	\$3.06	\$7,273.81

Dist #	Street	Limits	Number of Lights	Proposed Rate per Front Foot per Year	Total Assessment
23	FIFTH STREET	from the east line of Main Street to the west line of Broadway	15	\$3.60	\$19,106.36
24	SIXTH STREET	from the east line of Elm Street to the west line of Broadway	46	\$3.41	\$56,352.65
25	SEVENTH STREET	from the east line of Central Avenue to the west line of Plum Street	6	\$1.67	\$3,847.66
26	SEVENTH STREET	from the east line of Plum Street to the west line of Elm Street	6	\$2.97	\$7,057.44
27	SEVENTH STREET	from the east line of Elm Street to the west line of Race Street	8	\$3.66	\$8,720.42
28	SEVENTH STREET	from the east line of Race Street to the west line of Vine Street	6	\$3.59	\$8,697.50
29	SEVENTH STREET	from the east line of Vine Street to the west line of Main Street	30	\$3.65	\$18,875.76
30	SEVENTH STREET	from the east line of Main Street to the west line of Broadway	13	\$1.06	\$5,683.39
31	EIGHTH STREET	from the east line of Central Avenue to the west line of Elm Street	13	\$1.66	\$8,431.20
32	GARFIELD PLACE	from the east line of Elm Street to the west line of Vine Street	25	\$2.29	\$11,802.13
33	EIGHTH STREET	from the east line of Vine Street to the west line of Broadway	36	\$1.72	\$18,827.11
34	NINTH STREET	from the east line of Central Avenue to the west line of Broadway	62	\$1.48	\$32,410.64
35	COURT STREET	from the east line of Central Avenue to the west line of Vine Street	28	\$1.31	\$13,963.05
36	COURT STREET	from the east line of Vine Street to the west line of Main Street	15	\$3.54	\$18,321.45
37	COURT STREET	from the east line of Main Street to the west line of Sycamore Street	8	\$1.56	\$3,731.50
38	CHARLES STREET	from the east line of Central Avenue to the west line of Elm Street	5	\$0.40	\$2,022.70
39	CLAY STREET	from the north line of Central Parkway to the south line of Twelfth Street	2	\$0.42	\$817.49
40	GEORGE STREET	from the east line of Plum Street to the west line of Elm Street	4	\$0.76	\$1,814.35
41	PERRY STREET	from the east line of Central Avenue to the west line of Plum Street	4	\$0.79	\$1,823.35
42	SHILLITO-RIKES PLACE	from the east line of Rusconi Place to the west line of Race Street	2	\$0.75	\$904.21
Count of Assemblies			920	Total Assessment:	\$658,261.85

**April 5, 2023**

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

202301060

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

**Subject: Ordinance – GCWW: Amending Water Works Capital Fund 756**

---

Attached is an Ordinance captioned:

**AMENDING** Ordinance No. 139-1960, which authorized the establishment of Fund No. 756, “Water Works Capital Improvements Program,” for the purpose of expanding the permissible sources for deposit into the fund to include state and federal loan and grant funding for water works capital improvements.

Approval of this Ordinance will amend Ordinance No. 0139-1960, for the purpose of expanding the permissible sources for deposit into Water Works Capital Improvements Program Fund 756 to also include state and federal loan and grant funding for water works capital improvements.

Ordinance No. 0139-1960 created Water Works Capital Improvements Program Fund 756 to account for monies transferred from Water Works Fund 101 to finance capital improvements of the Greater Cincinnati Water Works (GCWW).

It is now desirable to expand the permissible sources for Fund 756 to allow for state and federal loan and grant funding for water works capital improvements to be received and deposited directly into Fund 756. In all other respects, Ordinance No. 0139-1960 shall be and remain in full force and effect as written.

The Administration recommends passage of this Ordinance.

cc: Verna Arnette, GCWW, Interim Executive Director  
Andrew M. Dudas, Budget Director  
Karen Alder, Finance Director

Attachment



**AMENDING** Ordinance No. 139-1960, which authorized the establishment of Fund No. 756, “Water Works Capital Improvements Program,” for the purpose of expanding the permissible sources for deposit into the fund to include state and federal loan and grant funding for water works capital improvements.

WHEREAS, Ordinance No. 139-1960 created Fund No. 756, “Water Works Capital Improvements Program,” to account for monies transferred from Fund No. 101, “Water Works Fund,” to finance capital improvements of the Greater Cincinnati Water Works (“GCWW”); and

WHEREAS, it is now desirable to expand the permissible sources for Fund No. 756 to allow for state and federal loan and grant funding for water works capital improvements to be received and deposited directly into Fund No. 756; now, therefore,

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

Section 1. That Section 4 of Ordinance 139-1960 is hereby amended as follows:

Section 4. That the purpose of Fund No. 756, “Water Works Capital Improvements Program Fund,” hereby includes providing for receipt of state and federal loan and grant funding and monies transferred from Fund No. 101, “Water Works Fund,” to finance capital improvements of the Water Works.

Section 4.5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and it shall go into effect forthwith. The reason for the said emergency is the immediate necessity of putting into effect the provisions of Sections 1 and 2 hereof.

Section 2. That in all other respects not inconsistent with the modification provided for in Section 1 herein, Ordinance No. 139-1960 shall be and remain in full force and effect as written.

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

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

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

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

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

**April 5, 2023**

**To:** Mayor and Members of City Council 202301061

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

**Subject:** **Emergency Ordinance – Cincinnati Recreation Commission:  
Moral Obligation Payment to MMP LLC (dba Creative Storm)**

---

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$3,745.14 from Cincinnati Recreation Commission Recreation Federal Grant Projects Fund non-personnel operating budget account no. 324x192x2210x7473 as a moral obligation to MMP LLC (dba Creative Storm) for marketing materials purchased for upcoming spring and summer events.

Approval of this Emergency Ordinance will authorize the payment \$3,745.14 from Cincinnati Recreation Commission Recreation Federal Grant Projects Fund non-personnel operating budget account no. 324x192x2210x7473 as a moral obligation to MMP LLC (dba Creative Storm) for marketing materials purchased for upcoming spring and summer events.

The Cincinnati Recreation Commission purchased marketing materials from Creative Storm for upcoming spring and summer events. The invoice exceeds the State of Ohio's \$3,000 threshold for purchases requiring a certification, and was received prior to the proper certification of funds, necessitating a moral obligation.

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

The reason for the emergency is the immediate need to make payment to MMP LLC (dba Creative Storm) for outstanding charges for goods provided to the Cincinnati Recreation Commission.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

**EMERGENCY**

**IMD**

**- 2023**

**AUTHORIZING** the payment of \$3,745.14 from Cincinnati Recreation Commission Recreation Federal Grant Projects Fund non-personnel operating budget account no. 324x192x2210x7473 as a moral obligation to MMP LLC (dba Creative Storm) for marketing materials purchased for upcoming spring and summer events.

WHEREAS, the Cincinnati Recreation Commission (“CRC”) recently received an invoice from MMP LLC (dba Creative Storm) (“MMP”) for marketing materials that were purchased for CRC’s upcoming spring and summer events; and

WHEREAS, although CRC did not anticipate needing to certify funds for this purchase, the invoice from MMP exceeded the State of Ohio’s \$3,000 threshold for purchases requiring a certification, and a moral obligation is now necessary to process this payment; and

WHEREAS, CRC staff members were informed of the certification issues and educated on the proper financial and procurement processes to prevent moral obligations in the future; and

WHEREAS, sufficient funds are available in Cincinnati Recreation Commission Recreation Federal Grant Projects Fund non-personnel operating budget account no. 324x192x2210x7473 for this outstanding payment to MMP; and

WHEREAS, Council desires to provide this payment to MMP LLC (dba Creative Storm) in an amount of \$3,745.14 for CRC’s purchase of marketing materials; now, therefore,

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

Section 1. That the Finance Director is hereby authorized to make a payment of \$3,745.14 from Cincinnati Recreation Commission Recreation Federal Grant Projects Fund non-personnel operating budget account no. 324x192x2210x7473 as a moral obligation to MMP LLC (dba Creative Storm) for marketing materials purchased for upcoming spring and summer events.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to make payment to MMP LLC (dba Creative Storm) for outstanding charges for goods provided to the Cincinnati Recreation Commission.

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

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

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

**April 5, 2023**  
202301062

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

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

**Subject: Emergency Ordinance – DOTE: Red Bank Road Shared Use Path  
Clean Ohio Trails Fund (COTF) Grant**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to apply for grant resources from the Clean Ohio Trails Fund grant program to be awarded by the Ohio Department of Natural Resources in an amount up to \$500,000 for the purpose of providing resources for the Red Bank Road Shared Use Path (PID 86461).

Approval of this Emergency Ordinance will authorize the City Manager to apply for grant resources from the Clean Ohio Trails Fund (COTF) grant program to be awarded by the Ohio Department of Natural Resources (ODNR) in an amount up to \$500,000 for the purpose of providing resources for the Red Bank Road Shared Use Path (PID 86461).

The Red Bank Road Shared Use Path is a 0.45 mile long shared-use path for bicycles and pedestrians along the west side of Red Bank Road that will begin at the intersection of Old Red Bank Road and Duck Creek and will end at the intersection of Red Bank Expressway and Hetzel Street in the Madisonville neighborhood.

If awarded, the grant requires local matching resources in the amount of approximately \$166,667, which will be made available in future DOTE capital budget resources. No new FTEs are associated with this grant.

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

The reason for the emergency is the immediate need to apply for grant resources in a timely manner for the Red Bank Road Shared Use Path project.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



**EMERGENCY**

**KKF**

**-2023**

**AUTHORIZING** the City Manager to apply for grant resources from the Clean Ohio Trails Fund grant program to be awarded by the Ohio Department of Natural Resources in an amount up to \$500,000 for the purpose of providing resources for the Red Bank Road Shared Use Path (PID 86461).

WHEREAS, the Red Bank Road Shared Use Path is a 0.45 mile long shared-use path for bicycles and pedestrians along the west side of Red Bank Road that will begin at the intersection of Old Red Bank Road and Duck Creek and will end at the intersection of Red Bank Expressway and Hetzel Street in the Madisonville neighborhood; and

WHEREAS, grant resources are available from the Ohio Department of Natural Resources through the Clean Ohio Trails Fund (“COTF”) grant program in an amount up to \$500,000; and

WHEREAS, the COTF grant would provide resources for the Red Bank Road Shared Use Path portion of the trail; and

WHEREAS, if awarded, the grant requires local matching resources in the amount of approximately \$166,667, which will be made available in future DOTE capital budget resources; and

WHEREAS, no additional FTEs are necessary for this grant; and

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

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

Section 1. That the City Manager is authorized to apply for grant resources from the Clean Ohio Trails Fund grant program to be awarded by the Ohio Department of Natural Resources in an amount up to \$500,000 for the purpose of providing resources for the Red Bank Road Shared Use Path.

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

Section 3. 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 apply for grant resources in a timely manner for the Red Bank Road Shared Use Path project.

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

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

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



April 5, 2023

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

202301063

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

**Subject: Emergency Ordinance – Approving and Authorizing a CRA Tax Abatement with 1007 Dayton Street, LLC**

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Attached is an Emergency Ordinance captioned:

**APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 1007 Dayton Street, LLC, an affiliate of 8K Development Company, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1001-1007 Dayton Street in the West End neighborhood of Cincinnati, in connection with the remodeling of approximately 935 square feet of commercial space and approximately 3,510 square feet of residential space, consisting of 8 residential rental units, at a total construction cost of approximately \$1,269,520.

### **BACKGROUND/CURRENT CONDITIONS**

1007 Dayton Street, LLC will be renovating two vacant and blighted mixed-use historic buildings situated on one parcel and more specifically located at 1001-1007 Dayton Street in the West End neighborhood of Cincinnati. Using Community Development Block Grant Funding, awarded through the City's annual Notice of Funding Availability (NOFA), and the funding from the affordable housing trust fund, the Developer plans to renovate the property to yield eight (8) residential units and 935 square feet of commercial space.

