



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised

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, February 13, 2023

1:00 PM

Council Chambers, Room 300

PRESENTATIONS

Cincinnati Southern Railway Overview and Next Steps

Kaitlyn Geiger, Law Department

Paul Sylvester, Treasurer, CSR Board

Community Reinvestment Act- Meyer Lofts

Markiea L. Carter, Director of Community and Economic Development

AGENDA

COMMUNITY REINVESTMENT AREA AGREEMENT

1. [202300559](#) ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Condominium Holdings, LLC, an affiliate of Cincinnati City Center Development Corporation, commonly known as 3CDC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements to real property located at 1428 Vine Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the first floors of two existing buildings into approximately 2,486 square feet of ground floor commercial space, at a total construction cost of approximately \$466,444.

Sponsors: City Manager

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

GRANTS AND DONATIONS

2. [202300548](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, AUTHORIZING the City Manager to apply for a Rebuilding American Infrastructure with Sustainability and Equity grant awarded by the United States Department of Transportation in the amount of up to \$5,000,000 for the purpose of conducting a study and creating a preliminary design for a Complete Streets project, which includes improving the safety of City streets and enhancing pedestrian connections and safety.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)
3. [202300554](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, AUTHORIZING the establishment of new capital improvement program project account nos. 980x232x232394, "Wasson Way Ph 7 FY21-22 ODNR Grant," 980x232x232395, "Wasson Way Ph 3-7 FY21-22 ODNR Grant," and 980x232x232397, "Wasson Way FY23-24 ODNR Grant"; AUTHORIZING the City Manager to accept and appropriate State of Ohio Capital Budget resources in the amount of up to \$50,000 as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232394, "Wasson Way Ph 7 FY21-22 ODNR Grant," for the purpose of providing resources for Phase 7 of the Wasson Way project; AUTHORIZING the City Manager to accept and appropriate grant resources in the amount of up to \$250,000 from the State of Ohio Capital Budget as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232395, "Wasson Way Ph 3-7 FY21-22 ODNR Grant," for the purpose of providing resources for Phases 3 through 7 of the Wasson Way project; AUTHORIZING the City Manager to accept and appropriate grant resources in the amount of up to \$350,000 from the State of Ohio Capital Budget as authorized by House Bill 687 for Fiscal Years 2023-2024 to newly established capital improvement program project account no. 980x232x232397, "Wasson Way FY23-24 ODNR Grant," for the purpose of providing resources for the Wasson Way project; AUTHORIZING the Director of Finance to deposit State of Ohio Capital Budget Grant funds into their respective accounts as referenced in this ordinance; and AUTHORIZING the City Manager to enter into an agreement with the Ohio Department of Natural Resources ("ODNR") to do all things necessary to cooperate with the Director of ODNR to complete the Wasson Way project.
- Sponsors:** City Manager
- Attachments:** [Transmittal](#)
[Ordinance](#)

4. [202300551](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, AUTHORIZING the City Manager to accept and appropriate a grant in the amount of up to \$350,000 from the Ohio Department of Health to support a project to evaluate the utility of SARS-CoV-2 wastewater monitoring on the subsewershed level, rather than the regional level; and AUTHORIZING the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

Sponsors: City Manager

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

5. [202300553](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$26,030 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission's Safety While Integrating Skills and Hoops program; and AUTHORIZING the Finance Director to deposit the grant funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Sponsors: City Manager

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

6. [202300550](#) ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, AUTHORIZING the City Manager to accept an in-kind donation from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, of a 2001 Ford F-250 pickup truck valued at \$10,800 for use by the Cincinnati Police Department, Crime Gun Intelligence Center, to perform vehicle stabilization techniques.

Sponsors: City Manager

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

PAYMENTS

7. [202300555](#) ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, AMENDING Ordinance No. 259-2022 to allow the Director of Finance to accept all settlement payments for eligible expenses from the OneOhio Opioid Distributor Settlement and deposit those payments into Fund 475, "Opioid Settlement."

Sponsors: City Manager

Attachments: [Transmittal Ordinance](#)

PRESENTATIONS

8. [202300617](#) PRESENTATION, submitted by Councilmember Harris from Kaitlyn Geiger, City of Cincinnati Law Department entitled Cincinnati Southern Railway Overview and Next Steps.

Sponsors: Harris

Attachments: [PRESENTATION](#)

9. [202300618](#) PRESENTATION, submitted by Councilmember Harris from Markiea L. Carter, Director of Community and Economic Development entitled Meyer Lofts- Development Overview.

Sponsors: Harris

Attachments: [Meyer Lofts - Development Overview](#)

10. **202300619** REPORT, dated 2/13/2023, submitted Sheryl M. M. Long, City Manager, regarding the Budget Schedule for Fiscal Year (FY) 2024-25 Biennial Budget.

Sponsors: City Manager

Attachments: FYI Memo
Attachment

ADJOURNMENT

February 8, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202300559

Subject: Emergency Ordinance – Approving and Authorizing a CRA Tax Abatement with Condominium Holdings, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Condominium Holdings, LLC, an affiliate of Cincinnati City Center Development Corporation, commonly known as 3CDC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements to real property located at 1428 Vine Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the first floors of two existing buildings into approximately 2,486 square feet of ground floor commercial space, at a total construction cost of approximately \$466,444.

BACKGROUND/CURRENT CONDITIONS

The project site includes two buildings located at 1428-1430 Vine Street in Over-the-Rhine. The buildings currently sit vacant. The Developer acquired the buildings in 2019 through another related entity and transferred them to Condominium Holdings, LLC in 2022. The exterior of these two buildings has previously been updated.

