



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Budget and Finance Committee

Chairperson Reggie Harris
Vice Chair Jeff Cramerding
Councilmember Mark Jeffreys
Councilmember Scotty Johnson
Vice Mayor Jan-Michele Kearney
Councilmember Liz Keating
Councilmember Meeka Owens
Councilmember Seth Walsh
President Pro Tem Victoria Parks

Monday, April 17, 2023

1:00 PM

Council Chambers, Room 300

PRESENTATIONS

Main Street Small Business Support Program, 3CDC

AGENDA

COMMUNITY REINVESTMENT AREA AGREEMENTS

1. [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.

Sponsors: City Manager

Attachments: [Transmittal](#)

[Ordinance](#)

[Attachment](#)

2. [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.

Sponsors: City Manager

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

HUD ENTITLEMENT GRANTS

3. [202301135](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** the City Manager to accept and appropriate \$1,902,035 from the U.S. Department of Housing and Urban Development to Housing Opportunities for Persons with AIDS Fund 465 in accordance with the attached Appropriation Schedule to fund various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023; announcing the City's intention to use said sum for various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

Sponsors: City Manager

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

4. [202301136](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** the City Manager to accept and appropriate \$1,000,140 from the U.S. Department of Housing and Urban Development to Emergency Shelter Grant Fund 445 in accordance with the attached Appropriation Schedule; and **ANNOUNCING** the City's intention to use the funds for various projects and operating allocations for the Emergency Solutions Grant Program for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

Sponsors: City Manager

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

5. [202301137](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** the City Manager to accept and appropriate \$2,890,863 from the United States Department of Housing and Urban Development to various Home Investment Trust Fund 411 project accounts in accordance with the attached Appropriation Schedule to fund various projects and operating allocations for the HOME Investment Partnerships Grant Program for Calendar Year 2023; **AUTHORIZING** the appropriation of

\$190,434.11 in program income to various Home Investment Trust Fund 411 project accounts to fund the continuation of vital City programs in accordance with the attached Appropriation Schedule; ANNOUNCING the City's intention to use said sums for various projects and operating allocations for the HOME Investment Partnerships Grant Program for Calendar Year 2023 according to the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and AUTHORIZING the City Manager to file the 2023 Annual Action Plan.

Sponsors: City Manager

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

6. [202301138](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** the City Manager to accept and appropriate \$11,259,906 from the U.S. Department of Housing and Urban Development to various Community Development Block Grant Fund 304 project accounts in accordance with Section A of the attached Appropriation Schedule for the purpose of funding various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023; AUTHORIZING the appropriation of \$17,983.59 in program income in accordance with Section B of the attached Appropriation Schedule for the purpose of providing funding for the continuation of vital City programs; ANNOUNCING the City's intention to use said sum for various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023 according to Section A of the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and AUTHORIZING the City Manager to file the 2023 Annual Action Plan.

Sponsors: City Manager

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

REPORTS

7. [202301101](#) **REPORT**, dated 4/12/2023, submitted Sheryl M. M. Long, City Manager, regarding the Finance and Budget Reports for the Period Ending January 31, 2023.

Sponsors: City Manager

Attachments: [Report](#)
[Attachment I](#)
[Attachment II](#)
[Attachment III](#)

GRANTS

8. [202301094](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** the City Manager to apply for a grant in

the amount of up to \$1,000,000 from the United States Environmental Protection Agency through the Environmental Justice Government-to-Government grant program (ALN 66.312) for the purpose of creating two Resilience Hubs at existing facilities in priority communities within the City of Cincinnati.

Sponsors: City Manager

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

TRANSFERS AND PAYMENTS

9. [202301192](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/17/2023, **AUTHORIZING** the transfer and appropriation of the sum of \$2,295,000 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to the Department of Community and Economic Development non-personnel operating budget account 482x162x7200 for the purpose of providing resources to assist with the redevelopment of ten historic buildings located at 1804, 1810, 1812, 1814, 1816, and 1822 Vine Street, 29 E McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 114-116 W Elder Street in the Over-the-Rhine (“OTR”) neighborhood into a mixed use development; and **DECLARING** that expenditures to assist with redevelopment of ten historic buildings in the OTR neighborhood into a mixed use development serves a public purpose because the project will provide affordable housing in the community.

Sponsors: City Manager

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

10. [202301090](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** the transfer and return to source of the sum of \$485,000 from capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements - GF CO,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of the sum of \$485,000 from the unappropriated surplus of General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x164x7200 for the purpose of providing resources for a Main Street Small Business Support program in Over-the-Rhine led by 3CDC; and **DECLARING** that the Main Street Small Business Support program serves a public purpose because the program will foster local improvements and investment and increase neighborhood vitality.

Sponsors: City Manager

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

11. [202301091](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** the transfer and return to source of the sum of \$778,345 from the General Fund City Manager's Office non-personnel operating budget account no. 050x101x7400 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of the sum of \$778,345 from the unappropriated surplus of the General Fund to the unappropriated surplus of Citizens Jobs Fund 308 for the purpose of continuing the Career Pathways Program and funding youth employment opportunities.

Sponsors: City Manager

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

12. [202301092](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **AUTHORIZING** a payment in an amount of \$19,050 to Terracon Consultants, Inc., as a moral obligation of the City of Cincinnati for professional services completed for the Wasson Way project.

Sponsors: City Manager

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

13. [202301093](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 4/12/2023, **Authorizing** the payment of \$4,185 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7418 as a moral obligation to Vector Solutions for outstanding charges in the form of software as a service for Guardian Tracking software.

Sponsors: City Manager

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

MOTIONS

14. [202301194](#) **MOTION**, submitted by Councilmembers Harris, Walsh, Owens, Jeffreys, Cramerding, Parks, Johnson and Vice Mayor Kearney, **WE MOVE** that the City Administration prepare a Fiscal Year 2024 Recommended General Fund Budget which respects the following policy guidelines and priorities (**BALANCE ON FILE IN THE CLERK'S OFFICE**)

Sponsors: Cramerding, Harris, Jeffreys, Johnson, Kearney, Owens, Parks and Walsh

Attachments: [MOTION](#)

COMMUNICATIONS

15. [202301162](#) **COMMUNICATION**, submitted by Councilmember Harris from Councilmember Johnson regarding FY24 Budget Priorities.
Sponsors: Harris
Attachments: [Communication](#)
16. [202301182](#) **COMMUNICATION**, submitted by Councilmember Harris regarding updated FY24 Budget Priorities.
Sponsors: Harris
Attachments: [Communication](#)
17. [202301195](#) **COMMUNICATION**, submitted by Councilmember Harris from Councilmember Cramerding regarding updated FY24 Budget Priorities.
Sponsors: Cramerding
Attachments: [MOTION](#)

PRESENTATIONS

18. [202301193](#) **PRESENTATION**, submitted by Councilmember Harris from 3CDC regarding the Main Street Pop-up Program.
Sponsors: Harris
Attachments: [PRESENTATION](#)

ADJOURNMENT

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

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.

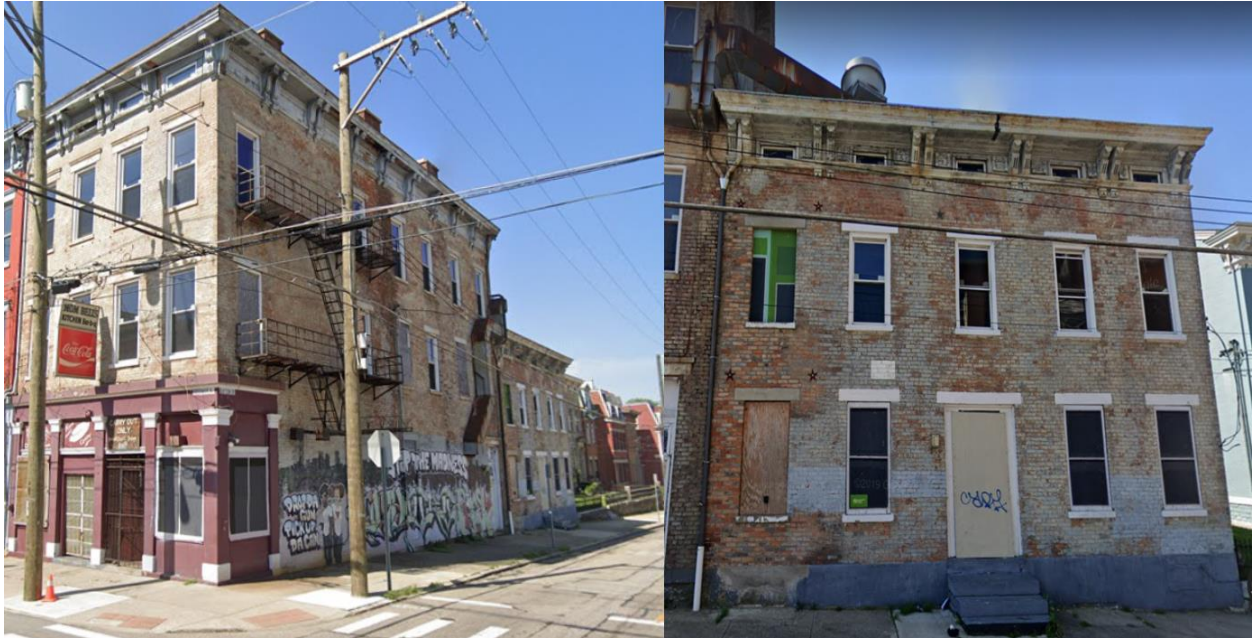
Attachment: Project Outline

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

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
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



<u>Incentive Summary Category</u>	<u>Explanation</u>
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)
\$670.00	\$26,800.00	Municipal Worker, Home Health Aide, Police Recruit, Admin Tech
\$1,325.00	\$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
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

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 (15th) year of exemption.

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

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

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

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

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

Section 8. City Cooperation. As required by Ohio Revised Code Section 3735.671(C)(4), upon specific request from the Company, the City shall perform such acts as are reasonably necessary or appropriate to effect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.

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

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

shall the Company seek to hold the City liable in any way in the event such exemption is not granted or implemented.

Section 11. Small Business Enterprise Program.¹

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

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.

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

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

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

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

B. Remedies for Noncompliance with Small Business Enterprise Program. Failure of the Company or its contractors and subcontractors to take the affirmative steps specified above, to provide fair and equal opportunity to SBEs, or to provide technical assistance to SBEs as may be necessary to reach SBE participation as set out in CMC Chapter 323 may be construed by the City as failure of the Company to use its best efforts, and, in addition to other remedies under this Agreement, may be a cause for the City to file suit in Common Pleas Court to enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

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

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (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

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

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

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

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



<u>Incentive Summary Category</u>	<u>Explanation</u>
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)
\$850.00	\$33,450	Municipal Worker, Public Affairs Assistant, Clerk Typist, Home Health Aide
\$1,000.00	\$40,140	Support Services Specialist, Legal Assistant, Laborer, Community Center Director, Sanitation Helper, Cleaner, Secretary

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

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 (12th) 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 12, 2023

To: Mayor and Members of City Council

202301135

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – 2023 HOPWA Entitlement Grant Award

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate \$1,902,035 from the U.S. Department of Housing and Urban Development to Housing Opportunities for Persons with AIDS Fund 465 in accordance with the attached Appropriation Schedule to fund various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023; announcing the City’s intention to use said sum for various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

Approval of this Emergency Ordinance authorizes the City Manager to accept and appropriate \$1,902,035 from the U.S. Department of Housing and Urban Development (HUD) to Housing Opportunities for Persons with AIDS Fund 465 in accordance with the attached Appropriation Schedule to fund various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS (HOPWA) Grant Program for Calendar Year 2023. This Emergency Ordinance also announces the City’s intention to use said sum for various projects and operating allocations for the HOPWA Program for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan. Finally, approval of this Emergency Ordinance authorizes the City Manager to file the 2023 Annual Action Plan.