### **DEVELOPER INFORMATION**

1007 Dayton Street, LLC is an affiliate of 8K Development, LLC (8K). 8K was founded in 2009, starting with a gut renovation of one dilapidated house on Langland Street in the Northside neighborhood of Cincinnati. Since then, 8K has grown into an integrated construction and property development company. Most recently 8K has co-led the KeyMark Development in the College Hill neighborhood of Cincinnati. The KeyMark Development consisted of 26 units affordable to households earning eighty percent (80%) of the area median income. Since 2016, 8K has completed over 30,000 square feet of residential renovation and over 15,000 square feet of commercial build-out in Northside, Over-the-Rhine, Walnut Hills, and College Hill.

Commercial CRA - *1001-1007 Dayton Street*

*1007 Dayton Street, LLC*

Page 2 of 4

**RECOMMENDATION**

The Administration recommends approval of this Emergency Ordinance. The reason for the Emergency Ordinance is due to the need to meet a strict financial closing and construction timeline after passage.

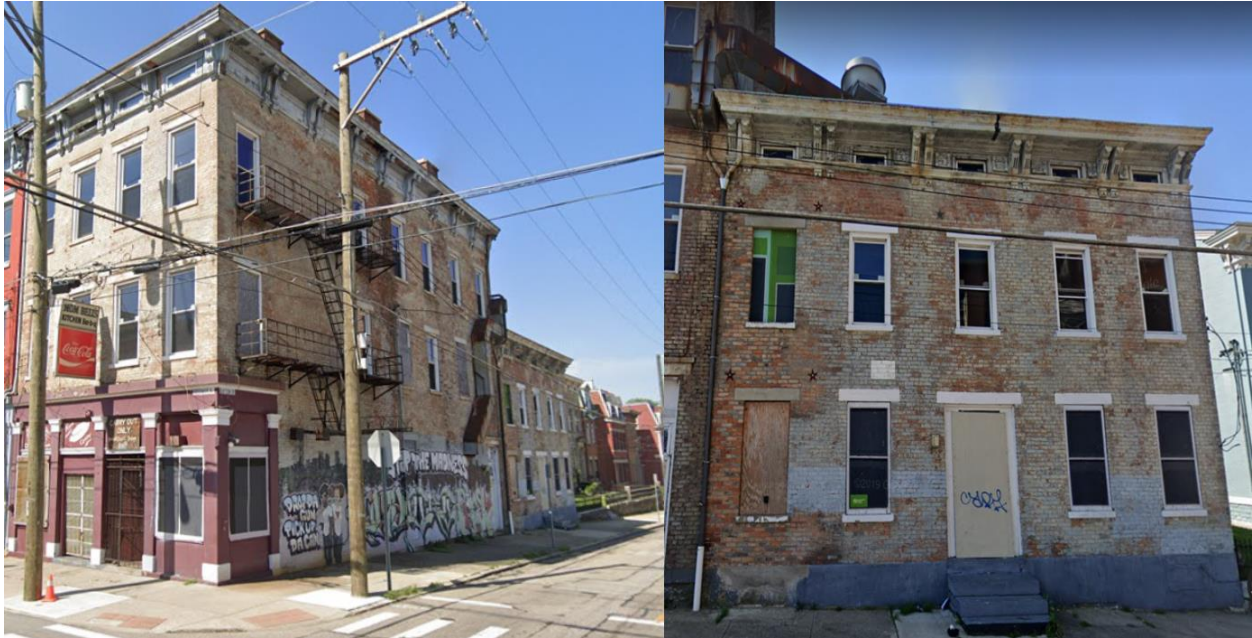
Attachment: Project Outline

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

# Project Outline

<b><u>Project Description Details</u></b>	<b><u>Explanation</u></b>
Project Name	1007 Dayton
Street Address	1001 and 1007 Dayton
Property Condition	1007 Dayton is a three-story residential building, and 1001 Dayton St is a 4-story mixed-use, with first-floor commercial space and residential above. The buildings share a parcel (184-005-0149-00) but were historically separated and have separate addresses, building systems, etc. The buildings are certified as contributing structures to the Dayton St Historic District and are vacant and blighted in their current state.
Neighborhood	West End
Incentive Application Process	Commercial CRA (Non-LEED)
Recent or other projects by Developer	The KeyMark Development in College Hill (26 units affordable to 80% AMI), Brown Bear Bakery, 60 East McMicken in OTR (5 units affordable to 80% AMI), 1714 Vine St in OTR (10 units with 6 affordable to 80% AMI)
Approval at planning commission/Neighborhood support	Planning Commission approval is not applicable and the executive committee of the West End Community Council voted to abstain from issuing a letter of support/non-support. The abstention was a result of the committee not being able to pass a vote to support or not support the project. The concern was around affordable housing: Some of the committee members strongly opposed any type of affordable housing in the neighborhood, while others supported 80% AMI housing in the neighborhood.
Plan Cincinnati Goals	Achieves the Sustain Initiative Area Goal 2 (page 180) and Live Initiative Area Goal 3 (page 148)

## Project Image



<b><u>Incentive Summary Category</u></b>	<b><u>Explanation</u></b>
Abatement Term and amount	15-year, net 67%
Construction Cost & Private investment committed	Approximately \$1.2 million in hard construction costs, with a NOFA award of \$291,500 and an award of \$200,000 from the AHTF. The private investment totals approximately \$1.2 million.
Sq. Footage by Use	Approximately 935 SF Commercial space and 3,500 SF of Residential space
Number of units and rental ranges	8 residential units (3 studios and 5 one bedrooms)   rent range \$675-\$1,325 per month based on size, rents will not exceed what is affordable to 80% AMI during the abatement term.
Jobs created/retained and payroll (living wage)	Projected is anticipated to create 3 FTE @ estimated at \$93,000 annual payroll and 7 Construction jobs @ \$500,000 annual payroll.
“But For”	This project would not proceed without an abatement and without a financial subsidy; the project is undercapitalized and needs gap financing from the City and the AHTF to work.

Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: average 3% (Over 15yr Term) With Abatement: average 6% (Over 15yr Term)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	No Neighborhood VTICA
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$0.71 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$39,360
MBE/WBE Goals	11.8% MBE, 6.9% MBE
Transit Access/Walkability	The project site sits along metro bus routes 27, and 31, and is ¼ mile from Linn Street.
Geography	Located in the West End NRSA
Historic Preservation/Existing Building Renovation	This project will renovate two historic blighted buildings, preserving and reactivating them into a productive use.
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
<b>\$670.00</b>	\$26,800.00	Municipal Worker, Home Health Aide, Police Recruit, Admin Tech
<b>\$1,325.00</b>	\$53,000.00	Senior Plant operator, Service Crew Leader, Water Customer Service Representative, Water Works Maintenance Worker

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

**EMERGENCY**

**ZDS**

**- 2023**

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 1007 Dayton St, LLC, an affiliate of 8K Development Company, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1001-1007 Dayton Street in the West End neighborhood of Cincinnati, in connection with the remodeling of two existing buildings into approximately 935 square feet of commercial space and approximately 3,510 square feet of residential space, consisting of 8 residential rental units, at a total construction cost of approximately \$1,269,520.

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, 1007 Dayton St, LLC (the “Company”) desires to remodel two existing buildings on real property at 1001-1007 Dayton Street located within the corporate boundaries of the City of Cincinnati into approximately 935 square feet of commercial space and approximately 3,510 square feet of residential space, consisting of 8 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, 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 City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$11,798; 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 1007 Dayton St, 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 1001-1007 Dayton Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of two existing buildings into 935 square feet of commercial space and approximately 3,510 square feet of residential space, consisting of 8 residential rental units, to be completed at a total construction cost of approximately \$1,269,520.

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

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

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



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 1007 DAYTON ST, LLC, an Ohio limited liability company (the "Company"), an affiliate of 8K Development Company, LLC.

Recitals:

- A. The City and the Company are parties to a *Funding Agreement* dated \_\_\_\_\_, 2023 (the "Funding Agreement"), pursuant to which the City agreed to provide the Company with financial support for the Project (as defined below).
- B. 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").
- C. 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.
- D. 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.
- E. The Company is the sole owner of certain real property within the City, located at 1001-1007 Dayton Street, Cincinnati, Ohio 45214 (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.
- F. The Company has proposed to remodel two buildings 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.
- G. 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.

- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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").
- M. 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").
- N. 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.
- O. 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.
- P. This Agreement has been authorized by Ordinance No. \_\_\_\_\_-2023, passed by Cincinnati City Council on \_\_\_\_\_, 2023.
- 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, 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 2 existing buildings on the Property into approximately 3,510 square feet of residential space, consisting of 8 residential rental units, and approximately 935 square feet of commercial space (the "Improvements") at an estimated aggregate cost of \$1,269,520 to commence after the execution of this Agreement and to be completed no later than May 31, 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. 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 2038 or (ii) the end of the fifteenth (15<sup>th</sup>) 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.<sup>1</sup>

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 (i) 3 full-time permanent jobs, and (ii) 7 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

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<sup>1</sup> 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.

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) \$93,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$500,000 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 the Funding 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. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (*Default*) and the basis for revocation under Section 18 (*Revocation*). 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:

1007 Dayton St, LLC  
Attn: Michael Chewning  
60 E. McMicken Avenue  
Cincinnati, OH 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 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

1007 DAYTON ST, LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
Sheryl M. M. Long, City Manager

By: \_\_\_\_\_

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

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

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: 1001 and 1007 Dayton Street, Cincinnati, Ohio 45214**  
**Parcel ID No.: 184-0005-0149-00**

All of the lot of ground, situated in Cincinnati, in Block No. 1 on Emile and Francis Avery's Third Plat of Subdivision, measuring twenty-five (25) feet in front on the west side of Freeman Street, and extending back westwardly along the south side of Dayton Street, one hundred (100) feet, being the same width in rear as in front, and being the same premises conveyed to Gussie N. Brooks by Joseph B. Lagemann as recorded in the Hamilton County Records in Deed Book 2199, page 252.

**Exhibit B to CRA Agreement**  
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

**Date:** April 5, 2023

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

202301064

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

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

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

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

**APPLICATION:** 3854990  
**PERMIT TYPE:** TRFO  
**CLASS:** D1 D2 D3 D3A D6  
**NAME:** HILLTOP CINCY LLC  
**DBA:** NONE LISTED  
950 PAVILION ST  
CINCINNATI, OH 45202

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

On February 15, 2023, Mt. Adams Civic Association was notified of this application and do not object.

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Police Department Approval

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

Objection       No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: April 7, 2023

**Date:** April 5, 2023

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

202301065

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

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

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

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

**APPLICATION:** 75094090010  
**PERMIT TYPE:** TRFO  
**CLASS:** D1 D2 D3 D6  
**NAME:** ROOKWOOD POTTERY RESTAURANT LLC  
**DBA:** NONE LISTED  
1077 CELESTIAL ST  
CINCINNATI, OH 45202

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

On February 15, 2023, Mt. Adams Civic Association was notified of this application and do not object.

---

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: April 7, 2023



March 29, 2023

**To:** Mayor and Members of City Council 202301001  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – DOTE: FTA Persistent Poverty Grant for Streetcar**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for grant resources in an amount up to \$500,000 from the Federal Transit Administration under the Areas of Persistent Poverty Grant Program (ALN 20.505) for the purpose of providing resources for improvements and upgrades to streetcar technology, station information displays, and transit management software.

Approval of this Ordinance authorizes the City Manager to apply for grant resources in an amount up to \$500,000 from the Federal Transit Administration (FTA) under the Areas of Persistent Poverty Grant Program (ALN 20.505) for the purpose of providing resources for improvements and upgrades to streetcar technology, station information displays, and transit management software.

The Department of Transportation and Engineering (DOTE) has already applied for the grant to meet the March 10, 2023 deadline. Grant funding will not be accepted without City Council approval.

If the City is awarded the grant, a ten percent local match will be required in an amount of up to \$50,000, which will be provided from future capital improvement program project accounts.

No new FTEs are associated with this grant.