DEVELOPER INFORMATION

Condominium Holdings, LLC is a subsidiary of the Cincinnati City Center Development Corporation (3CDC). Since 2003, 3CDC has undertaken over \$1.4 billion in investment in the Central Business District and Over-the-Rhine, renovating over 160 different buildings and one million square feet of commercial space.

PROJECT DESCRIPTION

The Developer plans to convert the ground floor of the two subject buildings into two white-box commercial spaces totaling 2,486 square feet. They estimate that the commercial spaces will lead to the creation of 9 full-time equivalent jobs totaling \$289,200 in annual payroll. Separate from the scope of this CRA Application, the Developer will also be renovating the upper floors of these buildings into 9 residential condominium units. For the commercial portion of this project, the Developer estimates a total project cost of \$682,294, as well as the creation of 5 temporary construction jobs at \$238,913 in payroll over 12 months.

This project achieves the Compete Initiative Area Goal 2 (pages 114-120) and Sustain Initiative Area Goal 2 (pages 193-198) of Plan Cincinnati by cultivating our position as the most vibrant and healthiest part of our region and preserving our natural and built environment.

PROPOSED INCENTIVE

DCED is recommending a 15-year, net 52% Commercial CRA tax abatement. This recommendation is based on the following factors:

- This project will activate two currently vacant storefronts, as well as contribute to continued neighborhood development in the northern portion Over-the-Rhine near Liberty Street.
- This project will help expand the City’s income tax base through the creation of 9 full-time equivalent positions.
- The Developer is also focusing their leasing efforts on the recruitment of Black-owned businesses to fill the open commercial space created by this project.

* *“But For” Analysis Explanation:*

- Without an abatement, the projected return on equity for the commercial portion of this project is at or below 0% for the first 10 years, which would equate to the project not moving forward as the Developer would lose money on their investment.
- With the proposed abatement, the projected return on equity for the project rises to 4% in Year 5 and 9% in Year 10, meaning that the project becomes profitable to the Developer through the tax abatement incentive.

PROFORMA WITHOUT ABATEMENT (YEARS 1-15)		PROFORMA WITH ABATEMENT (YEARS 1-15)	
Revenue	\$48,615	Revenue	\$48,615
Operating Expenses and Reserves	\$26,106	Operating Expenses and Reserves	\$17,618
Net Operating Income	\$22,509	Net Operating Income	\$30,996
Debt Service	\$24,757	Debt Service	\$24,757
Cash Flow After Debt Service	-\$2,247	Cash Flow After Debt Service	\$3,744
Cash on Cash Return	-2%	Cash on Cash Return	4%

SUMMARY		
Incentive Value		
Annual Net Incentive to Developer		\$4,160
Total Term Incentive to Developer		\$62,396
City's Portion of Property Taxes Forgone (Term)		\$16,863
City's TIF District Revenue Forgone (Term)		\$0
Public Benefit		
CPS PILOT		
Annual CPS Pilot		\$2,640
Total Term CPS PILOT		\$39,597
VTICA		
Annual VTICA		\$1,200
Total Term VTICA		\$17,999
Income Tax (Max)		\$82,384
Total Public Benefit (CPS PILOT/VTICA /Income Tax)		\$139,981
Total Public Benefit ROI*		\$2.24
City's ROI**		\$8.30
*This figure represents the total dollars returned for public purposes (City/Schools/Other) over the benefit received. This figure may be less than \$1.00 if meeting specific City policy objectives that are non-financial or project has limited likelihood to proceed w ithout incentive		
**This figure represents the total dollars returned for City/VTICA over the City's property taxes forgone. This figure may be less than \$1.00 if meeting specific City policy objectives that are non-financial or project has limited likelihood to proceed w ithout incentive		

PROJECT TEAM & TIMELINE

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

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

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

- February 8, 2023: Introduction to City Council
- February 13, 2023: Budget and Finance (1)
- February 20, 2023: Budget and Finance (2)
- February 22, 2023: City Council for Final Approval

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance, so the project financing can close, maintaining a strict project timeline and allow the City to realize its economic benefit at the earliest possible time.

Attachment: A. Property location and photographs

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

EMERGENCY

EVK

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Condominium Holdings, LLC, an affiliate of Cincinnati Center City Development Corporation, commonly known as 3CDC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1428 Vine Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the first floors of 2 existing buildings into approximately 2,486 square feet of ground floor commercial space, at a total construction cost of approximately \$466,444.

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, Condominium Holdings, LLC (the “Company”) desires to remodel the first floors of 2 existing buildings into approximately 2,486 square feet of ground floor commercial space on real property at 1428 Vine Street located within the corporate boundaries of the City of Cincinnati (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 \$4,160; and

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

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

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with Condominium Holdings, 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 1428 Vine Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of the first floors of 2 existing buildings into approximately 2,486 square feet of ground floor commercial space, to be completed at a total construction cost of approximately \$466,444.

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 CONDOMINIUM HOLDINGS, LLC, an Ohio limited liability company (the "Company"), an affiliate of Cincinnati Center City Development Corporation, commonly known as 3CDC.

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 1428 Vine Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel 2 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.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application (i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.
- P. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.

- Q. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.
- R. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- S. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

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

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the first floors of 2 existing buildings on the Property into approximately 2,486 square feet of ground floor commercial space (the "Improvements") at an estimated aggregate cost of Four Hundred Sixty-Six Thousand Four Hundred Forty-Four Dollars (\$466,444) to commence after the execution of this Agreement and to be completed no later than June 1, 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 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 2026 nor extend beyond the earlier of (i) tax year 2040 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.

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) 9 full-time permanent jobs and (ii) 5 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) \$289,200 of additional annual payroll with respect to the full-time permanent jobs and (ii) \$238,913 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

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

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

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

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

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may

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

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

Section 18. Revocation.