HUD announced the grant allocation for the HOPWA Program on February 27, 2023. The HOPWA grant is one of four HUD entitlement grants awarded to the City for Calendar Year 2023 that, when combined, create the 2023 Annual Action Plan, which must be submitted to HUD within sixty days of the award announcement.

Accepting and appropriating funds from the HOPWA Program is in accordance with the “Live” strategy to “Support and stabilize our neighborhoods” as described on pages 160-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

AKS

- 2023

AUTHORIZING the City Manager to accept and appropriate \$1,902,035 from the U.S. Department of Housing and Urban Development to Housing Opportunities for Persons with AIDS Fund 465 in accordance with the attached Appropriation Schedule to fund various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023; **ANNOUNCING** the City’s intention to use said sum for various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

WHEREAS, through the Housing Opportunities for Persons with HIV/AIDS (“HOPWA”) Program, the U.S. Department of Housing and Urban Development (“HUD”) provides grants to local communities for projects that benefit low-income persons living with HIV/AIDS and their families; and

WHEREAS, HUD announced the allocations for the HOPWA program per Assistance Listing Number (ALN) 14.241 via Award No. OH-H23-F001 on February 27, 2023; and

WHEREAS, the HOPWA grant is one of four entitlement HUD grants awarded to the City for Calendar Year 2023 that when combined create the 2023 Annual Action Plan, which must be submitted to HUD within sixty days of the award announcement; and

WHEREAS, accepting and appropriating funds from the HOPWA Grant Program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate \$1,902,035 from the U.S. Department of Housing and Urban Development to Housing Opportunities for Persons with AIDS Fund 465 in accordance with the Appropriation Schedule, attached hereto and by reference made a part hereof, for the purpose of funding various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023.

Section 2. That it is the City’s intent to use said sum for various projects and operating allocations for the Housing Opportunities for Persons with HIV/AIDS Grant Program for Calendar Year 2023 according to the attached Appropriation Schedule, and to file the 2023 Annual Action Plan.

Section 3. That the City Manager is authorized to file the 2023 Annual Action Plan.

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

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

APPROPRIATION SCHEDULE

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANT APPROPRIATION SCHEDULE

Grant Program	Fund	Agency	Project Account No.	Project Title	Amount
HOPWA	465	162	4652307	HOPWA Administration '23	\$57,061.05
HOPWA	465	162	4652303	HOPWA Services and Support '23	\$1,844,973.95

TOTAL \$1,902,035.00

April 12, 2023

To: Mayor and Members of City Council 202301136
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – 2023 ESG Entitlement Grant Award**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate \$1,000,140 from the U.S. Department of Housing and Urban Development to Emergency Shelter Grant Fund 445 in accordance with the attached Appropriation Schedule; and **ANNOUNCING** the City’s intention to use the funds for various projects and operating allocations for the Emergency Solutions Grant Program for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

Approval of this Emergency Ordinance authorizes the City Manager to accept and appropriate \$1,000,140 from the U.S. Department of Housing and Urban Development (HUD) to Emergency Shelter Fund 455 in accordance with the attached Appropriation Schedule. This Emergency Ordinance also announces the City’s intention to use the funds for various projects and operating allocations for the Emergency Solutions Grant Program (ESG) for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan. Finally, approval of this Emergency Ordinance authorizes the City Manager to file the 2023 Annual Action Plan.

HUD announced the grant allocation for the ESG Program on February 27, 2023. The ESG grant is one of four HUD entitlement grants awarded to the City for Calendar Year 2023 that, when combined, create the 2023 Annual Action Plan, which must be submitted to HUD within sixty days of the award announcement.

Accepting and appropriating funds from the ESG Program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods” as described on pages 160-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

IMD

-2023

AUTHORIZING the City Manager to accept and appropriate \$1,000,140 from the U.S. Department of Housing and Urban Development to Emergency Shelter Grant Fund 445 in accordance with the attached Appropriation Schedule; and **ANNOUNCING** the City’s intention to use the funds for various projects and operating allocations for the Emergency Solutions Grant Program for Calendar Year 2023, in accordance with the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

WHEREAS, the U.S. Department of Housing and Urban Development’s (“HUD”) Emergency Solutions Grant (“ESG”) Program provides annual grants to local communities for projects that engage homeless persons living on the street, improve the number and quality of shelters, help operation shelters, provide essential services to shelter residents, rapidly re-house homeless persons, and prevent persons from becoming homeless; and

WHEREAS, HUD announced the grant allocation for the ESG program per Assistance Listing Number (ALN) 14.231 via Award E-23-MC-39-0003 on February 27, 2023; and

WHEREAS, the ESG grant is one of four HUD entitlement grants awarded to the City for Calendar Year 2023 that, when combined, create the 2023 Annual Action Plan, which must be submitted to HUD within sixty days of the award announcement; and

WHEREAS, accepting and appropriating funds from the ESG Program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods” as described on pages 160-163 of Plan Cincinnati (2012); now, therefore

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

Section 1. That the City Manager is authorized to accept and appropriate \$1,000,140 from the U.S. Department of Housing and Urban Development (“HUD”) into Emergency Shelter Grant Fund 445 in accordance with the Appropriation Schedule, attached hereto and by reference made part of, for the purpose of funding various projects and operating allocations for the Emergency Solutions Grant Program for Calendar Year 2023.

Section 2. That it is the City’s intent to use said sum for various projects and operating allocations for the Emergency Solutions Grant Program for Calendar Year 2023 according to the attached Appropriation Schedule and to file the 2023 Annual Action Plan.

Section 3. That the City Manager is authorized to file the 2023 Annual Action Plan.

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

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

APPROPRIATION SCHEDULE

EMERGENCY SOLUTIONS GRANT APPROPRIATION SCHEDULE

Grant Program	Fund	Agency	Project Account No.	Project Title	Amount
ESG	445	162	4452321	Homeless Shelters and Housing '23	\$600,084.00
ESG	445	162	4452315	Rapid Re-Housing '23	\$325,045.50
ESG	445	162	4452323	ESG Administration '23	\$75,010.50
TOTAL					\$1,000,140.00

April 12, 2023

202301137

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – 2023 HOME Entitlement Grant Award

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate \$2,890,863 from the United States Department of Housing and Urban Development to various Home Investment Trust Fund 411 project accounts in accordance with the attached Appropriation Schedule to fund various projects and operating allocations for the HOME Investment Partnerships Grant Program for Calendar Year 2023; **AUTHORIZING** the appropriation of \$190,434.11 in program income to various Home Investment Trust Fund 411 project accounts to fund the continuation of vital City programs in accordance with the attached Appropriation Schedule; **ANNOUNCING** the City’s intention to use said sums for various projects and operating allocations for the HOME Investment Partnerships Grant Program for Calendar Year 2023 according to the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

Approval of this Emergency Ordinance authorizes the City Manager to accept and appropriate \$2,890,863 from the U.S. Department of Housing and Urban Development (HUD) to various Home Investment Trust Fund 411 project accounts to fund various projects and operating allocations for the HOME Investment Partnerships Grant (HOME) Program for Calendar Year 2023. This Emergency Ordinance also authorizes the appropriation of \$190,434.11 in program income to various Home Investment Trust Fund 411 project accounts to fund the continuation of vital City programs. Approval of this Emergency Ordinance announces the City’s intention to use said sums for various projects and operating allocations for the HOME Program for Calendar Year 2023. Finally, this Emergency Ordinance authorizes the City Manager to file the 2023 Annual Action Plan.

HUD announced the grant allocation for the HOME Program on February 27, 2023. The HOME grant is one of four HUD entitlement grants awarded to the City for Calendar Year 2023 that, when combined, create the 2023 Annual Action Plan, which must be submitted to HUD within sixty days of the award announcement.

Accepting and appropriating grant funds from the HOME program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

MSS

-2023

AUTHORIZING the City Manager to accept and appropriate \$2,890,863 from the United States Department of Housing and Urban Development to various Home Investment Trust Fund 411 project accounts in accordance with the attached Appropriation Schedule to fund various projects and operating allocations for the HOME Investment Partnerships Grant Program for Calendar Year 2023; **AUTHORIZING** the appropriation of \$190,434.11 in program income to various Home Investment Trust Fund 411 project accounts to fund the continuation of vital City programs in accordance with the attached Appropriation Schedule; **ANNOUNCING** the City’s intention to use said sums for various projects and operating allocations for the HOME Investment Partnerships Grant Program for Calendar Year 2023 according to the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

WHEREAS, through the HOME Investment Partnerships (“HOME”) Program, the United States Department of Housing and Urban Development (“HUD”) provides annual grants to local communities for projects that include buying, building, and rehabilitating affordable housing for rent or ownership, as well as projects providing down payment assistance; and

WHEREAS, HUD announced the allocation of \$2,890,863 to the City for the 2023 HOME program per Assistance Listing Number (ALN) 14.239 via Award No. M-23-MC-39-0213 on February 27, 2023; and

WHEREAS, program income of \$190,434.11 also must be appropriated to 2023 HOME project accounts; and

WHEREAS, the HOME program grant is one of four HUD entitlement grants awarded to the City for Calendar Year 2023 that when combined create the 2023 Annual Action Plan, which must be submitted to HUD within sixty days of the award announcement; and

WHEREAS, accepting and appropriating grant funds from the HOME program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods” as described on pages 160-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate \$2,890,863 from the United States Department of Housing and Urban Development to various Home Investment Trust Fund 411 project accounts in accordance with the Appropriation Schedule,

attached hereto and by reference made a part hereof, for the purpose of funding various projects and operating allocations for the HOME Investment Partnerships Grant Program for Calendar Year 2023.

Section 2. That the appropriation of \$190,434.11 in program income to various Home Investment Trust Fund 411 project accounts is hereby authorized for the purpose of providing funding to continue vital City programs in accordance with the attached Appropriation Schedule.

Section 3. That it is the City's intent to use said sums for various projects and operating allocations for the Home Investment Partnerships Program for Calendar Year 2023 according to the attached Appropriation Schedule, and to file the 2023 Annual Action Plan.

Section 4. That the City Manager is authorized to file the 2023 Annual Action Plan.