Applying for grant resources to improve and upgrade streetcar technology, station information displays, and transit management software is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

**AUTHORIZING** the City Manager to apply for grant resources in an amount up to \$500,000 from the Federal Transit Administration under the Areas of Persistent Poverty Grant Program (ALN 20.505) for the purpose of providing resources for improvements and upgrades to streetcar technology, station information displays, and transit management software.

WHEREAS, grant resources in an amount up to \$500,000 are available from the Federal Transit Administration’s Areas of Persistent Poverty Grant Program, which, if awarded, will be used to provide resources for improvements and upgrades to streetcar technology, station information displays, and transit management software; and

WHEREAS, the Department of Transportation and Engineering has already applied for the grant to meet the March 10, 2023 deadline but will not accept funding without Council approval; and

WHEREAS, if the City is awarded the grant, a ten percent local match of up to \$50,000 will be required, which will be provided from future capital improvement program project accounts; and

WHEREAS, acceptance of the grant resources will not require the addition of any FTEs; and

WHEREAS, applying for grant resources to improve and upgrade streetcar technology, station information displays, and transit management software is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for grant resources in an amount up to \$500,000 from the Federal Transit Administration under the Areas of Persistent Poverty Grant Program (ALN 20.505) for the purpose of providing resources for improvements and upgrades to streetcar technology, station information displays, and transit management software.

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

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Aftab Pureval, Mayor

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

March 29, 2023

**To:** Mayor and Members of City Council 202301002  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – Parks: DNR Headquarters Renovation**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the establishment of new capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” for the purpose of providing resources for renovation of the former District 5 Police Station located at 1012 Ludlow Avenue; and **AUTHORIZING** the transfer and appropriation of the sum of \$1,450,000 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to newly established capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation.”

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$1,450,000 from the unappropriated surplus of Park Board Improvement Fund 752 to newly established capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” for the purpose of providing resources for renovation of the former District 5 Police Station located at 1012 Ludlow Avenue. Funds will be reimbursed to the Park Board after the current headquarters property on 3215 Reading Road is sold to the Centers for Disease Control and Prevention (CDC).

The Department of Natural Resources (DNR) Team Headquarters (HQ) Renovation project will provide resources to transition the former District 5 Police Station building into the new headquarters for the Cincinnati Park Board Natural Resources Team.

Investing in a new headquarters for the Cincinnati Park Board Natural Resources Team is in accordance with the “Sustain” goal to “[m]anage our financial resources” as described on pages 199-205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to begin Project development and avoid delays.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



**EMERGENCY**

**IMD**

**-2023**

**AUTHORIZING** the establishment of new capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” for the purpose of providing resources for renovation of the former District 5 Police Station located at 1012 Ludlow Avenue; and **AUTHORIZING** the transfer and appropriation of the sum of \$1,450,000 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to newly established capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation.”

WHEREAS, the Department of Natural Resources Team Headquarters Renovation project will transition the former District 5 Police Station building into the new headquarters for the Cincinnati Park Board Natural Resources Team (the “Project”); and

WHEREAS, on March 7, 2023, the Cincinnati Park Board Commissioners (the “Park Board”) unanimously approved the use of \$1,450,000 (the “Funds”) from Park Board Permanent Improvement Fund 752 for the Project; and

WHEREAS, the Funds will be reimbursed to the Park Board after property on 3215 Reading Road is sold to the Centers for Disease Control and Prevention; and

WHEREAS, investing in a new headquarters for the Cincinnati Park Board Natural Resources Team is in accordance with the “Sustain” goal to “[m]anage our financial resources,” as described on pages 199-205 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” is hereby established for the purpose of providing resources for renovation of the former District 5 Police Station located at 1012 Ludlow Avenue (the “Project”).

Section 2. That the transfer and appropriation of the sum of \$1,450,000 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to newly established capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation” is hereby authorized.

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

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 Project development and avoid delays.

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

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

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

March 29, 2023

**To:** Mayor and Members of City Council 202301003  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Cincinnati Recreation Commission (CRC): Clifton Community Event Donation**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$1,600 from Clifton Town Meeting for the purpose of hosting neighborhood community events throughout calendar year 2023; and **AUTHORIZING** the Finance Director to deposit the donated resources into Contributions for Recreation Purposes Fund 319x8571.

Approval of this Ordinance would authorize the City Manager to accept and appropriate a donation in the amount of up to \$1,600 from Clifton Town Meeting for the purpose of hosting neighborhood community events throughout calendar year 2023. This Ordinance further authorizes the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319x8571.

Clifton Town Meeting has graciously offered to donate \$1,600 to support the cost of hosting community events at the Clifton Recreation Center.

There are no new FTEs or matching funds associated with the donation.

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

The Administration recommends passage of this Ordinance.

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

Attachment



**AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$1,600 from Clifton Town Meeting for the purpose of hosting neighborhood community events throughout calendar year 2023; and **AUTHORIZING** the Finance Director to deposit the donated resources into Contributions for Recreation Purposes Fund 319x8571.

WHEREAS, the Clifton Town Meeting has graciously offered to donate \$1,600 to support the cost of hosting community events at the Clifton Recreation Center; and

WHEREAS, acceptance of this donation requires no matching funds, and no FTEs are associated with the donation; and

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

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a donation in the amount of \$1,600 from Clifton Town Meeting for the purpose of hosting neighborhood community events throughout calendar year 2023.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into Contributions for Recreation Purposes Fund 319x8571.

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



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

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

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Aftab Pureval, Mayor

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

March 29, 2023

**To:** Mayor and Members of City Council 202301004  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Cincinnati Recreation Commission (CRC): RiverTrek and Ski and Snowboarding Donation**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a donation in an amount up to \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing resources for the Cincinnati Recreation Commission's annual RiverTrek program and newly established ski and snowboard program; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund revenue account no. 319x8571.

Approval of this Ordinance will authorize the City Manager to accept and appropriate a donation in an amount up to \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing resources for the Cincinnati Recreation Commission's annual RiverTrek program and newly established ski and snowboard program. This Ordinance further authorizes the Finance Director to deposit the funds into Contributions for Recreation Purposes Fund revenue account no. 319x8751.

The Dater Foundation is offering up to \$25,000 in grant funds to support the RiverTrek and the ski and snowboard program. The Cincinnati Recreation Foundation intends to apply for the grant in March, and the grant permits Cincinnati Recreation Foundation to donate grant funds to the Cincinnati Recreation Commission to support the RiverTrek and ski and snowboard programs.

The RiverTrek program offers an outdoor adventure and leadership opportunity for youths ages 12 to 17 to participate in a five-day, four-night canoeing and camping experience of self-discovery involving a 65-mile journey down the Little Miami River, designed to foster and instill self-confidence and leadership skills in the participants.

The newly established ski and snowboard program offers youths ages 12 to 18 the opportunity to spend five weeks learning to ski and/or snowboard and to be exposed to new experiences while developing confidence and independence.

There are no new FTEs or matching funds associated with the donation.

Providing resources for the RiverTrek program and the ski and snowboard program is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and the strategy to "[u]nite our communities," as described on pages 209-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

**AUTHORIZING** the City Manager to accept and appropriate a donation in an amount up to \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing resources for the Cincinnati Recreation Commission’s annual RiverTrek program and newly established ski and snowboard program; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund revenue account no. 319x8571.

WHEREAS, the RiverTrek program offers an outdoor adventure and leadership opportunity for youths ages twelve to seventeen to participate in a five-day, four-night canoeing and camping experience of self-discovery involving a 65-mile journey down the Little Miami River, designed to foster and instill self-confidence and leadership skills in the participants; and

WHEREAS, the newly established ski and snowboard program offers youths ages twelve to eighteen the opportunity to spend five weeks learning to ski and/or snowboard and to be exposed to new experiences while developing confidence and independence; and

WHEREAS, the Dater Foundation is offering up to \$25,000 in grant funds to support both programs; and

WHEREAS, the Cincinnati Recreation Foundation intends to apply for the grant in March 2023, and the grant permits the Cincinnati Recreation Foundation to donate grant funds to the Cincinnati Recreation Commission to support the RiverTrek and ski and snowboard programs; and

WHEREAS, acceptance of the donation requires no matching funds, and there are no FTEs associated with the donation; and

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

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

Section 1. That the City Manager is authorized to accept and appropriate a donation in an amount up to \$25,000 from the Cincinnati Recreation Foundation for the purpose of providing resources for the Cincinnati Recreation Commission’s annual RiverTrek program and newly established ski and snowboard program.

Section 2. That the Finance Director is authorized to deposit the donated funds into Contributions for Recreation Purposes Fund revenue account no. 319x8571.

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

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

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

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

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

March 29, 2023

**To:** Mayor and Members of City Council 202301005

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

**Subject:** **Ordinance – Cincinnati Recreation Commission (CRC): Clifton Community Event Donations**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission (“CRC”) to solicit and accept donations of money and in-kind contributions from the local business community, individual benefactors, and other appropriate sources for the purpose of supporting CRC’s programming needs including, but not limited to, the annual Scavenger Hunt event in Clifton; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Approval of this Ordinance will authorize the City Manager and Cincinnati Recreation Commission employees to solicit and accept monetary and in-kind donations from the local business community, individual benefactors, and other appropriate sources for the purpose of supporting CRC’s programming needs, including the annual Scavenger Hunt event in Clifton. This ordinance further authorizes the Finance Director to deposit monetary donations into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

CRC intends to solicit donations with combined estimated value of up to \$1,000 from businesses and organizations including, but not limited to, the Hansa Guild, FC Cincinnati, Biagio’s Bistro, Adrian Durbin Florist, Clifton Natural Foods, Dewey’s Pizza, Toko Baru, Clifton Area Neighborhood School Parent Teacher Organization, and Woodburn Games. In-kind donations will be used as prizes and giveaways, and any monetary donations will be used to offset the cost of CRC programming needs, including the scavenger hunt.

There are no new FTEs or matching funds associated with the donations.

These donations are in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and the strategy to “[u]nite our communities,” as described on pages 209-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment



# City of Cincinnati

KKF

EESW

## An Ordinance No. \_\_\_\_\_

- 2023

**AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission (“CRC”) to solicit and accept donations of money and in-kind contributions from the local business community, individual benefactors, and other appropriate sources for the purpose of supporting CRC’s programming needs including, but not limited to, the annual Scavenger Hunt event in Clifton; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

WHEREAS, CRC’s staff intends to solicit the local business community, individual benefactors, and other appropriate sources for monetary donations and in-kind contributions with a combined estimated value of up to \$1,000 to support CRC programming; and

WHEREAS, the in-kind contributions will be used as prizes and giveaways for CRC programming, including the 2023 Community Scavenger Hunt event in Clifton, and any monetary donations will be used to offset the cost of CRC programming needs; and

WHEREAS, businesses and organizations to be solicited include, but are not limited to, the Hansa Guild, FC Cincinnati, Biagio’s Bistro, Adrian Durbin Florist, Clifton Natural Foods, Dewey’s Pizza, Toko Baru, Clifton Area Neighborhood School Parent Teacher Organization, and Woodburn Games; and

WHEREAS, acceptance of the donations requires no matching funds, and no FTEs are associated with the donations; and

WHEREAS, these donations are in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community,” and the strategy to “[u]nite our communities,” as described on pages 209-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to solicit and accept in-kind and monetary donations from the local business community, individual benefactors, and other appropriate sources for the purpose of supporting CRC’s programming needs including, but not limited to, the annual Scavenger Hunt event in Clifton.

Section 2. That the Director of Finance is hereby authorized to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

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

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

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

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

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

**March 29, 2023**

**To:** Mayor and Members of City Council 202301006  
**From:** Sheryl M. M. Long, City Manager  
**Subject: Ordinance – Cincinnati Recreation Commission (CRC): Roller Skate In-Kind Donation**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept an in-kind donation of new roller skates from the Preservation of Affordable Housing valued at up to \$15,000 for the purpose of providing roller skates at the Over-the-Rhine Recreation Center.

Approval of this Ordinance will authorize the City Manager to accept an in-kind donation of roller skates from the Preservation of Affordable Housing (POAH) valued at up to \$15,000 to provide roller skates at the Over-the-Rhine (OTR) Recreation Center.