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

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

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this

Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

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

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

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

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

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

To the City:

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

To the Company:

Condominium Holdings, LLC
Attention: Sara Bedinghaus
1203 Walnut Street
Cincinnati, Ohio 45202

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

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

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

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

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

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

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

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

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

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

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

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

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

Section 36. Wage Enforcement.

(i) Applicability. Council passed Ordinance No. 22-2016 on February 3, 2016, which ordained Chapter 326 (Wage Enforcement) of the Cincinnati Municipal Code (the "Wage Enforcement Chapter"). The Wage Enforcement Chapter was then amended by Ordinance No. 96-2017, passed May 17, 2017. As amended, the Wage Enforcement Chapter imposes certain requirements upon persons entering into agreements with the City whereby the City provides an incentive or benefit that is projected to exceed \$25,000, as described more particularly in the Wage Enforcement Chapter. Cincinnati Municipal Code Section 326-5 requires that the language below be included in contracts subject to the Wage Enforcement Chapter.

(ii) Required Contractual Language. Capitalized terms used, but not defined, in this clause (ii) have the meanings ascribed thereto in the Wage Enforcement Chapter.

(a) This contract is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any Person who has an Agreement with the city or with a Contractor or Subcontractor of that Person shall report all Complaints or Adverse Determinations of Wage Theft and Payroll Fraud (as each of those terms is defined in Chapter 326 of the Cincinnati Municipal Code) against the Contractor or Subcontractors to the Department of Economic Inclusion within 30 days of notification of the Complaint or Adverse Determination.

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city

manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an “Amended Affidavit Regarding Wage Theft and Payroll Fraud” on a form prescribed by the city manager or his or her designee.

(c) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to authorize, and does hereby specifically authorize, any local, state or federal agency, court, administrative body or other entity investigating a complaint of Wage Theft or Payroll Fraud against the Person (collectively “investigative bodies”) to release to the City’s Department of Economic Inclusion any and all evidence, findings, complaints and determinations associated with the allegations of Wage Theft or Payroll Fraud upon the City’s request and further authorizes such investigative bodies to keep the City advised regarding the status of the investigation and ultimate determination. If the investigative bodies require the Person to provide additional authorization on a prescribed form or in another manner, the Person shall be required to provide such additional authorization within 14 days of a request by the City.

(d) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall include in its contracts with all Contractors language that requires the Contractors to provide the authorizations set forth in subsection (c) above and that further requires each Contractor to include in its contracts with Subcontractors those same obligations for each Subcontractor and each lower tier subcontractor.

(e) If this Agreement is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this Agreement shall post a conspicuous notice on the Development Site throughout the entire period work is being performed pursuant to the Agreement indicating that the work being performed is subject to Cincinnati Municipal Code Chapter 326, Wage Enforcement, as administered by the City of Cincinnati Department of Economic Inclusion. Such notice shall include contact information for the Department of Economic Inclusion as provided by the department.

(f) Under the Wage Enforcement provisions, the City shall have the authority, under appropriate circumstances, to terminate this contract or to reduce the incentives or subsidies to be provided under this contract and to seek other remedies, including debarment.

Section 37. Legal Requirements. In completing and operating the Project, the Company shall comply with all applicable statutes, ordinances, regulations, and rules of the government of the United States, State of Ohio, County of Hamilton, and City of Cincinnati.

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

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

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

CITY OF CINCINNATI,
an Ohio municipal corporation

CONDOMINIUM HOLDINGS, 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: 1428 Vine Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 080-0001-0270-00 (Unit 100) and 080-0001-0270-00 (Unit 101)

Unit 100:

Note: All capitalized terms used below in this legal description and not expressly defined herein shall have the meanings given to such terms in that certain Declaration of Condominium Ownership recorded in Official Record Book 14809, Page 553 of the Hamilton County, Ohio Recorder's Office ("Declaration").

Situated in the City of Cincinnati, County of Hamilton, State of Ohio and being known as Condominium Unit Number 100 of Meyer Lofts Condominium, as created by the Declaration, the Condominium Drawings for which are recorded in Plat Book 495, Pages 33-40 of the Hamilton County, Ohio Recorder's Office, together with said Unit's undivided interest in the Common Elements of the Condominium and any Limited Common Elements assigned to said Unit, if any, all on and subject to the terms of the Declaration.

Parcel number: 080-0001-0270-00

Unit 101:

Note: All capitalized terms used below in this legal description and not expressly defined herein shall have the meanings given to such terms in that certain Declaration of Condominium Ownership recorded in Official Record Book 14809, Page 553 of the Hamilton County, Ohio Recorder's Office ("Declaration").

Situated in the City of Cincinnati, County of Hamilton, State of Ohio and being known as Condominium Unit Number 101 of Meyer Lofts Condominium, as created by the Declaration, the Condominium Drawings for which are recorded in Plat Book 495, Pages 33-40 of the Hamilton County, Ohio Recorder's Office, together with said Unit's undivided interest in the Common Elements of the Condominium and any Limited Common Elements assigned to said Unit, if any, all on and subject to the terms of the Declaration.

Parcel number: 080-0001-0271-00

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

February 8, 2023

To: Mayor and Members of City Council 202300548
From: Sheryl M. M. Long, City Manager
Subject: **Ordinance – DOTE: Complete Streets RAISE Grant Application**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a Rebuilding American Infrastructure with Sustainability and Equity grant awarded by the United States Department of Transportation in the amount of up to \$5,000,000 for the purpose of conducting a study and creating a preliminary design for a Complete Streets project, which includes improving the safety of City streets and enhancing pedestrian connections and safety.

This Ordinance authorizes the City Manager to apply for a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant awarded by the United States Department of Transportation (USDOT) in the amount of up to \$5,000,000 for the purpose of conducting a study and creating a preliminary design for a Complete Streets project, which includes improving the safety of City streets and enhancing pedestrian connections and safety.