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

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

APPROPRIATION SCHEDULE

HOME INVESTMENT PARTNERSHIPS PROGRAM APPROPRIATION SCHEDULE

Grant Program	Fund	Agency	Project Account No.	Project Title	Amount
HOME	411	162	4112302	CHDO Development Projects '23	\$433,629.45
HOME	411	162	4112303	American Dream Downpayment Initiative '23	\$100,000.00
HOME	411	162	4112304	Operating Support for CHDOs '23	\$144,543.15
HOME	411	162	4112306	Strategic Housing Initiatives Program '23	\$2,094,994.80
HOME	411	162	4112301	HOME Administration '23	\$308,129.71
TOTAL					\$3,081,297.11

April 12, 2023

To: Mayor and Members of City Council

202301138

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – 2023 CDBG Entitlement Grant Award

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate \$11,259,906 from the U.S. Department of Housing and Urban Development to various Community Development Block Grant Fund 304 project accounts in accordance with Section A of the attached Appropriation Schedule for the purpose of funding various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023; **AUTHORIZING** the appropriation of \$17,983.59 in program income in accordance with Section B of the attached Appropriation Schedule for the purpose of providing funding for the continuation of vital City programs; **ANNOUNCING** the City’s intention to use said sum for various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023 according to Section A of the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

Approval of this Emergency Ordinance authorizes the City Manager to accept and appropriate \$11,259,906 from the U.S. Department of Housing and Urban Development (HUD) to various Community Development Block Grant Fund 304 project accounts in accordance with Section A of the attached Appropriation Schedule for the purpose of funding various projects and operating allocations for the Community Development Block Grant (CDBG) Program for Calendar Year 2023. This Emergency Ordinance also authorizes the appropriation of \$17,983.59 in program income in accordance with Section B of the attached Appropriation Schedule for the purpose of providing funding for the continuation of vital City program. Approval of this Emergency Ordinance announces the City’s intention to use said sum for various projects and operating allocations for the CDBG Grant Program for Calendar Year 2023 according to Section A of the attached Appropriation Schedule, and to file the 2023 Annual Action Plan. Finally, this Emergency Ordinance authorizes the City Manager to file the 2023 Annual Action Plan.

HUD announced the grant allocation for the CDBG Program on February 27, 2023. The CDBG grant is one of four HUD entitlement grants awarded to the City for Calendar Year 2023 that, when combined, create the 2023 Annual Action Plan, which must be submitted to HUD within sixty days of the award announcement.

Accepting and appropriating funds from the CDBG Program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods” as described on pages 160-

163 and the “Compete” initiative to “[b]e the pivotal economic force in the region” as described on pages 101-102 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

KKF

-2023

AUTHORIZING the City Manager to accept and appropriate \$11,259,906 from the U.S. Department of Housing and Urban Development to various Community Development Block Grant Fund 304 project accounts in accordance with Section A of the attached Appropriation Schedule for the purpose of funding various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023; **AUTHORIZING** the appropriation of \$17,983.59 in program income in accordance with Section B of the attached Appropriation Schedule for the purpose of providing funding for the continuation of vital City programs; **ANNOUNCING** the City’s intention to use said sum for various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023 according to Section A of the attached Appropriation Schedule, and to file the 2023 Annual Action Plan; and **AUTHORIZING** the City Manager to file the 2023 Annual Action Plan.

WHEREAS, the Community Development Block Grant (“CDBG”) Program provides annual grants to local communities to address a wide range of unique community development needs; and

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) announced the grant allocation of \$11,259,906 to the City for the 2023 CDBG program per Assistance Listing Number (ALN) 14.218 via Award B-23-MC-39-0003 on February 27, 2023; and

WHEREAS, program income of \$17,983.59 also must be appropriated to various project and operating accounts; and

WHEREAS, prior year CDBG project and operating account appropriations must be adjusted to align with current resources and program needs; and

WHEREAS, the CDBG grant is one of four HUD entitlement grants awarded to the City for Calendar Year 2023 that when combined create the 2023 Annual Action Plan which must be submitted to HUD within sixty days of the award announcement; and

WHEREAS, accepting and appropriating funds from the CDBG Program is in accordance with the “Live” strategy to “[s]upport and stabilize our neighborhoods,” as described on pages 160-163 and the “Compete” initiative to “[b]e the pivotal economic force in the region,” as described on pages 101-102 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 \$11,259,906 from the U.S. Department of Housing and Urban Development to various Community

Development Block Grant Fund 304 project accounts in accordance with Section A of the Appropriation Schedule, attached hereto and by reference made part of, for the purpose of funding various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023.

Section 2. That the appropriation of \$17,983.59 in program income is hereby authorized for the purpose of providing funding for the continuation of vital City programs according to Section B of the attached Appropriation Schedule.

Section 3. That it is the City's intent to use said sum for various projects and operating allocations for the Community Development Block Grant Program for Calendar Year 2023 according to Section A of the attached Appropriation Schedule, and to file the 2023 Annual Action Plan.

Section 4. That the City Manager is authorized to file the 2023 Annual Action Plan.

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

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide funding for the continuation of vital City programs and to comply with the HUD 2023 Annual Action Plan sixty-day submission deadline.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

APPROPRIATION SCHEDULE

COMMUNITY DEVELOPMENT BLOCK GRANT APPROPRIATION SCHEDULE

Section A

Grant Program	Fund	Agency	Project Account No.	Project Title	Amount
CDBG	304	164	30423611	Commercial and Industrial Redevelopment '23	\$ 350,000.00
CDBG	304	161	30423142	Concentrated Code Enforcement '23	\$ 600,000.00
CDBG	304	162	30423123	Emergency Mortgage Assistance '23	\$ 275,000.00
CDBG	304	162	30423122	Fair Housing Services '23	\$ 175,000.00
CDBG	304	161	30423141	Family Rehousing Assistance '23	\$ 230,000.00
CDBG	304	161	30423802	Findlay Market Operating Support '23	\$ 50,000.00
CDBG	304	162	30423124	Hand Up Initiative '23	\$ 778,000.00
CDBG	304	161	30423136	Hazard Abatement & Stabilization Program '23	\$ 1,000,000.00
CDBG	304	161	30423411	Lead Hazard Testing Program '23	\$ 100,000.00
CDBG	304	161	30423904	Homeowner Assistance Repairs and Building Order Remission '23	\$ 725,000.00
CDBG	304	162	30423015	Housing Repair Services '23	\$ 2,125,000.00
CDBG	304	162	30423244	Operating Support for CDCs '23	\$ 1,200,000.00
CDBG	304	162	30423431	Strategic Housing Initiatives Program '23	\$ 425,000.00
CDBG	304	162	30423121	Tenant Representation '23	\$ 275,000.00
CDBG	304	162	30423433	Vacant Lot Reutilization '23	\$ 35,000.00
CDBG	304	161	30423621	Youth and Young Adult Employment Program '23	\$ 400,000.00
CDBG	304	161	30423108	Section 108 Debt Service	\$ 265,000.00
CDBG	304	101	30423000	Administration - CDBG '23	\$ 2,251,906.00

TOTAL \$ 11,259,906.00

INCREASE OF EXISTING COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM RECONCILIATION SCHEDULE

Section B

Grant Program	Fund	Agency	Project Account No.	Project Title	Original Authorization	Amount to be Increased	Revised Authorization
CDBG	304	161	30422141	Family Rehousing Assistance	\$ 130,000.00	\$ 17,983.59	\$ 147,983.59

TOTAL \$ 17,983.59

April 12, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Finance and Budget Monitoring Report for the Period Ending January 31, 2023**

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

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

1. General Fund revenues are greater than projected by \$11.4 million through the end of January. However, this report highlights increased potential expenditure needs in the amount of \$9.6 million.
2. Overtime in the Cincinnati Fire Department (CFD) and the Cincinnati Police Department (CPD) is currently outpacing the budget. In CFD, the increased overtime is primarily driven by the increased attrition experienced over the past several years. The department is required to use overtime to backfill the vacant positions. Additionally, the department added a new engine company to Westwood Station 35, resulting in additional staffing requirements and associated overtime. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$3.5 million by fiscal year end due to increased overtime. In CPD, the increased overtime is primarily due to Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter. While \$500,000 of American Rescue Plan (ARP) Act resources were allocated in December 2022 to partially address CPD's overtime need, a need of \$670,000 remains.

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

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

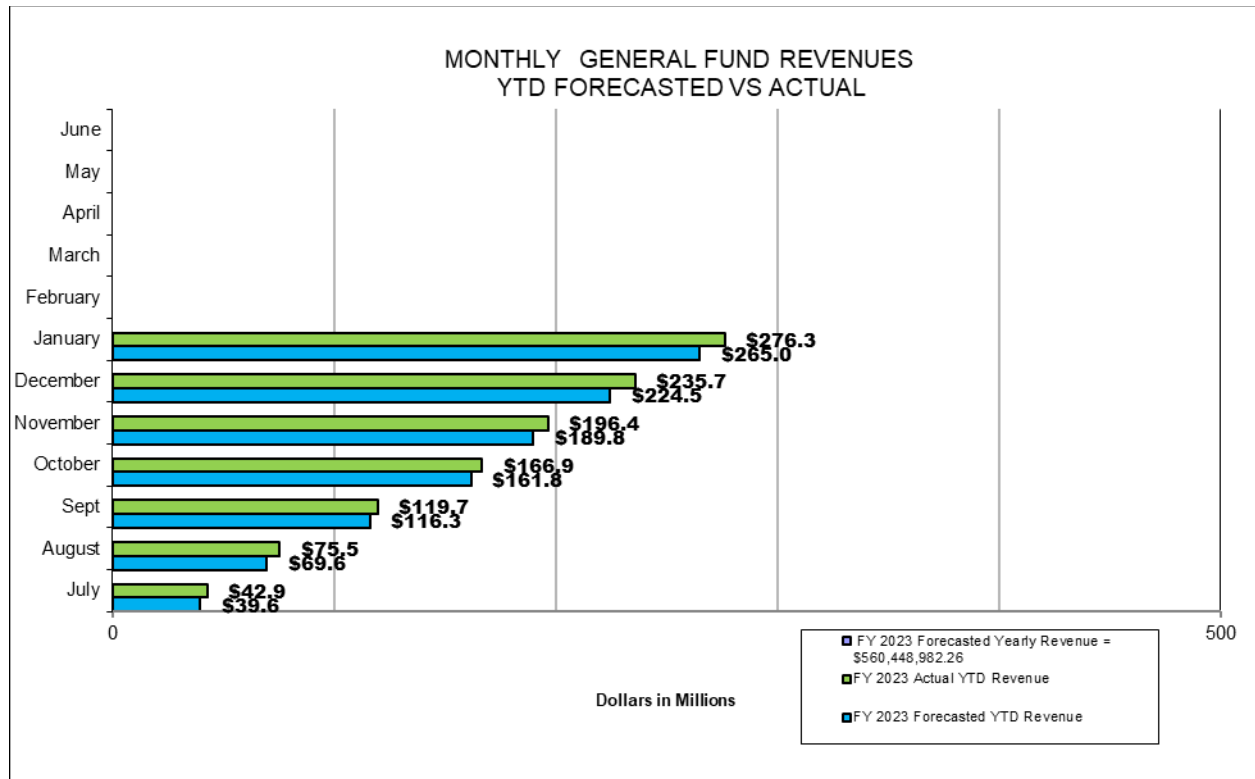
REVENUE

The following report provides an update on the City of Cincinnati’s financial condition as of the month ending January 31, 2023. Variances are based on current year estimates and prior year activity in attached schedules.