The Preservation of Affordable Housing has generously offered to donate roller skates, valued at up to \$15,000, for use at the Over-the-Rhine Recreation Center.

There are no new FTEs or matching funds associated with the donation.

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

The Administration recommends passage of this Ordinance.

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

Attachment





**AUTHORIZING** the City Manager to accept an in-kind donation of new roller skates from the Preservation of Affordable Housing valued at up to \$15,000 for the purpose of providing roller skates at the Over-the-Rhine Recreation Center.

WHEREAS, the Preservation of Affordable Housing has generously offered to donate roller skates, valued at up to \$15,000, to the Over-the-Rhine Recreation Center; and

WHEREAS, acceptance of this in-kind donation requires no matching funds, and there are no additional FTEs associated with the donation; and

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

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

Section 1. That the City Manager is hereby authorized to accept an in-kind donation of new roller skates from the Preservation of Affordable Housing valued at up to \$15,000 for the purpose of providing roller skates at the Over-the-Rhine Recreation Center.

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

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

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

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

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

March 29, 2023

**To:** Mayor and Members of City Council 202301007  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Ordinance – Parks: 4th Quarter In-Kind Donations

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept in-kind donations and contributions of supplies, professional services, and contracted services from the Cincinnati Parks Foundation, valued at approximately \$235,136.11, to benefit various City parks; and **AUTHORIZING** the City Manager to accept in-kind donations of park supplies, professional services, and contracted services from the Cincinnati Riding Or Walking Network and Green Umbrella, valued at approximately \$121,450, to benefit various City parks.

Approval of this Ordinance will authorize the City Manager to accept in-kind donations from the Cincinnati Parks Foundation of park supplies, professional services, and contracted services valued at approximately \$235,136.11 to benefit and improve various City parks. The Ordinance also authorizes the City Manager to accept in-kind donations from the Cincinnati Riding or Walking Network (CROWN) and Green Umbrella, of supplies, professional services, and contracted services valued at approximately \$121,450, including supplies and services to construct and install a decorative bench at Yeatman’s Cove.

Lists of the in-kind donations are attached.

Acceptance of these in-kind donations does not require new FTEs or matching funds.

Acceptance of in-kind donations and contributions to benefit various City parks is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment” and strategy to “[p]rotect our natural resources,” as described on pages 193-198 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachments

**AUTHORIZING** the City Manager to accept in-kind donations and contributions of supplies, professional services, and contracted services from the Cincinnati Parks Foundation, valued at approximately \$235,136.11, to benefit various City parks; and **AUTHORIZING** the City Manager to accept in-kind donations of park supplies, professional services, and contracted services from the Cincinnati Riding Or Walking Network and Green Umbrella, valued at approximately \$121,450, to benefit various City parks.

WHEREAS, the Cincinnati Parks Foundation intends to donate supplies, professional services, and contracted services to the City of Cincinnati to benefit and improve various City parks; and

WHEREAS, the Cincinnati Riding Or Walking Network and Green Umbrella intend to donate supplies, professional services, and contracted services valued at approximately \$121,450, to benefit various City parks; and

WHEREAS, the total value of the donations is approximately \$356,586.11; and

WHEREAS, there are no matching funds required to accept this donation, and there are no new FTEs associated with this donation; and

WHEREAS, acceptance of in-kind donations and contributions to benefit various City parks is in accordance with the “Sustain” goal to “[p]reserve our natural and built environment,” and the strategy to “[p]rotect our natural resources,” as set forth on pages 193-198 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 in-kind donations from the Cincinnati Parks Foundation of supplies, professional services, and contracted services valued at approximately \$235,136.11 to benefit and improve various City parks, as outlined in Attachment A hereto.

Section 2. That the City Manager is hereby authorized to accept in-kind donations from the Cincinnati Riding Or Walking Network and Green Umbrella of supplies, professional services, and contracted services valued at approximately \$121,450, including but not limited to supplies

and services to construct and install a decorative bench at Yeatman’s Cove as detailed on Attachment B hereto.

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

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

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

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

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

**In-Kind Donations - 4th Quarter, 2022**

Donor	Date	Num	Name	Memo	Expense Type	Amount
Parks Foundation	12/15/2022	14791	NATORP LANDSCAPE SUPPLY	Inv 121270 6 tribute trees	Horticultural Supplies	1,190.00
Parks Foundation	10/27/2022	14696	DOV Graphics, Inc.	Inv 43878 Burnet Woods fishing line sign	Supplies	390.00
Parks Foundation	12/15/2022	14788	E C SHAW COMPANY	Inv 836658 plaque sweeney	Supplies	154.43
Parks Foundation	11/30/2022	14772	Baron Identification Products	Inv 48993 Sommer,Kreines (2),Massa, Maundrell	Supplies	150.00
Parks Foundation	12/22/2022	14801	Baron Identification Products	Inv 49060 Sommer, D'angelos	Supplies	51.50
Parks Foundation	10/31/2022	14726	NATORP LANDSCAPE SUPPLY	Inv 106109 Fall ReLeaf trees	Horticultural Supplies	39,106.50
Parks Foundation	11/14/2022	14740	NATORP LANDSCAPE SUPPLY	Inv 120100 trees for Madtree outing 2022	Horticultural Supplies	9,180.00
Parks Foundation	10/11/2022	14645	R. C. Anderson Co., LLC	INV 954, GARDEN KALEIDOSCOPE	Supplies	5,700.00
Parks Foundation	10/11/2022	14646	NATORP LANDSCAPE SUPPLY	Inv 117396 MLK Park trees - Madtree outing	Horticultural Supplies	3,567.00
Parks Foundation	10/24/2022	14684	WOODY WAREHOUSE NURSERY, INC.	Order # 194896 Trees for ReLeaf 2022	Horticultural Supplies	3,258.95
Parks Foundation	11/15/2022	14744	PLANES MOVING & STORAGE, INC.	Quote 70117 move statue to Italy	Artwork	3,115.00
Parks Foundation	10/18/2022	14666	J. B. Doppes Sons Lumber Company	Skating rink repairs	Supplies	2,341.71
Parks Foundation	11/07/2022	14732	Art's Rental Equipment	Cathy's garden at Smale	Horticultural Supplies	968.50
Parks Foundation	10/20/2022	14680	NATORP LANDSCAPE SUPPLY	Inv 119253 Bill Easley tree 20 gal taxodium distichum	Horticultural Supplies	133.50
Parks Foundation	12/31/2022	14817	E C SHAW COMPANY	Inv 836974 Cathy's garden memorial	Horticultural Supplies	100.00
Parks Foundation	10/18/2022	14672	Holthaus Lackner Signs	Inv 80509 Signs at Ezz Char park	Supplies	5,301.00
Parks Foundation	09/30/2022	14639	NATORP LANDSCAPE SUPPLY	Inv 113477 landscaping at Laurel Park	Horticultural Supplies	2,397.35
Parks Foundation	11/07/2022	14734	SERVICE SUPPLY LTD INC	PO 27503 4 benches 3 arms black	Supplies	6,506.00
Parks Foundation	2021-2022		Various	Ezzard Charles statue	Artwork	151,524.67
					<b>Total</b>	<b>235,136.11</b>

December 8, 2020



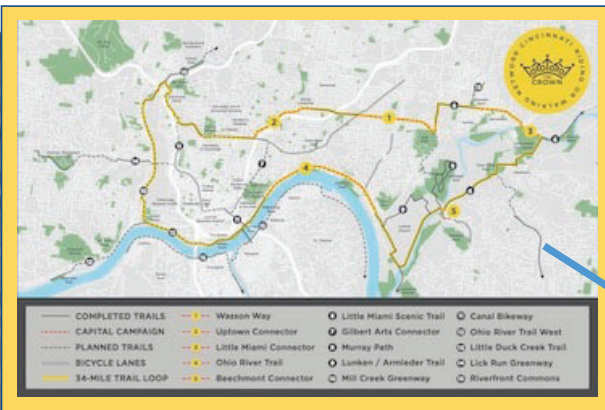
**WE BELIEVE**

The CROWN will transform Cincinnati into a leading destination to live, work and play by linking our regional trail network and reconnecting our neighborhoods.