The RAISE grant award amount ranges from \$5,000,000 to \$25,000,000 per grant. The Department of Transportation and Engineering (DOTE) intends to apply for a grant in the amount of \$5,000,000 to conduct a study and create a preliminary design for a Complete Streets project, which will include Complete Streets concepts to determine the feasibility of right-sizing the corridor along Westwood Northern Boulevard between Beekman Avenue and the western corporation line near Boudinot Avenue, eliminating gaps in the sidewalk network, addressing crash locations, and determining which Complete Streets concepts can be implemented in the corridor. DOTE will apply for the grant by the deadline on February 28, 2023; however, no grant resources will be accepted without City Council authorization.

This grant requires a 20 percent local match of \$1,250,000 based on the estimated cost of \$6,250,000. The source of matching funds will need to be identified prior to accepting the grant. There are no new FTE requirements associated with this grant.

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

The 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 Rebuilding American Infrastructure with Sustainability and Equity grant awarded by the United States Department of Transportation in the amount of up to \$5,000,000 for the purpose of conducting a study and creating a preliminary design for a Complete Streets project, which includes improving the safety of City streets and enhancing pedestrian connections and safety.

WHEREAS, the Department of Transportation and Engineering (“DOTTE”) has an opportunity to apply for grant funding from the United States Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (“RAISE”) program for the purpose of investing in road, rail, transit, and port projects that promise to achieve national objectives; and

WHEREAS, the RAISE grant award amount ranges from a minimum of \$5,000,000 to a maximum of \$25,000,000 per grant; and

WHEREAS, the City has multiple priorities to improve street safety for vehicles, bicycles, and pedestrians; and

WHEREAS, DOTTE intends to apply for a grant of \$5,000,000 to conduct a study and create a preliminary design for a Complete Streets project that will include Complete Streets concepts to determine the feasibility of right-sizing the corridor along Westwood Northern Boulevard between Beekman Avenue and the western corporation line near Boudinot Avenue, eliminating gaps in the sidewalk network, addressing crash locations, and determining which Complete Streets concepts can be implemented in the corridor; and

WHEREAS, DOTTE intends to apply for the grant by the February 28, 2023 deadline, which may be prior to Council approval of this ordinance; however, no grant resources will be accepted without Council authorization; and

WHEREAS, if the City is awarded the grant, a twenty percent local match of \$1,250,000 will be required from the estimated cost of \$6,250,000 for the study and preliminary design, and therefore the source of matching funds will need to be identified prior to accepting the grant; and

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

WHEREAS, this grant project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategies to “[e]xpand options for non-automotive travel” and “[p]lan, design, and implement a safe and

sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for a Rebuilding American Infrastructure with Sustainability and Equity grant awarded by the United States Department of Transportation in the amount of up to \$5,000,000 for the purpose of conducting a study and creating a preliminary design for a Complete Streets project, which includes improving the safety of City streets and enhancing pedestrian connections and safety.

Section 2. That the proper City officials are authorized to take all necessary actions to carry out the terms of Section 1 herein.

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

February 8, 2023

To: Mayor and Members of City Council 202300554

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DOTE: State of Ohio Grants for Wasson Way

Attached is an Ordinance captioned:

AUTHORIZING the establishment of new capital improvement program project account nos. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant,” 980x232x232395, “Wasson Way Ph 3-7 FY21-22 ODNR Grant,” and 980x232x232397, “Wasson Way FY23-24 ODNR Grant”; **AUTHORIZING** the City Manager to accept and appropriate State of Ohio Capital Budget resources in the amount of up to \$50,000 as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant,” for the purpose of providing resources for Phase 7 of the Wasson Way project; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$250,000 from the State of Ohio Capital Budget as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232395, “Wasson Way Ph 3-7 FY21-22 ODNR Grant,” for the purpose of providing resources for Phases 3 through 7 of the Wasson Way project; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$350,000 from the State of Ohio Capital Budget as authorized by House Bill 687 for Fiscal Years 2023-2024 to newly established capital improvement program project account no. 980x232x232397, “Wasson Way FY23-24 ODNR Grant,” for the purpose of providing resources for the Wasson Way project; **AUTHORIZING** the Director of Finance to deposit State of Ohio Capital Budget Grant funds into their respective accounts as referenced in this ordinance; and **AUTHORIZING** the City Manager to enter into an agreement with the Ohio Department of Natural Resources (“ODNR”) to do all things necessary to cooperate with the Director of ODNR to complete the Wasson Way project.

Approval of this Ordinance accomplishes the following:

1. Authorizes the establishment of new capital improvement program project account nos. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant,” 980x232x232395, “Wasson Way Phase 3-7 FY21-22 ODNR Grant,” and 980x232x232397, “Wasson Way FY23-24 ODNR Grant”;
2. Authorizes the City Manager to accept and appropriate State of Ohio Capital Budget resources in the amount of up to \$50,000 as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant” for the purpose of providing resources for Phase 7 of the Wasson Way project;
3. Authorizes the City Manager to accept and appropriate grant resources in the amount of up to \$250,000 from the State of Ohio Capital Budget as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232395, “Wasson Way Ph 3-7 FY21-22 ODNR Grant,” for the purpose of providing resources for Phases 3 through 7 of the Wasson Way project;

4. Authorizes the City Manager to accept and appropriate grant resources in the amount of up to \$350,000 from the State of Ohio Capital Budget as authorized by House Bill 687 for Fiscal Years 2023-2024 to newly established capital improvement program project account no. 980x232x232397, “Wasson Way FY23-24 ODNR Grant,” for the purpose of providing resources for the Wasson Way project;
5. Authorizes the Director of Finance to deposit State of Ohio Capital Budget Grant funds into their respective accounts as referenced herein; and
6. Authorizes the City Manager to enter into an agreement with the Ohio Department of Natural Resources (ODNR) to do all things necessary to cooperate with the Director of ODNR to complete the Wasson Way project.