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

I. GENERAL FUND 050

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through January 31, 2023, and shows that actual revenue of \$276.3 million was above forecasted revenue of \$265 million by \$11.4 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in

General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$1,731,582)
City Income Tax	8,920,959	
Admissions Tax	1,350,597	
Short Term Rental Excise Tax	619,290	
Licenses & Permits	350,564	
Fines, Forfeitures, & Penalties	539,884	
Investment Income	1,207,434	
Local Government	563,844	
Casino	428,345	
Police	606,623	
Buildings and Inspections		(\$84,917)
Fire	411,683	
Parking Meter	350	
Other		(\$1,832,636)
	14,999,574	(\$3,649,134)
Difference	11,350,439	

General Fund (favorable variance) is \$11.4 million above the amount forecasted through January in the FY 2023 Budget. This is the seventh month’s report for the fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

1. **Property Tax (unfavorable variance) is \$1.7 million** below estimate due to the decrease in the millage for this half. The millage for the second half is set at a higher rate which will offset this unfavorable variance. The Administration anticipates Property Tax revenue will be on target at year end. This is a semi-annual payment. The second payment will be received in late Spring.

2. **Income Tax (favorable variance) is \$8.9 million** above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. The Finance Department will continue to watch the trends, including those related to remote work, very closely.

3. **Admission Tax (favorable variance) is \$1.4 million** above estimate. Many estimates were set at pre-pandemic levels; however, businesses have rebounded stronger than expected.
4. **Short Term Rental Excise Tax (favorable variance) is \$619k** above the forecasted amount. The variance is contributed to large one-time events, like Blink and a month-long running of the musical Hamilton, as well as increased attendance at Bengals games. These events have brought more people to the area to visit, who in turn need a place to stay.
5. **Investment Income (favorable variance) is \$1.2 million** above estimate. This is a result of better interest rates and a new contract with a new investment manager yielding results above projections. The market is volatile right now with the banking crisis so Finance will monitor the rates going forward this Fiscal Year.
6. **Police (favorable variance) is \$607k** above the forecasted amount. Impounded vehicles and auctions are trending above average this fiscal year. A portion of this variance is also due to the timing of accounting transactions that need to be entered that will decrease the difference.
7. **Other (unfavorable variance) is \$1.8 million** below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. The Finance Department will continue to monitor these various revenue sources.

II. RESTRICTED FUNDS

A. Convention Center (favorable variance) is \$639k above estimate. The venue started this fiscal year off better than it has in several years with many bookings taking place again. In addition, the return of many to downtown hotels has resulted in increased transient occupancy tax (TOT) revenue.

B. General Aviation (favorable variance) is up \$240k. The County Auditor deemed some parcels owned by the City to be tax exempt, which resulted in an unexpected refund of more than \$349k in FY 2023. This category should end the fiscal year above the estimate.

C. Parking Meter (unfavorable variance) is \$609k below estimate. Even with a reduction in the current year estimate from last year, there is still less demand leading to the negative variance.

D. Sawyer Point (unfavorable variance) is down \$234k. This variance is partly due to a large concert cancelling at the beginning of the fiscal year and less demand for parking at the riverfront.

E. Streetcar Operations (favorable variance) is \$1.7 million above estimate. The Ohio Transit Partnership (OTP) and Formula grant payments were delayed from FY 2022 as were the voluntary tax incentive contribution agreement (VTICA) payments. These receipts were not estimated in FY 2023. This category will remain above estimate this fiscal year.

EXPENDITURES

The following provides an update on the City of Cincinnati's operating budget position as of the month ending January 31, 2023. The attached Fund Summary Report provides the current budget, expenditures, and commitments of each appropriated fund. This report is presented on a year-to-date basis.

I. GENERAL FUND 050

As shown on the attached report, total expenditures are 56.4% of budget, and commitments are 60.4% of budget in General Fund 050 as compared to the estimated period ending January 31, 2023, or 58.3% of the fiscal year. "Non-personnel expenses" are trending higher at 70.3% committed year to date due to encumbering twelve months of expenditures for certain commodities such as gas and electric costs, contractual services, and materials and supplies. This is not unusual for this reporting period.

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

A. Budget Savings Identified

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

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

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

This includes computer equipment for the new staff as well as other expenses for community engagement efforts.

B. Budget Needs Identified

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

1. City Manager's Office (\$208,000)

The City Manager's Office projects a need of \$200,000 for a climate assessment in the Police Department and training for the Fire Department. Approximately \$8,000 is needed to provide social services staff during City Council public comment sessions. Additionally, a potential non-personnel need may arise related to Infrastructure Investment and Jobs Act (IIJA) grant application consulting services.

2. Citizen Complaint Authority (\$30,000)

The Citizen Complaint Authority (CCA) projects a possible personnel need of up to \$30,000 resulting from vacant positions that were filled at higher than anticipated salaries as well as anticipated equity salary adjustments. Additionally, the department is projecting a potential non-personnel need. Ordinance No. 0396-2022 authorized the transfer of \$15,000 to address needs resulting from a FY 2022 computer expense that was not properly encumbered as well as telephone expenses for cell phones for investigators.

3. Cincinnati Police Department (\$750,000)

The Cincinnati Police Department (CPD) projects an overall need of approximately \$750,000 primarily due to personnel expense overages. Personnel overages are estimated at \$670,000 and are attributed to increased Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter. Lump sum payments have also exceeded expectations due to the retirement of several veteran officers. Additionally, a non-personnel need of \$310,000 is projected due to unbudgeted annual software maintenance for the department's wireless mobile digital video (in-car camera) system, which can be offset by an estimated savings of \$230,000 in materials and supplies for a net non-personnel need of \$80,000. Personnel and

non-personnel expenditures will be closely monitored over the next few months. The overtime need was reduced by \$500,000 due to a reallocation of American Rescue Plan (ARP) Act resources during December 2022.

4. Department of Public Services (\$110,000)

The Department of Public Services (DPS) is reporting a potential need related to increased utility costs due to stormwater rate increases. DPS projects utility expenses could create a budget need of approximately \$150,000. Additionally, DPS projects a potential need due to the CODE retroactive salary adjustment implemented in November 2022, and other staffing adjustments. These needs may be partially offset by position vacancy savings as well as increased reimbursements, which are currently projected to result in a net personnel savings of \$40,000. These needs will be monitored closely as the fiscal year continues.

5. Cincinnati Fire Department (\$3.5 million)

The Cincinnati Fire Department (CFD) projects a total need of up to \$3.5 million primarily due to overtime. Increased attrition over the past several years has necessitated the use of overtime to backfill vacant positions. Additionally, the department added a new engine company to Westwood Station 35 in November 2022, resulting in additional staffing requirements and associated overtime. CFD recently changed the unit dispatch process to include apparatus GPS relative to the emergency location. This has led to an increase in daily runs performed by the Westwood engine company and the Price Hill engine company. The department plans to run the additional engine until the number of runs performed daily reverts to the mean. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$3.5 million by fiscal year end due to increased overtime. However, this need may be partially offset by non-personnel savings. Both the department and the Office of Budget and Evaluation will continue to closely monitor staffing trends and overtime needs.

6. Department of Economic Inclusion (\$153,000)

The Department of Economic Inclusion projects a potential personnel need of up to \$191,000 due to being fully staffed. However, this need may be partially offset through additional reimbursements from the Income Tax-Infrastructure Fund for eligible work for a total estimated net need of \$153,000.

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

The Internal Revenue Service (IRS) limits the maximum employee benefit received from a defined contribution retirement plan. Per the Cincinnati Municipal Code (CMC), the City is responsible for covering the excess benefit amount, which is paid from the Contribution to Total Benefit Arrangement (Cincinnati Retirement System (CRS)) non-departmental account. An amount of

\$1,000 is needed in this account in order to comply with IRS regulations. Additionally, the Law Department projects a potential need of up to \$1.5 million in the Judgments Against the City non-departmental account for settlements. The timing of settlements may also impact the potential need. The Law Department will monitor this need closely. The City will also owe a judgment of approximately \$3,280,000 due to the Ohio First District Court of Appeals upholding the finding, in *White v. Cincinnati*, 2021-Ohio-4003, that the false alarm fee imposed by the City under Cincinnati Municipal Code (CMC) Chapter 807 to be a tax which was determined to be unconstitutional. A supplemental appropriation will be required for the payment of this judgment.

C. Within Budget, Intradepartmental Budget Transfers May Be Needed

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

1. Clerk of Council

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

2. Enterprise Technology Solutions

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

3. City Manager's Office: Office of Communications

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

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

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

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

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

- 6. City Manager's Office: Emergency Communications Center (ECC)**
The Emergency Communications Center projects no budget savings or need at this time. However, a need may arise related to the 311 service line chat tool software.
- 7. City Manager's Office: Office of Environment and Sustainability**
The Office of Environment and Sustainability projects no budget savings or need at this time. However, a non-personnel need related to recycling may arise.
- 8. City Manager's Office: Office of Procurement**
The Office of Procurement projects no budget savings or need at this time, pending reimbursement processing.
- 9. City Manager's Office: Office of Performance and Data Analytics (OPDA)**
The Office of Performance and Data Analytics projects potential personnel savings, which will be monitored. No savings or needs are anticipated in the non-personnel budget.
- 10. City Manager's Office: Internal Audit**
Internal Audit projects a possible personnel need. The budget will be monitored for a possible shortfall, which can be resolved in the Final Adjustment Ordinance if necessary.
- 11. Department of Law**
The Department of Law projects no budget savings or need at this time.
- 12. Department of Human Resources**
The Department of Human Resources projects no budget savings or need at this time. However, several positions were transferred from other departments to the Department of Human Resources as part of the ongoing HR centralization process. These transfers require reimbursements between departments and adjustments as part of the Final Adjustment Ordinance. Finally, in prior monitoring reports, HR reported a need related to the replacement of their front door. Ordinance No. 0396-2022 authorized the transfer of \$10,000 to address this need.
- 13. Department of Finance**
The Department of Finance projects a potential personnel need in the Treasury Division, which was authorized to add an unbudgeted Senior Accountant position. Transfers may be requested as part of the Final Adjustment Ordinance.
- 14. Department of Community and Economic Development**
The Department of Community and Economic Development (DCED) projects a non-personnel need due to Shillito's West annual operating expenses as well as the acquisition of the Saks building. Additionally, there is a potential personnel

need in the Housing Division. These needs may be partially offset by personnel savings in the Economic Development Division. Transfers between agencies may be required as part of the Final Adjustment Ordinance.

15. Cincinnati Recreation Commission

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

16. Cincinnati Parks Department

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

17. Department of Buildings and Inspections

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

18. Department of Transportation and Engineering

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

II. ENTERPRISE FUNDS

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

A. Water Works Fund 101

Water Works Fund 101 is 48.6% expended year to date. The Greater Cincinnati Water Works (GCWW) projects a potential need related to utility expenses,

postage, and credit card processing fees, which can be offset by savings in expert services and materials and supplies. These needs will be monitored closely.