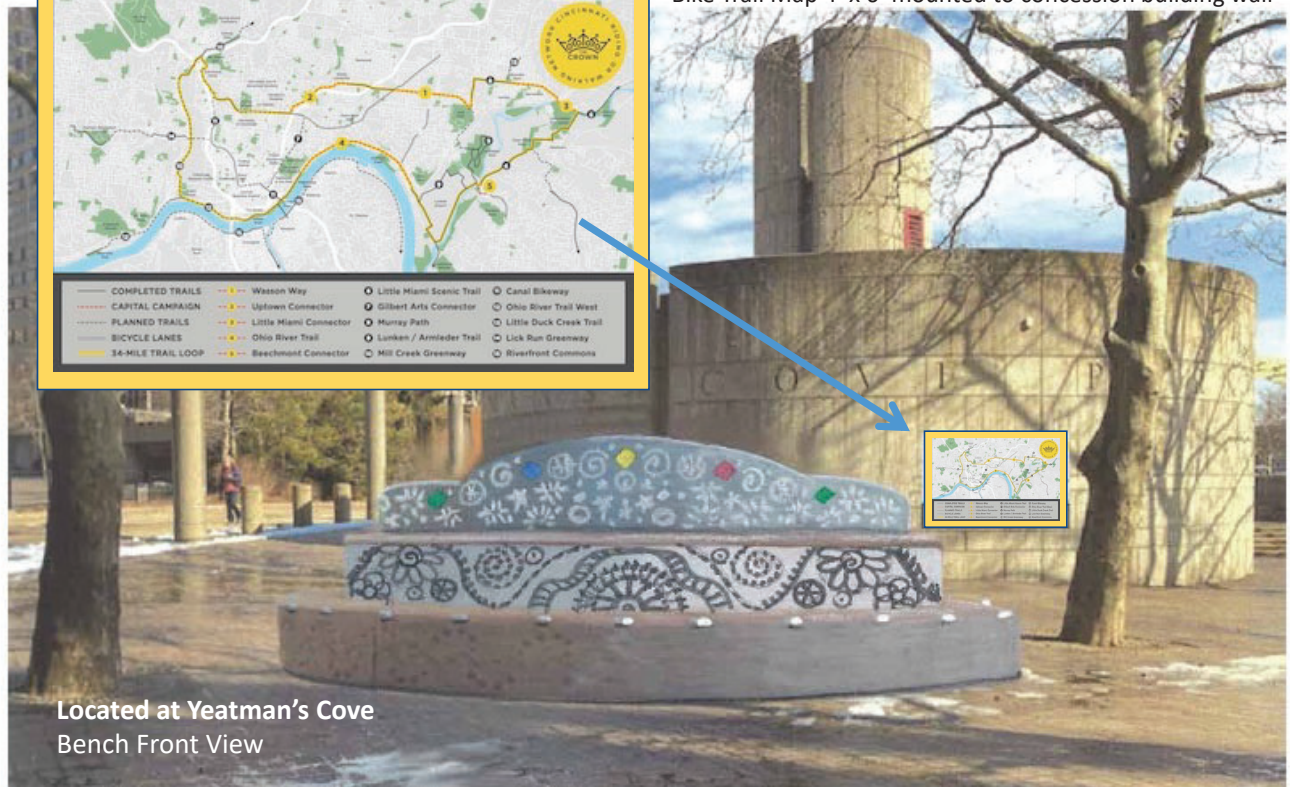


*Crown the Queen  
Tiara Bench*

Presentation to the Commissioners  
10/21/2021



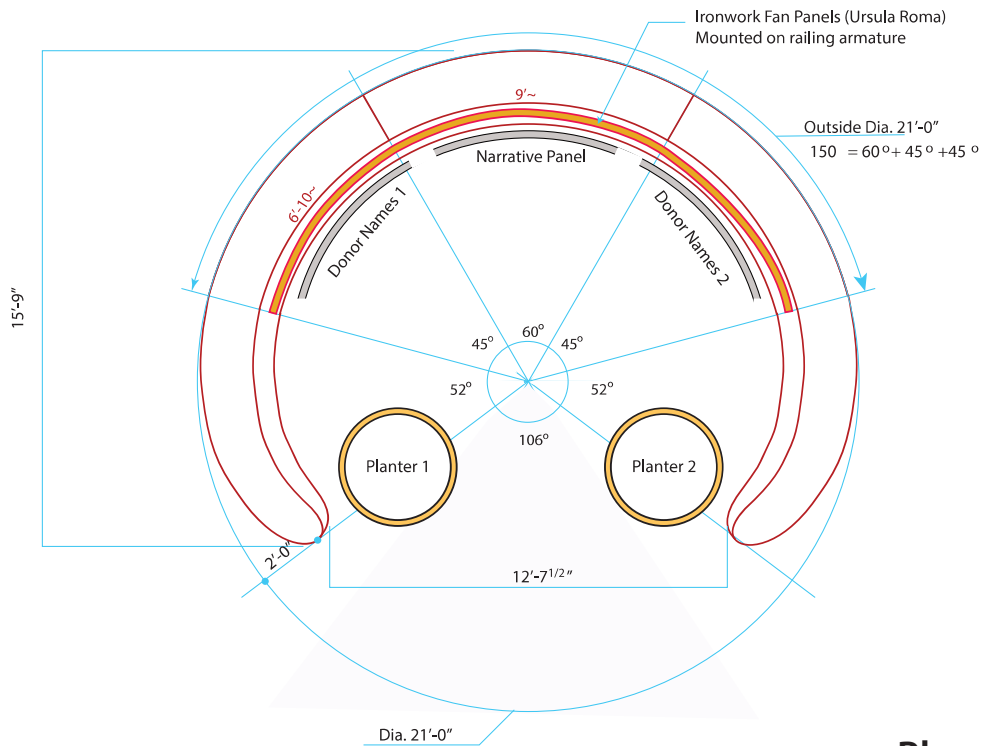
Bike Trail Map 4' x 6' mounted to concession building wall



Located at Yeatman's Cove  
Bench Front View



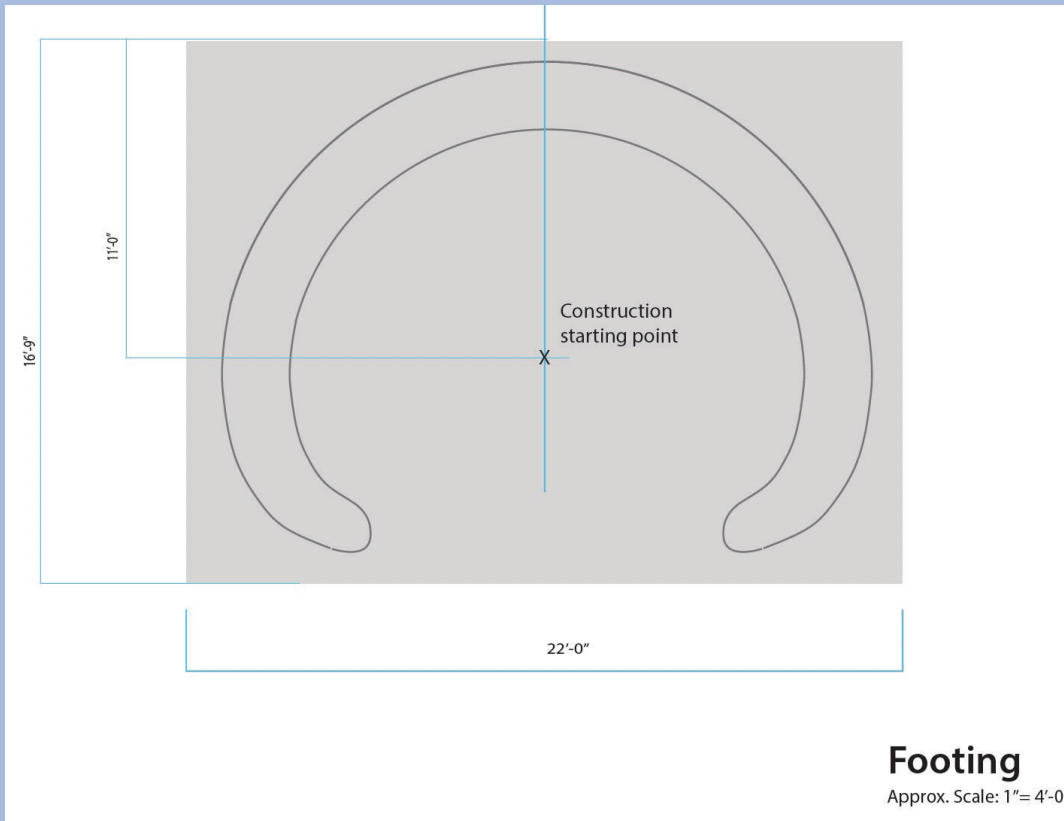
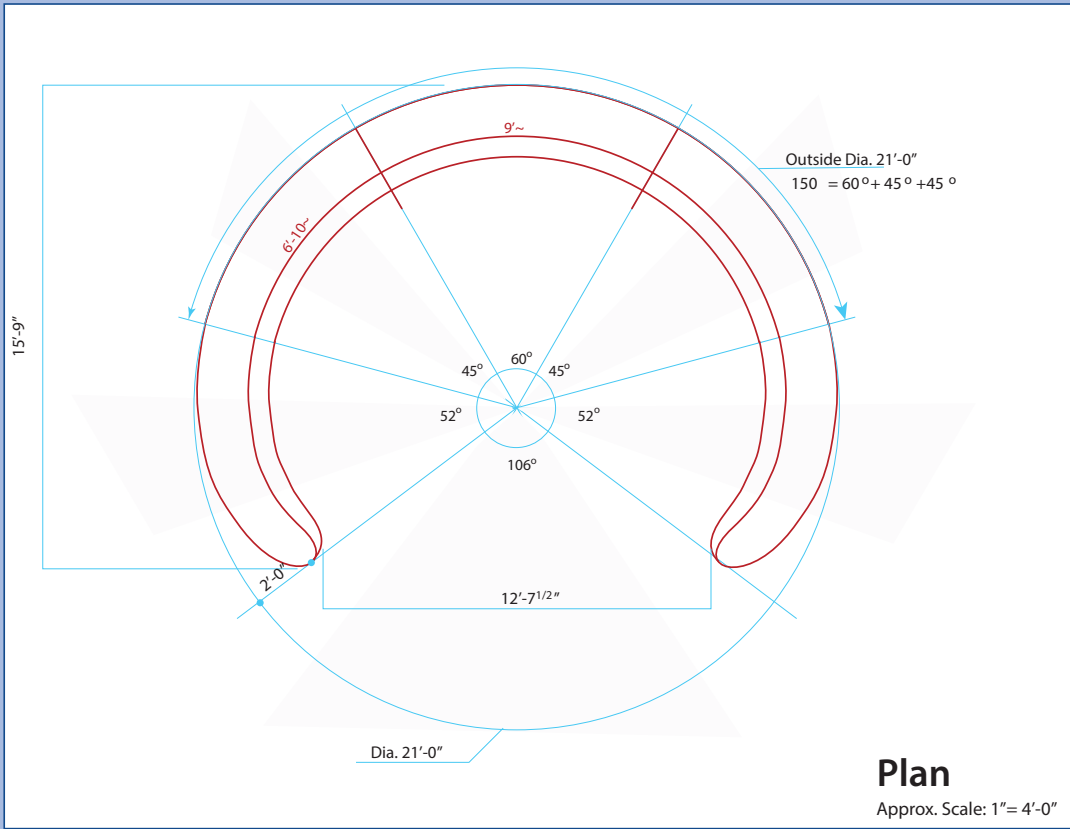
**Bench Rear View**  
with  
Historical  
Narrative and  
Donors' Names



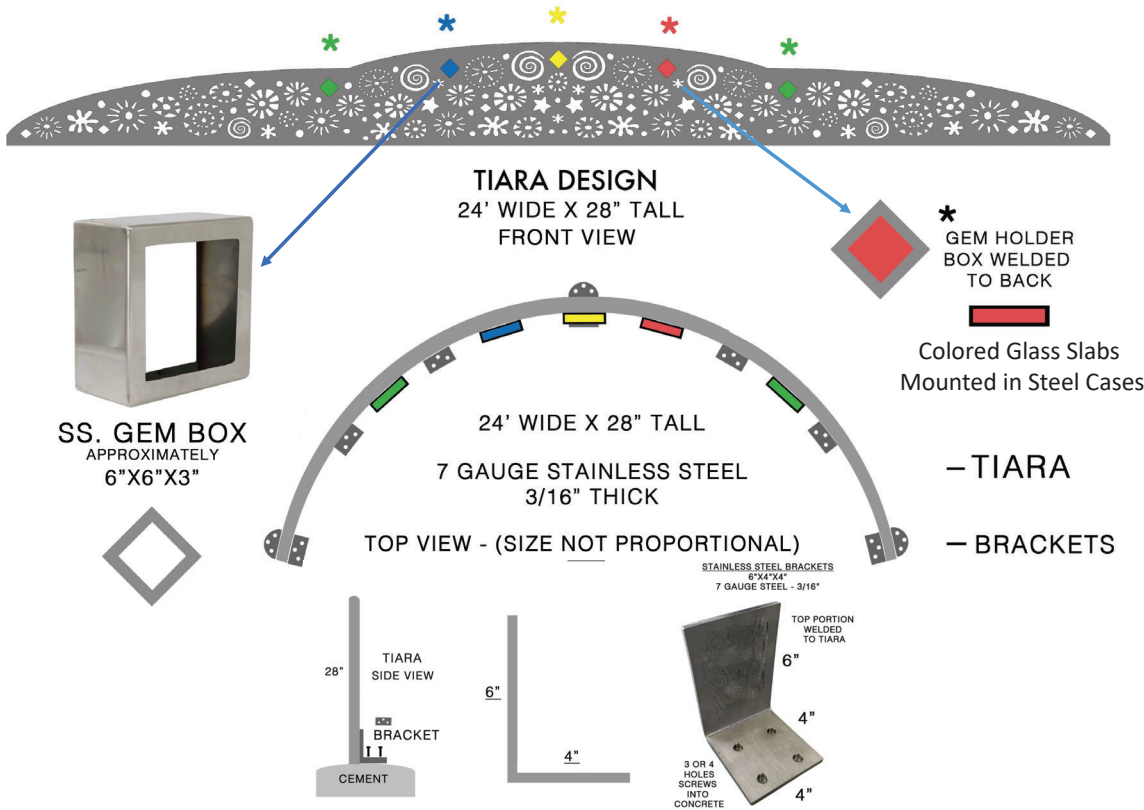
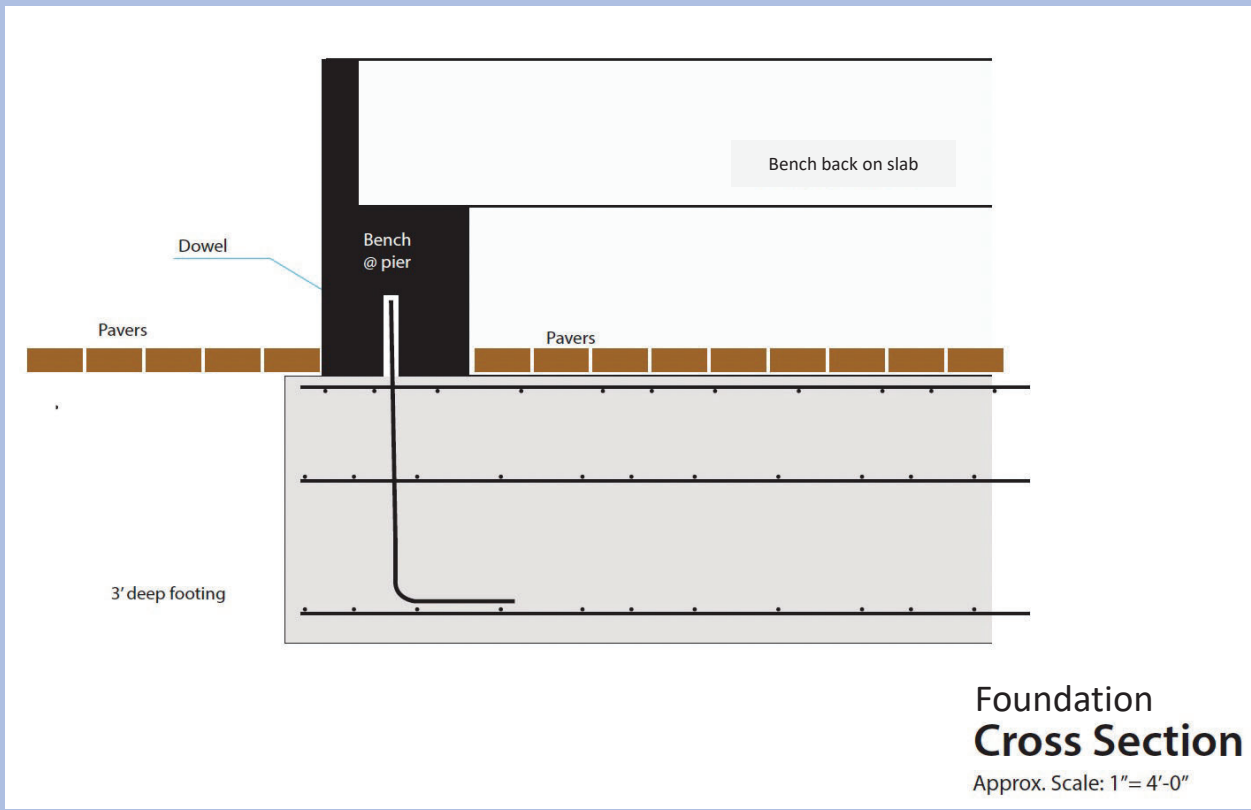
(Note: Dimensions can change per the advice of arborists)