The Uptown Consortium Incorporated (UCI) submitted a grant application to the State of Ohio to assist with the implementation of the Ecological Corridor, which includes portions of the Wasson Way Trail, and requested that the City, with approval of ODNR, become the recipient of a \$50,000 grant, as included in the State of Ohio Capital Budget and authorized by Senate Bill 310 for Fiscal Years 2021-2022.

Green Umbrella and the Cincinnati Riding Or Walking Network (CROWN) submitted a grant application to the State of Ohio to assist with construction and implementation of various portions of the Wasson Way Trail that supports the connection of the trail to uptown Cincinnati. Green Umbrella and CROWN requested that the City, with ODNR’s approval, become the recipient of a \$250,000 grant, as included in the State of Ohio Capital Budget authorized by Senate Bill 310 for Fiscal Years 2021-2022.

Green Umbrella and CROWN submitted a grant application to the State of Ohio to assist with street crossing improvements along the Wasson Way Trail. Green Umbrella and CROWN requested that the City, with ODNR’s approval, become the recipient of a \$350,000 grant, as included in the State of Ohio Capital Budget authorized by House Bill 687 for Fiscal Years 2023-2024.

These grant resources do not require any local matching funds. There are no new FTEs associated with acceptance of these funds.

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

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the establishment of new capital improvement program project account nos. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant,” 980x232x232395, “Wasson Way Ph 3-7 FY21-22 ODNR Grant,” and 980x232x232397, “Wasson Way FY23-24 ODNR Grant”; **AUTHORIZING** the City Manager to accept and appropriate State of Ohio Capital Budget resources in the amount of up to \$50,000 as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant,” for the purpose of providing resources for Phase 7 of the Wasson Way project; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$250,000 from the State of Ohio Capital Budget as authorized by Senate Bill 310 for Fiscal Years 2021-2022 to newly established capital improvement program project account no. 980x232x232395, “Wasson Way Ph 3-7 FY21-22 ODNR Grant,” for the purpose of providing resources for Phases 3 through 7 of the Wasson Way project; **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of up to \$350,000 from the State of Ohio Capital Budget as authorized by House Bill 687 for Fiscal Years 2023-2024 to newly established capital improvement program project account no. 980x232x232397, “Wasson Way FY23-24 ODNR Grant,” for the purpose of providing resources for the Wasson Way project; **AUTHORIZING** the Director of Finance to deposit State of Ohio Capital Budget Grant funds into their respective accounts as referenced in this ordinance; and **AUTHORIZING** the City Manager to enter into an agreement with the Ohio Department of Natural Resources (“ODNR”) to do all things necessary to cooperate with the Director of ODNR to complete the Wasson Way project.

WHEREAS, the Uptown Consortium Incorporated submitted a grant application to the State of Ohio to assist with the implementation of the Ecological Corridor, which includes portions of the Wasson Way Trail, and requested that the City, with approval of the Ohio Department of Natural Resources (“ODNR”), become the recipient of a \$50,000 grant, which is included in the State of Ohio Capital Budget and authorized by Senate Bill 310 for Fiscal Years 2021-2022; and

WHEREAS, Green Umbrella and the Cincinnati Riding Or Walking Network (“CROWN”) submitted a grant application to the State of Ohio to assist with construction and implementation of various portions of the Wasson Way Trail that support the connection of the trail to uptown Cincinnati, and Green Umbrella and CROWN requested that the City, with ODNR’s approval, become the recipient of a \$250,000 grant, which is included in the State of Ohio Capital Budget authorized by Senate Bill 310 for Fiscal Years 2021-2022; and

WHEREAS, Green Umbrella and CROWN submitted a grant application to the State of Ohio to assist with street crossing improvements along the Wasson Way Trail, and Green Umbrella and CROWN requested that the City, with ODNR’s approval, become the recipient of a \$350,000

grant, which is included in the State of Ohio Capital Budget authorized by House Bill 687 for Fiscal Years 2023-2024; and

WHEREAS, resources awarded for the Wasson Way Trail through the State Capital Budget process will be used to support costs associated with the construction and implementation of certain phases of the Wasson Way Trail; and

WHEREAS, these grant resources do not require any local matching funds, and there are no new FTEs associated with acceptance of these funds; and

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

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

Section 1. That the establishment of new capital improvement program project account nos. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant,” 980x232x232395, “Wasson Way Ph 3-7 FY21-22 ODNR Grant,” and 980x232x232397, “Wasson Way FY23-24 ODNR Grant,” is hereby authorized.

Section 2. That the City Manager is hereby authorized to accept and appropriate State of Ohio Capital Budget resources in the amount of up to \$50,000 as authorized by Senate Bill 310, which established the State of Ohio’s Capital Budget for Fiscal Years 2021-2022, to newly established capital improvement program project account no. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant,” for the purpose of providing resources for Phase 7 of the Wasson Way project.

Section 3. That the Director of Finance is hereby authorized to deposit State of Ohio Capital Budget Grant funds in the amount of up to \$50,000 into newly created capital improvement program project account no. 980x232x232394, “Wasson Way Ph 7 FY21-22 ODNR Grant.”

Section 4. That the City Manager is hereby authorized to accept and appropriate State of Ohio Capital Budget resources in the amount of up to \$250,000 as authorized by Senate Bill 310, which established the State of Ohio's Capital Budget for Fiscal Years 2021-2022, to newly established capital improvement program project account no. 980x232x232395, "Wasson Way Ph 3-7 FY21-22 ODNR Grant," for the purpose of providing resources for Phases 3 through 7 of the Wasson Way project.