B. Parking System Facilities Fund 102

Parking System Facilities Fund 102 includes the budget for off-street parking enterprises, including garages. Fund 102 is currently 46.4% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development continues to experience an increase in rent expenses due to the rise in employee parking at the Seventh Street Garage and the Hennegan Lot. The division is responsible for covering the difference between what City employees pay and the contracted monthly rate. This need is expected to be offset with savings in non-personnel. Previously reported savings in contractual services will also be used to offset increased security costs at USquare Garage.

C. Duke Energy Convention Center Fund 103

Duke Energy Convention Center Fund 103 is 48.2% expended year to date. The Finance Department projects no savings or need at this time.

D. General Aviation Fund 104

General Aviation Fund 104 is 44.7% expended year to date. The Department of Transportation and Engineering may have personnel and fringe benefits savings in Fund 104 due to position vacancies, which will be monitored. Possible non-personnel needs related to auto repairs and maintenance will also be monitored.

E. Municipal Golf Fund 105

Municipal Golf Fund 105 is 73.3% expended year to date, which reflects expenses for the calendar year (CY) 2022 golf season and exceeds expectations. The Cincinnati Recreation Commission projects a non-personnel need of \$1.4 million related to increased course usage and maintenance as well as increased costs for utilities. A mid-year adjustment ordinance may be required. Municipal Golf Fund 105 has sufficient resources to support this potential supplemental appropriation as increased course usage has led to increased revenue.

F. Stormwater Management Fund 107

Stormwater Management Fund 107 provides resources to various City departments and is 46.3% expended year to date. The major recipient of resources from this fund is the Stormwater Management Utility (SMU). The Department of Public Services, the Parks Department, and the Department of Buildings and Inspections, among others, also receive appropriations from this fund. SMU, the Parks Department, and the Department of Buildings and Inspections project no budget savings or need at this time. The Department of Public Services projects potential savings in personnel due to position vacancies.

III. DEBT SERVICE FUNDS

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

A. Bond Retirement Fund 151

Bond Retirement Fund 151 is 79.6% expended year to date. The Finance Department projects a potential debt service need. This may be partially offset by savings in non-personnel related to lower than anticipated issuance costs. A supplemental appropriation may be requested as part of the Final Adjustment Ordinance.

IV. APPROPRIATED SPECIAL REVENUE FUNDS

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

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

A. Street Construction, Maintenance & Repair Fund 301

Street Construction, Maintenance & Repair Fund 301 is 42.4% expended year to date. The Department of Transportation and Engineering (DOT) projects a potential personnel savings as well as a possible non-personnel need. Adjustments within appropriations may be requested as part of the Final Adjustment Ordinance. The Department of Public Services anticipates personnel and fringe benefit savings in Fund 301; however, these savings are anticipated to be partially offset by automotive maintenance and repair expenses as well as increased winter emergency operations expenses due to the projected inclement weather conditions over the next few months.

B. Income Tax-Infrastructure Fund 302

Income Tax-Infrastructure Fund 302 provides resources to several City departments. The Department of Transportation and Engineering is the largest recipient of resources from this fund. The Department of Public Services also receives Income Tax-Infrastructure Fund resources, among other departments. Fund 302 is 50.6% expended year to date. The Department of Transportation and

Engineering projects potential personnel savings due to position vacancies, which is offset by a potential non-personnel need related to natural gas expenses. Transfers between agencies may also be required as part of the Final Adjustment Ordinance. The Department of Public Services projects a possible personnel need of \$45,000 related to overtime expenses and the CODE retroactive salary adjustment implemented in November 2022. Additionally, the Department of Public Services projects a need of \$30,000 in non-personnel for a Cincinnati Police Department facility energy audit.

C. Parking Meter Fund 303

Parking Meter Fund 303 includes the budget for on-street parking enterprises, including parking meters. Fund 303 is currently 49.9% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development projects a personnel savings as well as a potential non-personnel savings related to collection agency fees.

D. Municipal Motor Vehicle License Tax Fund 306

Municipal Motor Vehicle License Tax Fund 306 is 37.9% expended year to date. The Department of Transportation and Engineering projects a potential personnel savings. The Department of Public Services currently projects possible fringe benefits savings at this time. However, depending on weather conditions over the next few months, a potential need could arise related to winter emergency operation expenses.

E. Sawyer Point Fund 318

Sawyer Point Fund 318 is 24.9% expended year to date. The Parks Department projects no budget savings or need in Fund 318.

F. Recreation Special Activities Fund 323

Fund 323 is currently 44.5% expended year to date. A supplemental transfer of \$500,000 and transfers within existing appropriations may be requested as part of a mid-year budget adjustment ordinance in order to provide additional resources for a new E-Sport program, CRC Lifeguard Academy, teen program contracts, technology upgrades, and a budget shortfall for the Summer 2022 3-on-3 Basketball Tournament.

G. Cincinnati Riverfront Park Fund 329

Cincinnati Riverfront Park Fund 329 is the appropriated fund for Smale Park. Fund 329 is currently 12.0% expended year to date. The Parks Department projects no budget savings or need in Fund 329.

H. Hazard Abatement Fund 347

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

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

9-1-1 Cell Phone Fees Fund 364 is the appropriated fund that governs the City portion of state collected revenue from mobile device fees. Fund 364 is currently 7.7% expended year to date. The Emergency Communications Center projects no budget savings or need in Fund 364.

J. Safe and Clean Fund 377

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

K. Community Health Center Activities Fund 395

Community Health Center Activities Fund 395 is 48.1% expended year to date. The Cincinnati Health Department (CHD) projects potential non-personnel needs related to temporary staffing, uniform expenses, and the unbudgeted repair and replacement of equipment. However, these needs may be offset by personnel savings resulting from position vacancies.

L. Cincinnati Health District Fund 416

General operational support to the Cincinnati Health Department is provided by Cincinnati Health District Fund 416. This fund is 48.7% expended year to date. The Cincinnati Health Department (CHD) projects a personnel savings due to position vacancies. There is a non-personnel need primarily in contractual services related to the search for the next Health Commissioner, uniform expenses, building repair costs, and temporary personnel services. Additionally, the department projects a personnel need in the Community Health Services Division and the School & Adolescent Health Division. Personnel needs are exacerbated by unbudgeted expenses resulting from the new CODE labor agreement, including the retroactive salary adjustment implemented in November 2022. These needs can be offset by personnel savings in the Office of the Commissioner, the Primary Health Care Programs Division, and the Primary Health Care Centers Division. Transfers may be required as part of the Final Adjustment Ordinance.

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

Cincinnati Area Geographic Information System Fund 449 is 39.2% expended year to date. Enterprise Technology Solutions projects no budget savings or need at this time.

N. Streetcar Operations Fund 455

Streetcar Operations Fund 455 is 45.4% expended year to date. The Department of Transportation and Engineering projects a total non-personnel need of

\$960,000, primarily due to police security details, an increase in the Transdev contract, and SORTA expenses. These needs may be covered by anticipated Ohio Department of Transportation (ODOT) grant resources as well as possible position vacancy savings. These needs will be monitored closely.

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

The CLEAR Fund is 31.1% expended year to date. Enterprise Technology Solutions projects no budget savings or need for FY 2023.

Summary

Through January 31, 2023, major budget issues include overtime needs for both the Police Department and Fire Department, revenue decline in Community Health Center Activities Fund 395 and Parking Meter Fund 303, unbudgeted wage items resulting from collective bargaining agreements, and lasting impacts from the COVID-19 pandemic related to supply chain issues and the costs of various goods and services. Departments have identified possible savings and shortfalls, which will continue to be monitored and updated monthly.

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

1. Fund Summary Report for the month ended January 31, 2023.

Submitted herewith are the following Department of Finance reports:

2. Comparative Statement of Revenue (Actuals, Forecast and Prior Year) as of January 31, 2023.
3. Audit of the City Treasurer's Report for the month ended December 31, 2022.
4. Statement of Balances in the various funds as of January 31, 2023.

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

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

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

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

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

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

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

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

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

April 12, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301094

Subject: Ordinance – OES: Environmental Justice Government-to-Government Grant Application

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant in the amount of up to \$1,000,000 from the United States Environmental Protection Agency through the Environmental Justice Government-to-Government grant program (ALN 66.312) for the purpose of creating two Resilience Hubs at existing facilities in priority communities within the City of Cincinnati.

Approval of this Ordinance authorizes the City Manager to apply for a grant of up to \$1,000,000 from the United States Environmental Protection Agency (USEPA) through the Environmental Justice Government-to-Government (EJG2G) grant program for the purpose of creating two Resilience Hubs at existing facilities in priority communities within the City of Cincinnati.

Resilience Hubs are community-serving facilities utilizing a trusted physical space, such as a community center, that serve as a point of social cohesion to address climate vulnerabilities by providing a central gathering point, uninterrupted renewable energy supply, backup storage, information, resources, emergency preparedness, and post-disruption recovery. Two Resilience Hubs will be created in priority communities, which are anticipated to include the Lower Price Hill and Avondale neighborhoods.

No matching funds or new FTEs are required for this grant.

To meet the grant application deadline of April 14, 2023, the grant application will be submitted prior to receiving City Council authorization. However, grant resources will not be accepted without City Council approval.

Applying for the EJG2G grant is also in accordance with the “Sustain” goal to “become a healthier Cincinnati,” and strategy to “create a healthy environment and reduce energy consumption,” and the “Collaborate” goal to “work in synergy with the Cincinnati Community,” as described on pages 181-186 and page 209 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 a grant in the amount of up to \$1,000,000 from the United States Environmental Protection Agency through the Environmental Justice Government-to-Government grant program (ALN 66.312) for the purpose of creating two Resilience Hubs at existing facilities in priority communities within the City of Cincinnati.

WHEREAS, a grant is available in an amount of up to \$1,000,000 from the United States Environmental Protection Agency through the Environmental Justice Government-to-Government Grant Program (“EJG2G”) (ALN 66.312) for the purpose of creating two Resilience Hubs at existing facilities in priority communities within the City of Cincinnati; and

WHEREAS, Resilience Hubs are community-serving facilities, such as community centers, that serve to address climate vulnerabilities by providing a central gathering point for coordinated resource distribution and services before, during, or after a natural hazard event; and

WHEREAS, the priority communities are anticipated to include the Lower Price Hill and Avondale neighborhoods; and

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

WHEREAS, in order to meet the grant application deadline of April 14, 2023, the Office of Environment and Sustainability may submit its application prior to receiving Council’s approval, but no grant funds will be accepted without prior Council approval; and

WHEREAS, applying for the EJG2G grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” and the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 181-186 and 209 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for a grant in the amount of up to \$1,000,000 from the United States Environmental Protection Agency through the Environmental Justice Government-to-Government grant program (ALN 66.312) for the purpose of creating two Resilience Hubs at existing facilities in priority communities within the City of Cincinnati.

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.