**Plan**

Approx. Scale: 1" = 4'-0"

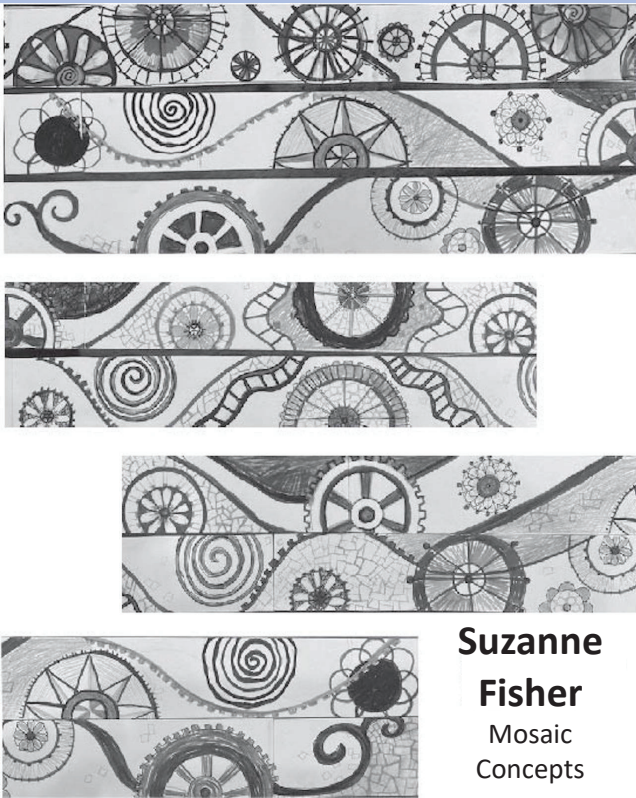






**Ursula Roma**  
Metal Fans

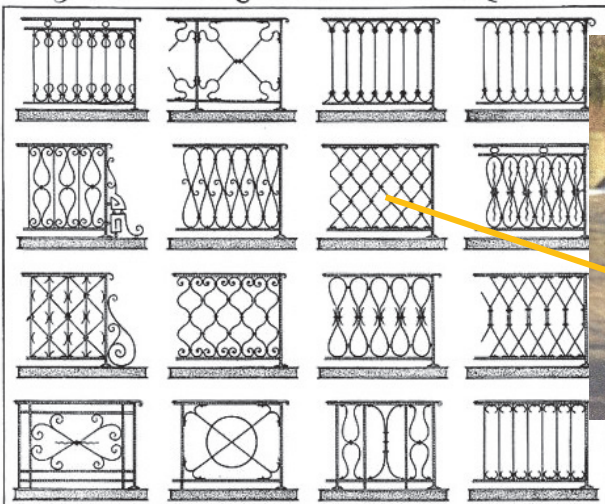
General Design of Cut-outs, Gems Positions and Attachment Systems



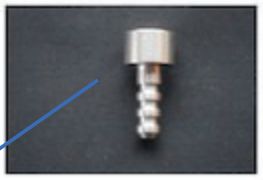
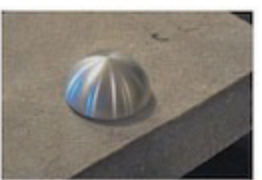
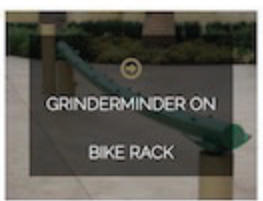
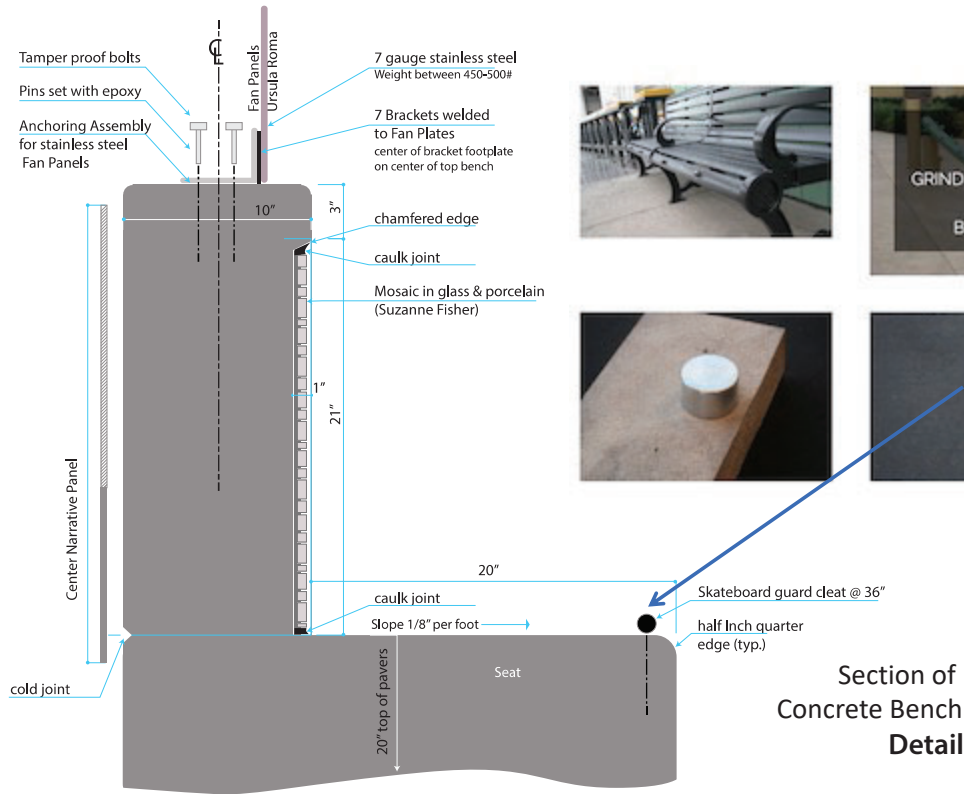
**Suzanne  
Fisher**  
Mosaic  
Concepts



BALUSTRADES DE PONT 109

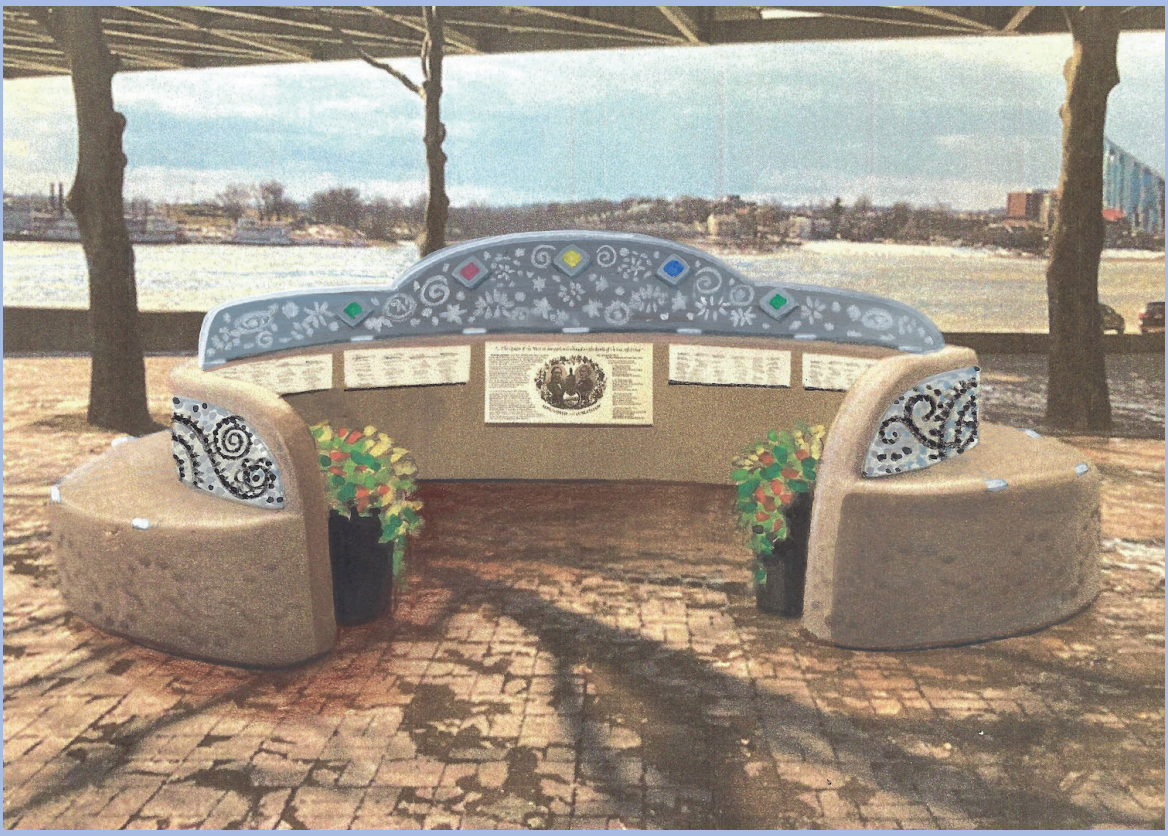


Sandblast 19<sup>th</sup> century pattern applied to base?  
To be determined by design team after  
mosaics and steel fans are in place.



Section of Concrete Bench Detail

Anti Skateboarding Edge Protections



Strategies for Historic Narrative Panel and Donor Recognition Panels

“... The Queen of the West in her garlands dressed on the banks of the beautiful river.”

Nicholas Longworth (born 1783, Newark, New Jersey) moved to Cincinnati in 1803 to become a lawyer, banker and land investor. But his avid interest in horticulture - and specifically grapes - led him in 1813 to plant hundreds of acres of Catawba vines along the Ohio River. Many fruits and flowers were introduced to society by Longworth, which he cultivated and perfected after gathering plants from their native forests and prairies. His beautiful gardens and greenhouses at his Pike Street residence (now the Taft Museum) were open for the public's enjoyment. The German immigrants to the Ohio Valley found Longworth's Catawba Wine to be familiar to their tastes, and by 1820 his wine had become a commercial success.