Section 5. That the Director of Finance is hereby authorized to deposit State of Ohio Capital Budget Grant funds in the amount of up to \$250,000 into newly created capital improvement program project account no. 980x232x232395, "Wasson Way Ph 3-7 FY21-22 ODNR Grant."

Section 6. That the City Manager is hereby authorized to accept and appropriate State of Ohio Capital Budget resources in the amount of up to \$350,000 as authorized by House Bill 687, which established the State of Ohio's Capital Budget for Fiscal Years 2023-2024, to newly established capital improvement program project account no. 980x232x232397, "Wasson Way FY23-24 ODNR Grant," for the purpose of providing resources for the Wasson Way project.

Section 7. That the Director of Finance is hereby authorized to deposit State of Ohio Capital Budget Grant funds in the amount of up to \$350,000 into newly created capital improvement program project account no. 980x232x232397, "Wasson Way FY23-24 ODNR Grant."

Section 8. That the City Manager is authorized to execute any agreements necessary for the receipt and administration of these funds.

Section 9. That the proper City officials are hereby authorized to take all necessary action to carry out the provisions of Sections 1 through 8 herein.

Section 10. That this ordinance shall go into effect from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

February 8, 2023

To: Mayor and Members of City Council 202300551
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Health: Ohio Department of Health (ODH) Wastewater Project Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a grant in the amount of up to \$350,000 from the Ohio Department of Health to support a project to evaluate the utility of SARS-CoV-2 wastewater monitoring on the subsewershed level, rather than the regional level; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$350,000 from the Ohio Department of Health to support a project to evaluate the utility of SARS-CoV-2 wastewater monitoring on the subsewershed level, rather than the regional level. This Ordinance also authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

This grant will provide resources for the Cincinnati Health Department (“CHD”) to assist ODH in monitoring subsewershed levels of SARS-CoV-2 in wastewater from four (4) local neighborhoods of different demographics, socioeconomic levels, SARS-CoV-2 vaccination rates, and Social Vulnerability Indexes (“SVI”).

The Cincinnati Health Department was not required to apply for this grant, and ODH informed CHD of the grant award on December 6, 2022. However, the grant will not be accepted without City Council approval.

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

Acceptance of the grant to support a project to evaluate the utility of SARS-CoV-2 wastewater monitoring on the subsewershed level, as opposed to the regional level, is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept and appropriate a grant in the amount of up to \$350,000 from the Ohio Department of Health to support a project to evaluate the utility of SARS-CoV-2 wastewater monitoring on the subsewershed level, rather than the regional level; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

WHEREAS, a Wastewater Project Grant in the amount of up to \$350,000 is available from the Ohio Department of Health (“ODH”) to provide resources for the Cincinnati Health Department (“CHD”) to assist ODH in monitoring subsewershed levels of SARS-CoV-2 in wastewater from four local neighborhoods of different demographics, socioeconomic levels, SARS-CoV-2 vaccination rates, and Social Vulnerability Indexes; and

WHEREAS, CHD will work closely with the Metropolitan Sewer District (“MSD”), the ODH laboratory, and the ODH wastewater monitoring program team, with MSD providing technical support during placement of sensors and sample collection units, analysis of samples by ODH, and collaborative evaluation of the data by all involved agencies; and

WHEREAS, there was no application process for the grant, and ODH informed CHD of the grant award on December 6, 2022, but no funds will be accepted without approval of Council; and

WHEREAS, no local match is required, and acceptance of the grant resources will not require any additional FTEs; and

WHEREAS, acceptance of the grant to support a project to evaluate the utility of SARS-CoV-2 wastewater monitoring on the subsewershed level, as opposed to the regional level, is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to accept and appropriate a grant in the amount of up to \$350,000 from the Ohio Department of Health to support a project to evaluate the utility of SARS-CoV-2 wastewater monitoring on the subsewershed level, rather than the regional level.

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

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

February 8, 2023

To: Mayor and Members of City Council 202300553

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – CRC: Community Preventive Education Grant for SWISH Program**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$26,030 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s Safety While Integrating Skills and Hoops program; and **AUTHORIZING** the Finance Director to deposit the grant funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant of up to \$26,030 from the Cincinnati Police Department (CPD) Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s (CRC) Safety While Integrating Skills and Hoops (SWISH) program. This Ordinance further authorizes the Finance Director to deposit the grant funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

The SWISH program provides high-level education, recreation, and mentoring opportunities for Cincinnati teens between the ages of twelve and seventeen. Program attendees will learn valuable life skills to prepare them for the game of life through activities centered around life skills, competition, and drug prevention.

CPD provides grants for community-based drug and alcohol prevention programs from their State Asset Forfeiture Funds as stipulated in Ohio Revised Code Section 2981.13.

CRC staff already applied for this grant prior to the deadline in October 2022. Should this Ordinance not be approved, the grant funding will not be accepted. There are no new FTEs or matching funds associated with the grant.

Acceptance of this grant award is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$26,030 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s Safety While Integrating Skills and Hoops program; and **AUTHORIZING** the Finance Director to deposit the grant funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

WHEREAS, the Cincinnati Recreation Commission’s (“CRC”) Safety While Integrating Skills and Hoops program provides high-level education, recreation, and mentoring opportunities for Cincinnati teens between the ages of twelve and seventeen and is intended to promote healthy lifestyles and drug-free alternatives through physical fitness and education; and

WHEREAS, the Cincinnati Police Department provides grants for community-based drug and alcohol prevention programs from its State Asset Forfeiture Funds as stipulated in Ohio Revised Code Section 2981.13; and

WHEREAS, CRC has already applied for this grant, but no funds will be accepted without the approval of Council; and

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

WHEREAS, acceptance of this grant is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as well as the strategy to “[u]nite our communities,” as described on pages 207-212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant of up to \$26,030 from the Cincinnati Police Department Community Preventive Education Grant Program for the purpose of providing resources for the Cincinnati Recreation Commission’s Safety While Integrating Skills and Hoops program.