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

April 17, 2023

To: Members of the Budget and Finance Committee

202301192

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DCED: Findlay Parkside– TIF

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of the sum of \$2,295,000 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to the Department of Community and Economic Development non-personnel operating budget account 482x162x7200 for the purpose of providing resources to assist with the redevelopment of ten historic buildings located at 1804, 1810, 1812, 1814, 1816, and 1822 Vine Street, 29 E McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 114-116 W Elder Street in the Over-the-Rhine (“OTR”) neighborhood into a mixed use development; and **DECLARING** that expenditures to assist with redevelopment of ten historic buildings in the OTR neighborhood into a mixed use development serves a public purpose because the project will provide affordable housing in the community.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of the sum of \$2,295,000 from the Downtown/ OTR West Equivalent Fund 482 to the Department of Community and Economic Development non-personnel operating budget account no. 482x162x7200 for the purpose of providing resources to assist with the redevelopment of ten historic buildings in the Over-the-Rhine (“OTR”) neighborhood into a mixed-use development.

Findlay Parkside, LLC, an affiliate of The Model Group (“TMG”), is seeking to redevelop 10 historic buildings at 1804, 1810, 1812, 1814, 1816, and 1822 Vine Street, 29 E McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 114-116 W Elder Street in Over-the-Rhine into a mixed-use development comprised of approximately 16,456 square feet of commercial space and approximately 51 residential rental units, an estimated 26 of which will serve households earning no more than eighty percent of the area median income. TMG is committing its own equity along with State and Federal Historic Tax Credit equity and New Market Tax Credit equity and is also utilizing senior debt for the Project.

Investing in the Findlay Parkside, LLC Project is in accordance with the “Compete” goal to “Cultivate our position as the most vibrant and economically healthiest part of our region,” the “Live” goals to “Create a more livable community,” and “Provide a full spectrum of housing options, and improve housing quality and affordability,” as well as the “Sustain” goal to “Preserve our natural and built environment,” as described on pages 114-120, 156-177, and 193-198 of Plan Cincinnati (2012)

The reason for the emergency is the developer's immediate need to close its financial gap and the need for the City to increase its stock of affordable housing units.

The Administration recommends passage of this Emergency Ordinance.

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

Attachments



EMERGENCY

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AUTHORIZING the transfer and appropriation of the sum of \$2,295,000 from the unappropriated surplus of Downtown/OTR West Equivalent Fund 482 to the Department of Community and Economic Development non-personnel operating budget account 482x162x7200 for the purpose of providing resources to assist with the redevelopment of ten historic buildings located at 1804, 1810, 1812, 1814, 1816, and 1822 Vine Street, 29 E McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 114-116 W Elder Street in the Over-the-Rhine (“OTR”) neighborhood into a mixed-use development; and **DECLARING** that expenditures to assist with redevelopment of ten historic buildings in the OTR neighborhood into a mixed-use development serves a public purpose because the project will provide affordable housing in the community.

WHEREAS, Findlay Parkside, LLC, an affiliate of The Model Group (“TMG”), is seeking to redevelop 10 historic buildings at 1804, 1810, 1812, 1814, 1816, and 1822 Vine Street, 29 E McMicken Avenue, 118 Findlay Street, 1720 Elm Street, and 114-116 W Elder Street in Over-the-Rhine (“OTR”) into a mixed-use development comprised of approximately 16,456 square feet of commercial space and approximately 51 residential rental units, an estimated 26 of which will serve households earning no more than eighty percent of the area median income, as established by the U.S. Department of Housing and Urban Development (the “Project”); and

WHEREAS, community engagement on the redevelopment of the ten historic buildings is anticipated to occur on April 17, 2023, with community council hearings expected to occur through April 24, 2023 with the OTR, West End, and Downtown communities; and

WHEREAS, TMG is committing its own equity along with state and federal Historic Tax Credit equity and New Market Tax Credit equity, and is also utilizing senior debt for the Project; and

WHEREAS, despite these commitments of funding, TMG projects a financing gap of \$2,295,000 for the Project, and to close that gap \$2,295,000 in funding is requested from the City’s Downtown/OTR West Equivalent Fund 482; and

WHEREAS, investing in the Findlay Parkside, LLC Project is in accordance with the “Compete” goal to “[c]ultivate our position as the most vibrant and economically healthiest part of our region,” the “Live” goals to “[c]reate a more livable community,” and “[p]rovide a full spectrum of housing options, and improve housing quality and affordability,” as well as the “Sustain” goal to “[p]reserve our natural and built environment,” as described on pages 114-120, 156-177, and 193-198 of Plan Cincinnati (2012); now, therefore,

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

April 12, 2023

To: Mayor and Members of City Council

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

202301090

Subject: Emergency Ordinance – DCED: Main Street Small Business Support

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source of the sum of \$485,000 from capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements – GF CO,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of the sum of \$485,000 from the unappropriated surplus of General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x164x7200 for the purpose of providing resources for a Main Street Small Business Support program in Over-the-Rhine led by 3CDC; and **DECLARING** that the Main Street Small Business Support program serves a public purpose because the program will foster local improvements and investment and increase neighborhood vitality.

Approval of this Emergency Ordinance will authorize the transfer and return to source, the General Fund, of \$485,000 from existing capital improvement program project, “OTR Outdoor Improvements – GF CO” and then transfer and appropriate \$485,000 to DCED’s General Fund non-personnel operating budget account no. 050x164x7200 for the purpose of providing resources for a Main Street Small Business Support program in Over-the-Rhine led by 3CDC. This Emergency Ordinance also declares that the Main Street Small Business Support program serves a public purpose.

Providing resources for the Main Street Small Business Support program is in accordance with the “Compete” goal to “cultivate our position as the most vibrant and healthiest part of our region,” as well as the “Live” goal to “create a more livable community,” as described on pages 114-120 and 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to deploy funding for the Main Street Small Business Support program.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment



EMERGENCY

City of Cincinnati

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EESW

An Ordinance No. _____

- 2023

AUTHORIZING the transfer and return to source of the sum of \$485,000 from capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements – GF CO,” to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer and appropriation of the sum of \$485,000 from the unappropriated surplus of General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x164x7200 for the purpose of providing resources for a Main Street Small Business Support program in Over-the-Rhine led by 3CDC; and **DECLARING** that the Main Street Small Business Support program serves a public purpose because the program will foster local improvements and investment and increase neighborhood vitality.

WHEREAS, small businesses in downtown Cincinnati provide an economic backbone for a thriving economy and quality of life experience for residents and visitors; and

WHEREAS, the Cincinnati Center City Development Corporation (“3CDC”) is leading a program called “Main Street Small Business Support” developed by the Department of Community and Economic Development to help support small businesses downtown; and

WHEREAS, a contribution of \$485,000 from the City is needed to assist the Main Street Small Business Support program; and

WHEREAS, providing resources for the Main Street Small Business Support program is in accordance with the “Compete” goal to “[c]ultivate our position as the most vibrant and healthiest part of our region,” as well as the “Live” goal to “[c]reate a more livable community,” as described on pages 114-120 and 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and return to source of the sum of \$485,000 from capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements – GF CO,” to the unappropriated surplus of General Fund 050 is hereby authorized.

Section 2. That the sum of \$485,000 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to the Department of Community and Economic Development General Fund non-personnel operating budget account no. 050x164x7200 for the

purpose of providing resources for a Main Street Small Business Support program in Over-the-Rhine led by the Cincinnati Center City Development Corporation (“3CDC”).

Section 3. That the Main Street Small Business Support program is hereby declared to serve a public purpose because the program will foster local improvements and investment and increase neighborhood vitality.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to deploy funding for the Main Street Small Business Support program.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

April 12, 2023

To: Mayor and Members of City Council 202301091
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – HR: General Fund Transfer to Citizens Jobs Fund 308 for Career Pathways Program

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source of the sum of \$778,345 from the General Fund City Manager’s Office non-personnel operating budget account no. 050x101x7400 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of the sum of \$778,345 from the unappropriated surplus of the General Fund to the unappropriated surplus of Citizens Jobs Fund 308 for the purpose of continuing the Career Pathways Program and funding youth employment opportunities.

Approval of this Emergency Ordinance authorizes the transfer and return to source of the sum of \$778,345 from the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 to the unappropriated surplus of General Fund 050. The Emergency Ordinance further authorizes the transfer of the sum of \$778,345 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Jobs Fund 308 for the purpose of continuing the Career Pathways Program and funding youth employment opportunities.

The Approved FY 2023 Budget Update included \$1.0 million for the Career Pathways Program. Ordinance No. 0396-2022 authorized the transfer of \$74,800 from the City Manager’s Office General Fund non-personnel operating budget to the City Manager’s Office General Fund personnel operating budget to provide resources for a new Career Pathways Coordinator to manage the program. \$778,345 remains from the \$925,200 non-personnel appropriation which will now be transferred to the Citizens Jobs Fund. The Department of Human Resources will now assume management of the program.

The reason for the emergency is the immediate need to provide funding to ensure the continuity of services relating to youth employment opportunities.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

IMD

-2023

AUTHORIZING the transfer and return to source of the sum of \$778,345 from the General Fund City Manager’s Office non-personnel operating budget account no. 050x101x7400 to the unappropriated surplus of the General Fund; **AUTHORIZING** the transfer of the sum of \$778,345 from the unappropriated surplus of the General Fund to the unappropriated surplus of Citizens Jobs Fund 308 for the purpose of continuing the Career Pathways Program and funding youth employment opportunities.

WHEREAS, the Approved FY 2023 Budget Update included \$1,000,000 for the Career Pathways Program (“Program”); and

WHEREAS, Ordinance No. 396-2022 authorized the transfer of \$74,800 from the City Manager’s Office General Fund non-personnel operating budget to the City Manager’s Office General Fund personnel operating budget to provide resources for a new Career Pathways Coordinator to manage the Program; and

WHEREAS, of the remaining \$925,200 non-personnel appropriation, \$778,345 must now be transferred to the Citizens Jobs Fund, and the Department of Human Resources will now assume management of the Program; now, therefore,

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

Section 1. That the transfer and return to source of the sum of \$778,345 from the General Fund City Manager’s Office non-personnel operating budget account no. 050x101x7400 to the unappropriated surplus of the General Fund is hereby authorized.

Section 2. That the transfer of the sum of \$778,345 from the unappropriated surplus of the General Fund to the unappropriated surplus of Citizens Jobs Fund 308 is hereby authorized for the purpose of continuing the Career Pathways Program and funding youth employment opportunities.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to implement the provisions 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 provide funding to ensure the continuity of services relating to youth employment opportunities.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

April 12, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301092

**Subject: Emergency Ordinance – DOTE: Terracon Consultants, Inc.
Moral Obligation**

Attached is an Emergency Ordinance captioned:

AUTHORIZING a payment in an amount of \$19,050 to Terracon Consultants, Inc., as a moral obligation of the City of Cincinnati for professional services completed for the Wasson Way project.

Approval of this Emergency Ordinance authorizes a payment in an amount of \$19,050 from capital improvement program project account no. 980x232x3000x7689x222371, “Wasson Way Trail,” to Terracon Consultants, Inc., as a moral obligation of the City of Cincinnati for professional services completed for the Wasson Way project.