An accidental discovery in the 1840's led to his adoption of the French "methode champenoise" and creation of his award-winning sparkling wine. By the 1850's, Longworth was producing over 100,000 bottles of Sparkling Catawba a year. He sent promotional samples to important people in America and abroad. In 1854, he sent a case to poet Henry Wadsworth Longfellow in New York City. A resulting 11-stanza poem of praise coined our city's popular nickname "The Queen City." Thanks to his winemaking, Longworth became one of the wealthiest men in America, capturing the unofficial title of "Father of the American Wine Industry."



Ode to Catawba Wine

- by Henry Wadsworth Longfellow (1854)

From his 11-stanza poem praising Longworth's Sparkling Catawba Wine

“...This song of mine  
Is a Song of the Vine,  
To be sung by the glowing embers  
Of wayside inns,  
When the rain begins  
To darken the drear Novembers...

...For richest and best  
Is the wine of the West,  
That grows by the Beautiful River;  
Whose sweet perfume  
Fills all the room  
With a benison on the giver...

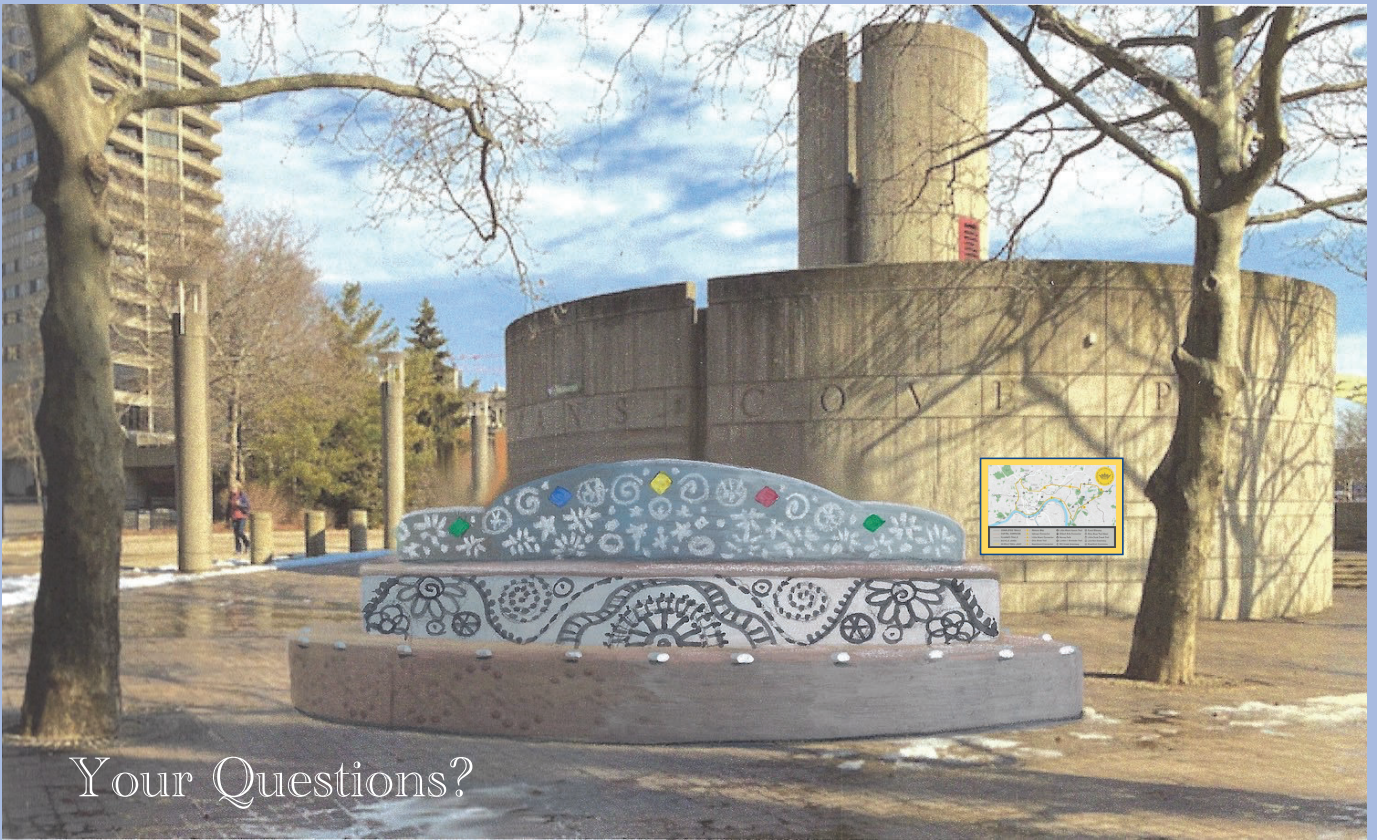
...There grows no vine  
By the haunted Rhine,  
By Danube or Guadalquivir,  
Nor on island or cape,  
That bears such a grape  
As grows by the Beautiful River...

...And this Song of the Vine,  
This greeting of mine,  
The winds and the birds shall deliver  
To the Queen of the West,  
In her garlands dressed  
on the banks of the Beautiful River.”

Center Narrative Panel • Archival Resourced Graphics reproduced on metal panel 24" tall x 48" wide

Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated 18"
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Eight 4-inch wide columns 14 inch deep 18" type clc Each column holds 19 names 152 names total on a panel measuring 36" wide x 18" deep	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated
	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated
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	Name of Donor Special Status Two Lines Dedicated 18"	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated	Name of Donor Special Status Two Lines Dedicated

Four Donor Recognition Panels that honor up to 400 entities - 12" tall x 36" wide 18-point type, 8 columns of at least 12 names deep = maximum of 96 names per panel. Names of project team, artists and largest donors would have greater importance with placement and larger type sizes. Mounted at 4' high / top edge of the bench back. Good readability. Doesn't interfere with aesthetic of the metal fans.



Your Questions?

**Date:** March 22, 2022

**To:** Mayor and Members of City Council 202300887  
**From:** Sheryl M.M. Long, City Manager  
**Subject:** **Emergency Legislative Resolution – Objection to Renewal of John Street Market, LLC’s Liquor Permit**

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Transmitted herewith is an emergency legislative resolution captioned as follows:

**OBJECTING** to the renewal of the C1 and C2 liquor permit number 4371715 applied for by John Street Market, LLC to the Ohio Division of Liquor Control.

This resolution is necessary under R.C. 4303.271 for Cincinnati City Council to object to the renewal of John Street Market, LLC’s liquor permit as recommended by the Cincinnati Police Department.

cc: Emily Smart Woerner, City Solicitor



00380194

EMERGENCY

**Legislative Resolution**

DML

EESW

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

**OBJECTING** to the renewal of the C1 and C2 liquor permit number 4371715 applied for by John Street Market, LLC, 1715 John Street, Cincinnati, Ohio 45214 to the Ohio Division of Liquor Control.

WHEREAS, John Street Market, LLC has applied for the renewal of C1 and C2 liquor permit number 4371715 for the premises located at 1715 John Street, Cincinnati, Ohio 45214; and

WHEREAS, the Council of the City of Cincinnati objects to the application for the above permit for the reasons set forth in Section 1 hereof; now, therefore,

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

Section 1. That the Council of the City of Cincinnati objects to the application of John Street Market, LLC located at 1715 John Street, Cincinnati, Ohio 45214 for the annual renewal of C1 and C2 liquor permit number 4371715 for the following reasons:

- A. The applicant has operated the liquor permit business in a manner that demonstrates a disregard for the laws, regulations, and local ordinances of this state; and
- B. The permit premises are so located with respect to the neighborhood that renewal of the permit would cause substantial interference with the public decency, sobriety, peace, and good order of the neighborhood.

Section 2. That Council requests a hearing on the above application be held in the City of Cincinnati, Hamilton County, Ohio, where the applicant's business is conducted and which is the county seat.

Section 3. That Council hereby designates the City Solicitor or any of her assistants to represent Council at any hearings pertaining to this application.

Section 4. That two certified copies of this resolution and the attached City Solicitor's statement that this objection is based upon substantial legal grounds be forwarded by the Clerk of Council by registered or certified mail to the Superintendent of the Ohio Division of Liquor Control, 6606 Tussing Road, Reynoldsburg, Ohio 43068.

Section 5. 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 need to transmit this objection to the Ohio Division of Liquor Control at least thirty days prior to the permit's expiration on June 1, 2023.

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

\_\_\_\_\_  
Mayor

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



March 13, 2023

Re: John Street Market, LLC  
1715 John Street  
Cincinnati, Ohio 45214

Liquor Permit #: 4371715  
Class: C1 and C2

It is the opinion of the City Solicitor, as chief legal officer for the City of Cincinnati, that Cincinnati City Council's objection to the renewal of the above permit is based upon substantial legal grounds within the meaning and intent of division R.C. 4303.292(A).

---

Emily Smart Woerner  
City Solicitor

**Date:** March 8, 2023

**To:** Councilmember Victoria Parks  
**From:** Emily Smart Woerner, City Solicitor  
**Subject:** **Emergency Ordinance – Street Renaming Barry Larkin Way**

---

Transmitted herewith is an emergency ordinance captioned as follows:

**RENAMING** East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way in the City of Cincinnati, notwithstanding Council Resolution No. 16-2003, any Committee of Names conflicting rules and regulations, or any provision of the Cincinnati Municipal Code that would prohibit the renaming of a street in honor of a living person.

ESW/JRS/(dmm)  
Attachment  
376790

**EMERGENCY**

**City of Cincinnati**

JRS

EESW

**An Ordinance No. \_\_\_\_\_**

- 2023

**RENAMING** East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way in the City of Cincinnati, notwithstanding Council Resolution No. 16-2003, any Committee of Names conflicting rules and regulations, or any provision of the Cincinnati Municipal Code that would prohibit the renaming of a street in honor of a living person.

WHEREAS, Barry Larkin was born on April 28, 1964 in Cincinnati, Ohio and attended Archbishop Moeller High School; and

WHEREAS, in 1986, Barry Larkin joined the Cincinnati Reds baseball team, where he played until he retired in 2004; and

WHEREAS, Barry Larkin won nine Silver Slugger awards, three Golden Glove awards, and was named the 1995 National League MVP for his outstanding performances in Major League baseball; and

WHEREAS, Barry Larkin was honored with the 1993 Roberto Clemente Award, which is given to players who best exemplify sportsmanship and community service; and

WHEREAS, Barry Larkin was selected for the Major League All-Star Game twelve times; and

WHEREAS, Barry Larkin was a critical part of the 1990 Reds World Series win; and

WHEREAS, Barry Larkin ended his playing career with 2,340 hits, 198 home runs, 960 runs batted in, 1,329 runs scored, and 379 stolen bases; and

WHEREAS, Barry Larkin was inducted into the Cincinnati Reds Hall of Fame in 2008, the National College Baseball Hall of Fame in 2009, and the National Baseball Hall of Fame in 2012; and

WHEREAS, Barry Larkin Way is not an existing street name in the City of Cincinnati; and

WHEREAS, proposals to rename streets are considered pursuant to Council Resolution No. 16-2003, which calls for proposals to be reviewed by the Committee of Names and the City Planning Commission prior to approval by Council; and

WHEREAS, the Department of City Planning and Engagement held a public comment session on March 2, 2023, whereby some citizens of the community voiced their support for the renaming of East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way; and

WHEREAS, Council seeks to rename East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way, notwithstanding the requirements of Council Resolution No. 16-2003, the Committee of Names process and Section III. A. of the Committee of Names Procedures and Criteria, or any provision of the Cincinnati Municipal Code; and

WHEREAS, Council finds that renaming East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way to be in the best interests of the City and the general public's health, safety, and welfare; now, therefore,

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

Section 1. That East Mehring Way between Joe Nuxhall Way and Broadway depicted on the map attached hereto as Exhibit A and incorporated herein shall be renamed Barry Larkin Way, notwithstanding the requirements of Council Resolution No. 16-2003, the Committee of Names process and Section III. A. of the Committee of Names Procedures and Criteria, or any provision of the Cincinnati Municipal Code.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 herein, including the generation and installation of appropriate signage, in accordance with the Department of Transportation and Engineering procedures relating to street designation and related signage.