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

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

February 8, 2023

To: Mayor and Members of City Council 202300550

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Police: Acceptance of In-Kind Donation from the United States Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, of a 2001 Ford F-250 pickup truck valued at \$10,800 for use by the Cincinnati Police Department, Crime Gun Intelligence Center, to perform vehicle stabilization techniques.

Approval of this Emergency Ordinance would authorize the City Manager to accept an in-kind donation from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, of a 2001 Ford F-250 pickup truck valued at \$10,800 for use by the Cincinnati Police Department’s Crime Gun Intelligence Center (CGIC) to perform vehicle stabilization techniques.

The ATF partners with communities and law enforcement agencies to protect the public through information sharing, training, and research from crimes involving firearms, explosives, arson, terrorism, and diversion of alcohol and tobacco products. The ATF is generously donating a Ford F-250 pickup truck to the Cincinnati Police Department’s Crime Gun Intelligence Center (CGIC).

If accepted, the Ford F-250 would be used by CGIC to perform vehicle stabilization techniques to assist in the apprehension of wanted individuals.

This donation does not require additional FTEs or matching funds.

Acceptance of the donated truck is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure the Cincinnati Police Department’s timely acceptance of the donation.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

CFG

-2023

AUTHORIZING the City Manager to accept an in-kind donation from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, of a 2001 Ford F-250 pickup truck valued at \$10,800 for use by the Cincinnati Police Department, Crime Gun Intelligence Center, to perform vehicle stabilization techniques.

WHEREAS, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”), a law enforcement agency in the United States Department of Justice, partners with communities and law enforcement agencies to protect the public through information sharing, training, and research related to crimes involving firearms, explosives, arson, terrorism, and diversion of alcohol and tobacco products; and

WHEREAS, the ATF has generously offered to donate a 2001 Ford F-250 pickup truck to the Cincinnati Police Department, Crime Gun Intelligence Center (“CGIC”); and

WHEREAS, if accepted, CGIC would use the truck to perform vehicle stabilization techniques to assist in the apprehension of wanted individuals; and

WHEREAS, there are no new FTEs associated with this donation, and acceptance of the donation does not require any local matching resources; and

WHEREAS, acceptance of the donated truck is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept an in-kind donation from the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives, of a 2001 Ford F-250 pickup truck valued at \$10,800 for use by the Cincinnati Police Department, Crime Gun Intelligence Center, to perform vehicle stabilization techniques.

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

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 need to ensure the Cincinnati Police Department's timely acceptance of the donation.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: February 8, 2023

To: Mayor and Members of City Council 202300555
From: Sheryl M. M. Long, City Manager
Subject: EMERGENCY ORDINANCE – Amend Ord. 259-2022 Opioid Settlement

Transmitted herewith is an Emergency Ordinance captioned as follows:

AMENDING Ordinance No. 259-2022 to allow the Director of Finance to accept all settlement payments for eligible expenses from the OneOhio Opioid Distributor Settlement and deposit those payments into Fund 475, “Opioid Settlement.”

This emergency ordinance amends Ordinance 259-2022 that allowed acceptance of an annual settlement payment to allow acceptance of all settlement payments from the OneOhio Opioid Distributor Settlement pursuant to a myriad of settlement agreements entered into by settling parties.

This emergency ordinance is recommended for approval. An emergency ordinance is necessary to deposit non-annual settlement payments into Fund 475.

c: William “Billy” Weber, Assistant City Manager
Karen Alder, Finance Director
Monica Morton, Assistant Finance Director

EMERGENCY

IMD

- 2023

AMENDING Ordinance No. 259-2022 to allow the Director of Finance to accept all settlement payments for eligible expenses from the OneOhio Opioid Distributor Settlement and deposit those payments into Fund 475, “Opioid Settlement.”

WHEREAS, Council passed Ordinance No. 259-2022 on August 3, 2022, establishing new Fund 475, “Opioid Settlement,” for the receipt of funds from the OneOhio Opioid Distributor Settlement pursuant to the OneOhio memorandum of understanding related to OneOhio Abatement Strategies including Community Recovery, Statewide Innovation & Recovery, and Sustainability, and Auditor of State Bulletin No. 2022-003; and

WHEREAS, the City is eligible to receive annual settlement payments, lump sum settlement payments, and other settlement payments of varying frequency, pursuant to a myriad of settlement agreements entered into by settling parties; and

WHEREAS, Section 2 of Ordinance No. 259-2022 authorized the Director of Finance only to accept annual settlement payments and deposit them into Opioid Settlement Fund 475; and

WHEREAS, Council hereby amends Ordinance No. 259-2022 to authorize the Director of Finance to accept all types of settlement payments and deposit them into Opioid Settlement Fund 475; now, therefore,

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

Section 1. That Section 2 of Ordinance No. 259-2022, passed by Council on August 3, 2022, is hereby amended as follows:

Section 2. That the Director of Finance is hereby authorized to accept ~~annual~~ all settlement payments and deposit them into Opioid Settlement Fund 475.

Section 2. That existing Section 2 of Ordinance No. 259-2022 is hereby repealed.

Section 3. That all terms of Ordinance No. 259-2022 not amended by this ordinance shall remain in full force and effect.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to deposit non-annual settlement payments into Fund 475, "Opioid Settlement."

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.

CINCINNATI SOUTHERN RAILWAY

Overview and Next Steps

Cincinnati City Council
Finance & Budget Committee
(February 13, 2023)

History of the Cincinnati Southern Railway

“A remarkable proposition”
Ohio Senator Edward A. Ferguson

Construction of the CSR

- The Ferguson Act passed in 1869.
- The City of Cincinnati built the Cincinnati Southern Railway (CSR).
- Multiple votes of the City's electorate approved the issuance of debt to build the CSR.
- CSR is the only municipally owned railroad in the United States.