The City of Cincinnati entered into a Master Agreement for Professional Services (the “Contract”) with Terracon Consultants, Inc. (“Terracon”) for a variety of as-needed environmental services as requested by the City. The City requested environmental site assessment services related to Wasson Way Phase 6 and Terracon provided a proposal that was acceptable to the City. Terracon signed the work order that incorporated the proposal (the “Work Order”) and submitted it to the City. Funds were not certified for the Work Order and the Work Order was not presented to the City Manager for signature prior to the Contract’s expiration date. Terracon and the City were under the mistaken belief that the Work Order was executed before Terracon was authorized to begin the work, necessitating a moral obligation payment.

Sufficient resources are available in existing capital improvement program project account no. 980x232x3000x7689x222371, Wasson Way Trail,” to pay Terracon for the services provided to the City pursuant to the Work Order.

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

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

JRS

- 2023

AUTHORIZING a payment in an amount of \$19,050 to Terracon Consultants, Inc., as a moral obligation of the City of Cincinnati for professional services completed for the Wasson Way project.

WHEREAS, the City of Cincinnati entered into a Master Agreement for Professional Services (the “Contract”) with Terracon Consultants, Inc. (“Terracon”) for a variety of as-needed environmental services as requested by the City; and

WHEREAS, the City requested environmental site assessment services related to Wasson Way Phase 6 and Terracon provided a proposal that was acceptable to the City; and

WHEREAS, Terracon signed the work order that incorporated the proposal (the “Work Order”) and submitted it to the City; and

WHEREAS, funds were not certified to the Work Order and the Work Order was not presented to the City Manager for signature prior to the Contract’s expiration date; and

WHEREAS, both Terracon and the City were under the mistaken belief that the Work Order was executed before Terracon was authorized to begin the work; and

WHEREAS, Council desires to ratify the Work Order and the actions taken thereunder; and

WHEREAS, sufficient resources are available in existing capital improvement program project account no. 980x232x3000x7689x222371, “Wasson Way Trail,” to pay Terracon for the services provided to the City pursuant to the Work Order; and

WHEREAS, Council desires to provide payment to Terracon for the environmental services in the amount of \$19,050; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment in the amount of \$19,050 from capital improvement program project account no. 980x232x3000x7689x222371, “Wasson Way Trail,” to Terracon Consultants Inc. (“Terracon”) as a moral obligation of the City of Cincinnati for professional services completed for the Wasson Way project.

Section 2. That Council hereby ratifies the work order as executed by Terracon so that the City and Terracon can both proceed as if the work order was validly executed, though it was not validly executed before Terracon was authorized to begin the work due to a mistake.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions 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 pay Terracon in a timely manner for services provided to the City of Cincinnati.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

April 12, 2023

To: Mayor and Members of City Council 202301093
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – Emergency Communications Center:
Moral Obligation Payment to Vector Solutions**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$4,185 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7418 as a moral obligation to Vector Solutions for outstanding charges in the form of software as a service for Guardian Tracking software.

This Emergency Ordinance authorizes a payment of \$4,185 from the Emergency Communications Center (ECC) General Fund non-personnel operating budget account no. 050x103x0000x7418 as a moral obligation to Vector Solutions for outstanding charges in the form of software as a service for Guardian Tracking software.

Guardian Tracking is a public safety industry-specific software provided by Vector Solutions to the ECC. This software offers employee performance documentation and tracking and assists in identifying trends and early intervention needs, as well as promoting employee recognition.

The ECC's prior contract with Vector Solutions was nearing expiration when ECC reached out to the vendor to renew the contract, but Vector Solutions was unable to provide a renewal before the new term started. ECC mistakenly continued using the software during contract negotiations.

The Emergency Communications Center is committed to initiating the contract renewal process at least three months before contracts are set to expire to ensure adequate time for review and processing.

The reason for the emergency is the immediate need to pay Vector Solutions for outstanding charges provided to the Emergency Communications Center.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

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- 2023

AUTHORIZING the payment of \$4,185 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7418 as a moral obligation to Vector Solutions for outstanding charges in the form of software as a service for Guardian Tracking software.

WHEREAS, Guardian Tracking, a public safety industry-specific software provided by Vector Solutions, offers employee performance documentation and tracking, and assists in identifying trends and early intervention needs, as well as promotes employee recognition, for the City’s Emergency Communications Center (“ECC”); and

WHEREAS, when ECC’s prior contract with Vector Solutions was nearing expiration ECC reached out to the vendor to renew the contract, but Vector Solutions was unable to provide a renewal before the new term started, and ECC mistakenly continued using the software during contract negotiations; and

WHEREAS, going forward ECC is committed to initiating the contract renewal processes at least three months before contracts are set to expire to ensure adequate time for review and processing; and

WHEREAS, sufficient funds are available from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7418 to pay for the services provided by the Vector Solutions; and

WHEREAS, Council desires to provide payment for such services in an amount totaling \$4,185; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$4,185 from Emergency Communications Center General Fund non-personnel operating budget account no. 050x103x0000x7418 as a moral obligation to Vector Solutions for outstanding charges in the form of software as a service for Guardian Tracking software.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions 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 pay Vector Solutions for outstanding charges provided to the Emergency Communications Center.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



Reggie Harris
Councilmember

April 17, 2023

MOTION

Council Budget Policy Direction to City Administration for Recommended FY2024 General Fund Operating Budget

WE MOVE that the City Administration prepare a Fiscal Year 2024 Recommended General Fund Budget which respects the following policy guidelines and priorities:

Fiscal Responsibility

Due to the ongoing fiscal impacts of State cuts to the Local Government Fund and revenue losses stemming from the pandemic, there is a large projected gap between General Fund revenues and expenditures. With limited one-time federal funding projected to run out in 2025, it is critical that we maintain a financial safety net for the FY24 budget.

1. The Fiscal Year 2024 General Fund Operating Budget must be balanced. In alignment with motion #202200865 passed last April, federal American Rescue Plan (ARP) funds should be used to appropriately offset the projected budget deficit based on the eligible use of those funds.
2. The City remains committed to building and maintaining a reserve balance of 16.7% of the prior year General Fund operating revenues.

Core Services

The primary function of government that impacts every Cincinnati is our ability to deliver essential services like public safety and sanitation in a timely and efficient manner.

3. Staffing core services, Police, Fire, and Sanitation must be prioritized.
 - a. Police and Fire should be funded consistent with bargaining agreements and based on the departments' plans to reach their approved budgeted full-strength compliment of 1,059 police officers and 851 firefighters. The budget should support efforts for Police

recruit onboarding by removing barriers for police cadets during training while also strengthening the Alternative Response to Crisis (ARC) program.

- b. The budget should prioritize human resources staff and improve administrative processes to help fill critical vacancies in the Fire department.
- c. Public Services crews should be funded consistent with bargaining agreements, with every effort made to fill vacancies and make necessary technological improvements to improve service delivery and reduce the burden on staff.

Administrative Support

As we grow into the sustainable, equitable Cincinnati that we know we can be, we must support our administrative counterparts that do the work to help us achieve our goals.

4. Increased staffing for Buildings and Inspections, Community Economic Development, and Planning and Engagement (additional Urban Conservator) so we can proactively address the changing needs of our communities.
5. Additional FTE for the Office of Performance and Data Analytics to assist in cross-departmental data collection and analysis, performance management, SIET, and CSR work.
6. The budget should maintain funding for the annual citywide Hack-a-thon that focuses on innovating for a cleaner city and more capable communities. The annual Hack-a-thon brings together our community, startup ecosystem, corporate stakeholders, and civic leaders to develop innovative solutions to address complex problems in the City of Cincinnati
7. As we continue to grapple with the costs of climate change, the budget should work to fully fund the work of the Office of Environmental Sustainability. This should emphasize our Urban Forestry program and the implementation of the 2023 Green Cincinnati Plan.

Leveraged Programming

We rely on our partners in the community to provide a spectrum of support services that assist Cincinnatians who need it most. This Council has worked hard to reform our leveraged support funding to make it as targeted and effective as possible towards the city's most pressing issues.

8. The budget should be prepared consistent with the ordinance passed June 21, 2017, which directs the City Council to maintain appropriations to human services at 1.5% of the General Fund Budget. Specifically, the FY2024 appropriations should surpass 1.5% of the General Fund

revenue estimate established as part of the Tentative Tax Budget (TTB) for the upcoming fiscal year, with the additional increases above 1.5% going towards the “Impact Award” that council established in October 2022 to address eviction prevention & housing stabilization.

9. The budget should maintain funding for the “Boots on the Ground Fund” to support smaller non-profit organizations that are often doing grassroots work in communities but are unable to successfully compete for funding as a part of the existing processes.
10. The budget should continue to prioritize leveraged funding programs that address critical workforce development needs and gun violence prevention. These should complement the ongoing work of our Career Pathways program housed in the Department of Human Resources.

Housing and Neighborhood Support

Housing is one of the top priorities of this Council and Mayor, and we should continue to take intentional steps towards combatting the housing shortage we and many other cities face. This housing work should be complimented by programs and policies that make our communities healthy, vibrant and provide Cincinnatians with access to the amenities and services they need.

11. The budget should prioritize efforts to help folks find and keep safe, stable housing through increasing funding for programs that include:
 - a. Home repair grants and low-interest loans for low-moderate income & elderly homeowners (HARBOR, CARE, HELP)
 - b. Keeping Cincinnatians in their homes (Emergency Mortgage Assistance Program)
 - c. Mitigating the effects of evictions (Access to Counsel & Rental Assistance)
 - d. Creating and preserving subsidized housing (CDF “Fund of Funds”)
 - e. Assisting first-time homeowners (ADDI)
 - f. Ease the energy coast burden on the most vulnerable (Warm Up Cincy)
12. The budget should maintain support for neighborhoods, including Neighborhood Community Councils, and the Neighborhood Business District Improvement Program. It should also maintain resources needed by the Administration to continue the ongoing work of developing a comprehensive community engagement strategy.
13. Community Development Corporations should continue to be a funding priority with an emphasis on currently unrepresented neighborhoods being supported. Through external partners like Homebase, communities should have the resources to develop plans and understand how development happens and how they can play a role in it.

14. The budget should continue the successes of our new competitive grant programs, specifically the Safe and Clean Fund and Neighborhood Catalytic Capital Investment Program. These have proven successful at supporting neighborhood investment and helping to reduce blight and violence.

Equitable Access to Capital

Social mobility and financial disparities are unavoidably correlated to access to capital. The city should be bold in employing programs that break down barriers to capital without placing a burden on those who stand to benefit from those programs.

15. Increasing capacity for WBE/MBE participation so that the benefits of Cincinnati's growth are seen equitably, and we can exceed our inclusion goals, especially for large construction projects such as the Convention Center, Western Hills Viaduct, and Brent Spence Bridge. The city should explore multiple avenues, including strengthening their ability to use bonding as a tool to access projects and grow.
16. Supporting the Cities for Financial Empowerment initiatives which will promote financial freedom and social mobility for those who need it most in our community.