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 City Administration to move forward with the

street renaming to meet the deadlines for the Opening Day game of the Cincinnati Reds baseball team.

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

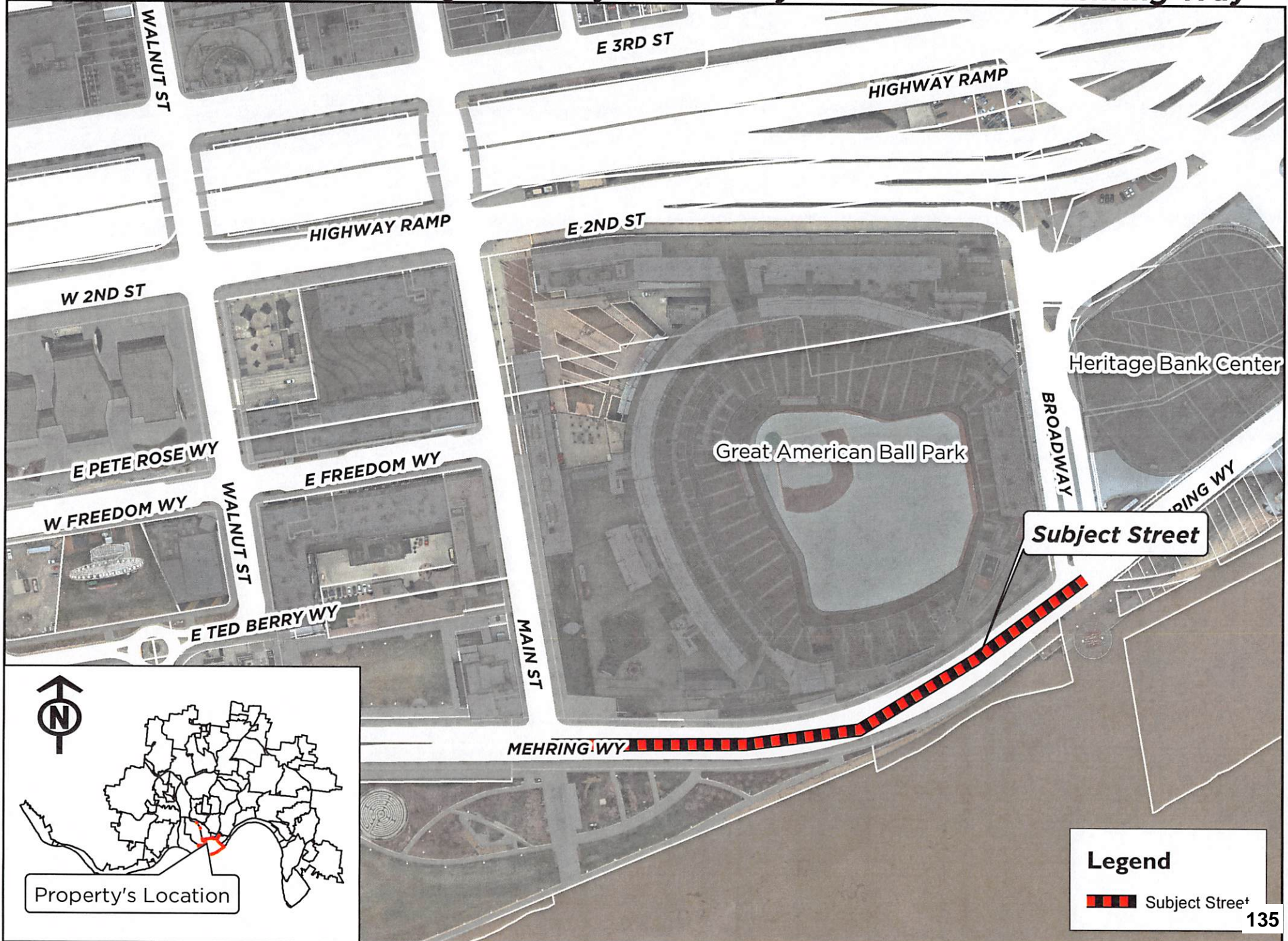
\_\_\_\_\_  
Aftab Pureval, Mayor

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

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

**EXHIBIT A**

# Proposed Street Name Change to Barry Larkin Way for a Section of Mehring Way



March 29, 2023

**To:** Mayor and Members of City Council 202300934  
**From:** Sheryl M.M. Long, City Manager  
**Subject:** Ordinance – naming unnamed steps between Vine Street and Ohio Avenue in the Mt. Auburn neighborhood the “Fig Alley Steps”

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Transmitted is an Ordinance captioned:

**NAMING** the steps between Vine Street and Ohio Avenue in the Mt. Auburn neighborhood the “Fig Alley Steps.”

The City Planning Commission recommended approval of the ordinance at its March 17, 2023, meeting.

Summary

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities and streets, as empowered by Resolution 16-2003, a request to name the unnamed steps has been submitted for consideration: The Committee of Names voted in favor in January 2023 to the name these steps “Fig Alley Steps.”

The proposed steps name to “Fig Alley Step” was chosen because fig trees are planted above these steps on Van Lear Street and the applicant would like to plant fig trees along these steps as well.

This name is not being used anywhere in Hamilton County. Both Mt. Auburn and CUF are supportive of the naming and the proposed naming is consistent with Plan Cincinnati (2012). The City Planning Commission recommended the following on March 17, 2023, to City Council:

The City Planning Commission recommended the following on March 17, 2023, to City Council:

**APPROVE** the naming of unnamed steps between Vine Street and Ohio Avenue to “Fig Alley Steps” in Mt. Auburn.

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



**SUBJECT:** A report and recommendation on a proposed naming of unnamed steps between Vine Street and Ohio Avenue to “Fig Alley Steps” in Mt. Auburn.

**BACKGROUND:**

A request to name an unnamed set of steps between Vine Street and Ohio Avenue in Mt. Auburn, along the CUF border, was received from “Step up to Art” in coordination with “Spring in Our Steps” in early 2023. More specifically, the location is situated approximately at 2023 Vine Street at the steps and approximately at 2020 Ohio Avenue at the steps.

Beyond the naming, the applicant intends for the steps to have a gateway style sign between Mt. Auburn and CUF, which will be designed by the Department of Transportation and Engineering (DOT). The applicants are also working with DOT and the Department of Public Services to potentially plant some fig trees along the staircase, which exist on the property above the steps on Van Lear Street. This name has been vetted through DOT and “Fig Alley Steps” does not exist anywhere in Hamilton County.

**COMMITTEE OF NAMES:**

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities, as empowered by resolution 16-2003, a request to name the unnamed steps has been submitted for consideration:

1. The naming of the unnamed steps between Vine Street and Ohio Avenue in Mt. Auburn.

The Committee of Names voted unanimously in January 2023 to support the step naming to “Fig Alley Steps.” The Committee of Names is recommending to the Director of City Planning and Engagement to name these unnamed steps between Vine Street and Ohio Avenue.

**PROCEDURE:**

Pursuant to Section III, E of the Committee of Names Procedure for Processing Proposals: The Director of City Planning and Engagement shall consider the Committee of Names’ vote and recommendation and make a recommendation to the City Planning Commission. The Director is not bound by the Committee’s recommendation. The City Planning Commission shall consider the Director’s recommendation and pursuant to its advisory powers under Article VII Section 9 of the City Charter, make a recommendation to City Council, together with any necessary and appropriate legislation.

**NOTIFICATION:**

Upon receiving the request, the Department of City Planning and Engagement staff sent out notices on March 3, 2023, to neighboring property owners, although there are no properties with addresses on this set of steps. Both the Mt. Auburn Community Council and the neighboring CUF Neighborhood Association were notified. Each Community Council reviewed the proposal at their full meetings and there is no opposition to the step naming. There has been no other opposition to the step naming to-date. Attached is a letter of support from the CUF Neighborhood Association.

**CONSISTENCY WITH PLAN CINCINNATI:**

The proposed step naming is consistent with the Connect Initiative Area of *Plan Cincinnati* (2012), “Maintain public stairway and alleyway systems” (page 130).

**RECOMMENDATION:**

The staff of the Department of City Planning and Engagement, after considering all relevant correspondence and Committee of Names, recommends that the City Planning Commission take the following action:

**APPROVE** the naming of unnamed steps between Vine Street and Ohio Avenue to “Fig Alley Steps” in Mt. Auburn.

Respectfully submitted:



Caroline Hardy Kellam, Senior City Planner  
Department of City Planning and Engagement

Approved:



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

March 29, 2023

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

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**NAMING** the steps between Vine Street and Ohio Avenue in the Mt. Auburn neighborhood the “Fig Alley Steps.”

The City Planning Commission recommended approval of the ordinance at its March 17, 2023 meeting.

**Summary:**

In accordance with the City of Cincinnati Committee of Names, Procedure for Processing Proposals for the naming or renaming of City Facilities and streets, as empowered by Resolution 16-2003, a request to name the unnamed steps has been submitted for consideration: The Committee of Names voted in favor in January 2023 to the name these steps “Fig Alley Steps.”

The proposed steps name to “Fig Alley Steps” was chosen because fig trees are planted above these steps on Van Lear Street and the applicant would like to plant fig trees along these steps as well.

This name is not being used anywhere in Hamilton County. Both Mt. Auburn and CUF are supportive of the naming and the proposed naming is consistent with Plan Cincinnati (2012). The City Planning Commission recommended the following on March 17, 2023, to City Council:

The City Planning Commission recommended the following on March 17, 2023 to City Council:

**APPROVE** the naming of unnamed steps between Vine Street and Ohio Avenue to “Fig Alley Steps” in Mt. Auburn.

Motion to Approve: Mr. Samad

Ayes: Mr. Weber  
 Ms. Beltran  
 Mr. Samad  
 Ms. Sesler  
 Ms. Kearney  
 Mr. Stallworth

Seconded: Ms. Kearney

THE CITY PLANNING COMMISSION



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

**NAMING** the steps between Vine Street and Ohio Avenue in the Mt. Auburn neighborhood the “Fig Alley Steps.”

WHEREAS, Step up to Art, in coordination with Spring in Our Steps, petitioned the City to name the unnamed steps between Vine Street and Ohio Avenue, in the Mt. Auburn neighborhood, the “Fig Alley Steps”; and

WHEREAS, the Mt. Auburn Community Council and the neighboring CUF Neighborhood Association were notified of the potential naming and there has been no opposition to the naming of the unnamed steps between Vine Street and Ohio Avenue; and

WHEREAS, proposals to name public sites are considered pursuant to Resolution No. 16-2003, which calls for proposed names to be reviewed by the Committee of Names and the City Planning Commission prior to their approval by the City Council; and

WHEREAS, the Committee of Names, after considering the proposal to name the unnamed steps between Vine Street and Ohio Avenue in the Mt. Auburn neighborhood the “Fig Alley Steps,” recommended the naming; and

WHEREAS, the City Planning Commission considered the proposed naming at its regularly scheduled meeting on March 17, 2023, and it too recommended approval of the proposed naming; and

WHEREAS, the Council finds that the proposed naming is consistent with the Connect Initiative Area of Plan Cincinnati (2012), “Maintain public stairway and alleyway systems” (page 130); and

WHEREAS, Cincinnati Municipal Code Section 104-23 requires the Council approve the official name of any municipal sites; and

WHEREAS, the Council finds that naming the unnamed steps between Vine Street and Ohio Avenue, in the Mt. Auburn neighborhood, the “Fig Alley Steps” to be in the best interests of the City and the public health, safety, morals, and welfare; now, therefore,

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

Section 1. That the unnamed steps between Vine Street and Ohio Avenue, in the Mt. Auburn neighborhood, depicted on the map attached hereto as Exhibit A and incorporated herein by reference, is hereby named the “Fig Alley Steps.”

Section 2. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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

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

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

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

**EXHIBIT A**

# Step naming - Unnamed Steps to be named Fig Alley Steps in Mt. Auburn