Infrastructure

The built environment of our city reflects the values that we hold as citizens. Our infrastructure should not only serve the needs of our residents but be ambitious in defining the type of city we want to be decades from now. Efforts should be made towards equitable investment in the communities which have historically been left out of investment in alignment with the "Justice 40" motion #202202260 passed by council in December of 2023.

17. The budget should address deferred maintenance by setting aside funds for critical failing infrastructure, especially the top ten critical infrastructure needs outlined in administrative report #202300833. It should also prioritize bringing facilities into ADA compliance where possible.
18. Continuing to fund and seek grants for pedestrian safety initiatives which include traffic calming, Complete Streets initiatives, and well-connected active transportation networks.

Reggie Harris

Budget Chair Reggie Harris

Sam Mc

Moses Jeffrey

Melinda D. Owens

JEFF CARMERDING

Jan-Michèle Lemon-Tearney

Victoria Park

Scott Johnson



Scotty Johnson

Councilmember

Please find the budget priorities for Councilmember Scotty Johnson disclosed below:

1. Fully fund *Center for Closing the Health Gap*
2. Fully fund *African American Chamber*
3. Increased funding to \$200k, for *Boots on the Ground* Organization
4. Increased funding to *Alternative Response to Crisis (ARC)* - for full-time personnel
5. Funding for Cincinnati Fire Department Recruiting Unit
6. Funding for Cincinnati Police Department Recruiting Unit
7. Fully fund Cincinnati Retirement System
8. Fully fund Affordable Housing Trust Fund
9. Funding for Waterfall/Carryover - facilities as Maintenance is needed
10. Funding for City Employment Advertisement.



Reggie Harris

Councilmember

April 13, 2023

Councilmember Reggie Harris Updated Budget Priorities for FY24 Recommended Budget

We have had the privilege of engaging the community, our City Administration, and our partner organizations for the past several months to gather the greatest needs of Cincinnatians in the upcoming FY24 budget. We have a lot of difficult decisions before us as a city, and our budget needs to reflect both the harsh fiscal realities on the horizon while simultaneously aggressively tackling our most pressing issues. The recommended FY24 budget should focus on the key areas of housing, healthy neighborhoods, financial empowerment, and the arts.

Housing

We are in the midst of a housing shortage that is impacting our most vulnerable Cincinnatians at disproportionate rates. Due to market pressures resulting from inadequate housing supply, this council is pushing historic, systemic reforms to increase housing stock that is accessible and attainable. While this work is ongoing, we must help those who need help now by prioritizing:

1. **Homelessness Prevention** through the continued prioritization of rental assistance, access to counsel, and other proven effective eviction prevention programs.
2. **Home Repair Assistance** for existing low-moderate income homeowners through increased funding for programs like Homeowner Assistance Repairs and Building Order Relief (HARBOR), Home Enhancement Loan Program (HELP), Housing Repair Services, Compliance Assistance Repairs for the Elderly (CARE)
3. **Keeping Cincinnatians in Their Homes** through increased funding for the Emergency Mortgage Assistance Program.
4. **Making Homeownership More Attainable** through maintaining adequate funding for the American Dream Downpayment Assistance (ADDDI) program.

Equitable Access to Capital

Social mobility is undeniably attached to access to capital. Many well-intentioned programs put undue burden on benefit recipients while not providing clear pathways to wealth-building. The City should be bold in employing programs that directly increase access to capital by:

5. **Supporting the Cities for Financial Empowerment** initiatives which will promote financial freedom and social mobility for those who need it most in our community.
6. **Increasing Capacity for MBE and WBE Participation** so that the financial benefits of Cincinnati's growth are seen equitably, and we can continue to exceed our inclusion goals, especially for large construction projects such as the Convention Center, Western Hills Viaduct, and Brent Spence Bridge.

Healthy and Stable Neighborhoods

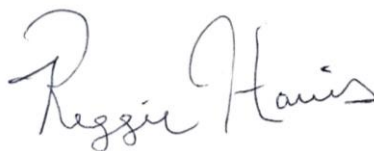
This year's Neighborhood Summit was themed "healthy neighborhoods." Through community feedback we consistently hear the need for keeping communities safe, clean and supporting the programming and community development that makes them great. The city should do this through prioritizing support for:

7. **Core Services**, specifically Fire, Police, and DPS to remove recruiting barriers and restore the full complement of staffing levels and provide critical services to our neighborhoods.
8. **Administrative** staffing support for Buildings and Inspections, Community Economic Development and the Department of City Planning and Engagement so that as we continue to grow as a city, we can ensure that it is equitable, and the City is proactive to the changing needs of the community.
9. **Community-Based Grant Programs** such as Boots on the Ground, Safe and Clean Fund, and the Neighborhood Capital Catalytic Investment Program (NCCIP) which are proven, effective programs that help create a sense of place and drive further positive neighborhood investment.
10. **Pedestrian Safety** through continuing to support DOTE's efforts to roll out funded street-calming projects and increase staff capacity.
11. **Health Access** through assisting in operating funding for the Roberts Academy Dental Clinic.

Arts & Culture

Cincinnati has a rich Arts environment that punches above its weight class. Maintaining support for the arts is key in maintaining the character that makes Cincinnati unique, provides a medium for expression and entrepreneurship, and breaks cycles of poverty. The city should consider:

12. **Funding for Arts-Based Organizations** that have people-driven missions through the leveraged support process and other sources.



Councilmember Reggie Harris



Jeff Cramerding
Councilmember

MEMO

In this year's upcoming budget cycle, I will continue to advocate for funding of critical failing infrastructure in our city as our deferred maintenance continues to grow. I also believe that our budget should prioritize resources for housing needs with increased funding for integral homeowner assistance programs as well as more staffers to proactively preserve our aging housing stock and historic districts in Cincinnati. We recommend that the following budget allocations be made in the upcoming Fiscal Year 2024 budget cycle:

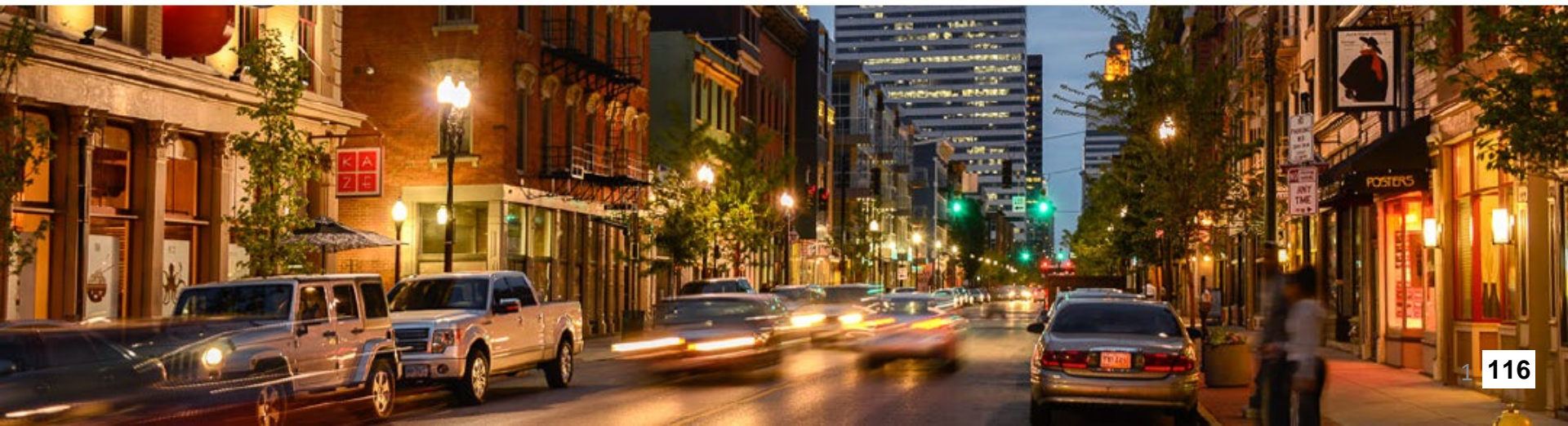
- Establish an emergency Capital fund for critical failing infrastructure that poses a threat to public safety and addresses the impacts of climate change.
- Funding for two additional full-time Urban Conservators within the Department of Planning and Community Engagement. One position should be dedicated to research and writing with the goal of increasing preservation awareness in minority and underserved neighborhoods, and one position for permit and design review.
- Capital funding for phase one of the Cincinnati Recreation Commission's Westwood Gateway project (Mercy West site).
- Increased funding for the American Dream Downpayment Initiative (ADDI) and the Homeowner Assistance Repairs & Building Order Remission Program (HARBOR) and other critical programs that are keeping Cincinnatians in homes.
- Funding for tree plantings on public property (Cincinnati Recreation Commission, Cincinnati Public Schools, Cincinnati Metropolitan Housing Authority, and others) in neighborhoods that are classified as heat islands.

JEFF CRAMERDING



3CDC

CINCINNATI CENTER CITY
DEVELOPMENT CORPORATION



Background

- OTR's Main Street district and surrounding area is a pivotal economic & community corridor in Cincinnati's urban core.
- Ziegler Park programming and unique small businesses drive positive activity to the district, however, the area has experienced some public safety issues.
- City officials and interested stakeholders have been working together on physical improvements to the area, activating vacant storefronts and conducting proactive community policing.
 - In late 2022, the City provided \$3.5 million in funding to expand Ziegler Park.
 - 3CDC has managed to complete the project on time and under budget.
- With the physical improvements nearing completion, the Main St Pop-up Program will help address one of the other challenges to safety – vacant storefronts.

Overview

- Program would focus on activating the vacant storefronts along Main Street, creating more presence and foot traffic on the street.
 - Approximately 26 vacant storefronts, with more under construction
- Program would allow for shorter term leases and provide the opportunity for small businesses who have expressed interest in having a brick-and-mortar space test their concept as a pop-up.
- Any consumer facing business as well as landlord with street level space on Main St (between Central Pkwy & Liberty St) or on Woodward St would be able to participate.
- The program would be managed by a dedicated Program Coordinator.

Benefits

The pop-up program would have several significant benefits for the community, including:

- Supporting the current businesses on Main St by activating vacant storefronts, which should increase foot traffic in the area and result in a larger customer base.
- Providing the opportunity for small businesses to test their concept before moving into their own, longer-term brick-and-mortar space
- The opportunity to change the public perception of the area by offering new and exciting businesses in conjunction with the physical improvements that will soon be unveiled at Ziegler Park.

Funding Request

- The City has already committed \$3.5 million to the Ziegler Park expansion project, and 3CDC has managed to complete the project on time and under budget.
- Since that money was dedicated to improving the safety of the Main Street area, we are requesting the City reallocate \$485,000 of the savings from the Ziegler project toward this pop-up program.

<i>PROPOSED BUDGET</i>		
<i>2-YEAR PROGRAM COORDINATOR SALARY</i>	\$	150,000
<i>CONSULTANTS & PROFESSIONAL SERVICES</i>	\$	80,000
<i>GRANTS FOR BUILDOUTS/START-UP COSTS</i>	\$	255,000
<i>TOTAL</i>	\$	485,000



THANK YOU