Long-Term Lease with Norfolk Southern



- Since 1881, the CSR has been leased to Cincinnati, New Orleans, & Texas Pacific Railway (CNOTP), which is now a subsidiary of Norfolk Southern (NS).
- CSR is only used for **freight traffic** and not passenger traffic.
- The CSR is part of NS's larger network, particularly between Chicago and Atlanta.
- Railways are heavily regulated by the federal Surface Transportation Board.

Cincinnati Southern Railway Board of Trustees

- The Board is a public body whose meetings are open to all.
- Non-partisan (only 3 Board members of the same political party); 5-year terms; volunteers.
- Serves a vital role to ensure the greatest possible return for the benefit of Cincinnati.

Paul Muething
(President)



Paul Sylvester
(Treasurer)



Charlie Luken
(Vice President)



Mark Mallory
(Member)



Amy Murray
(Member)



Sale v. Lease

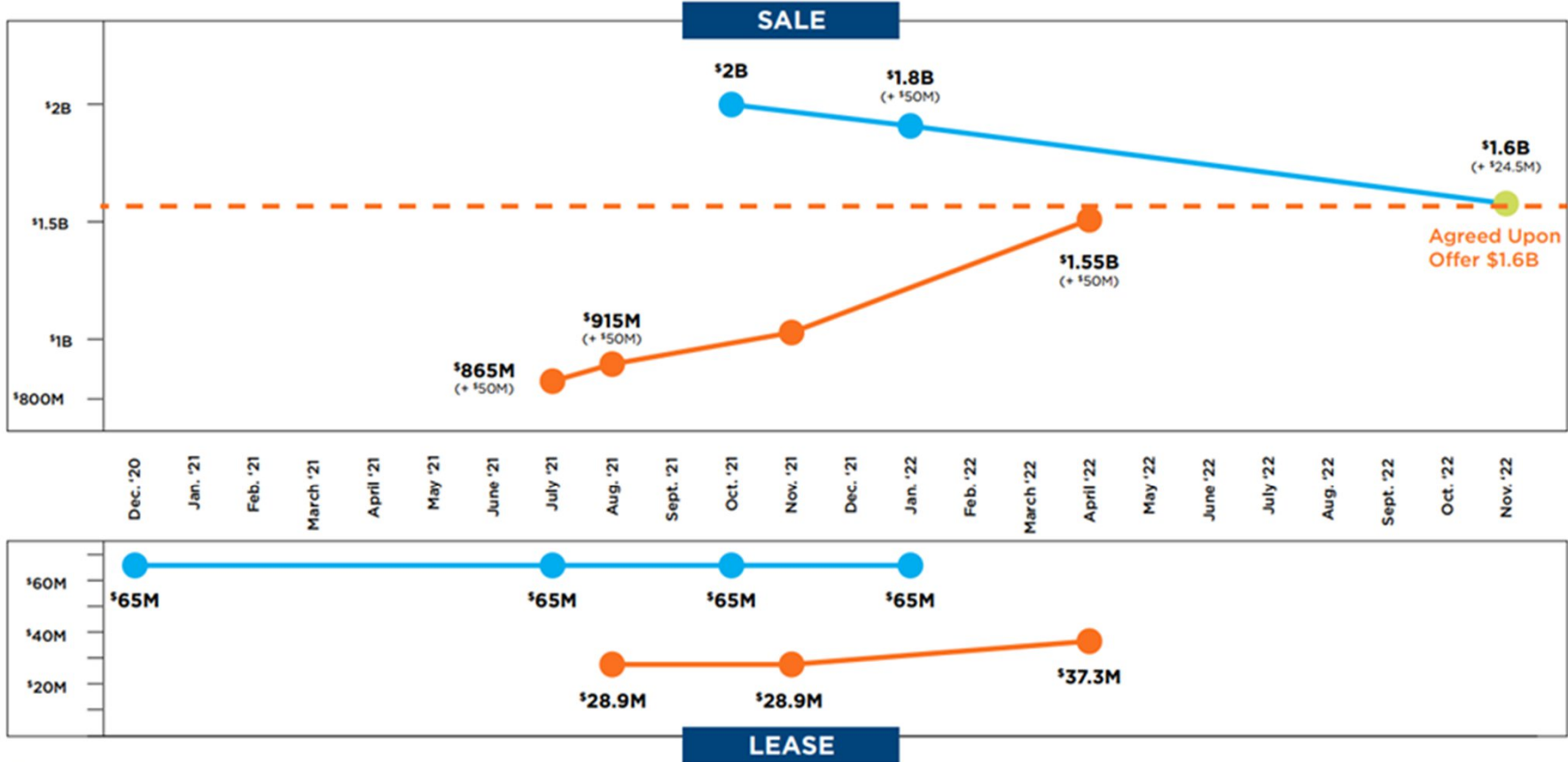
*More than double the annual value
in perpetuity*

The Existing Lease with NS

- In 1987, NS and the CSR Board agreed to extend the lease through 2026.
- That agreement also provided NS the right to extend the lease an additional 25 years, **through 2051**, which right NS exercised in December 2021.
- The 1987 agreement also contemplates an arbitration procedure to determine rent through 2051. That process was to begin as early as June 30, 2022.
- This arbitration procedure would be a **detriment** to the City of Cincinnati.
- The existing lease complicates a sale of the CSR to a third-party today.

Negotiation Timeline | Summary of Offers

■ Cincinnati Southern Railway Board
 ■ Norfolk Southern



CINCINNATI SOUTHERN RAILWAY

CSR Valuation Analysis

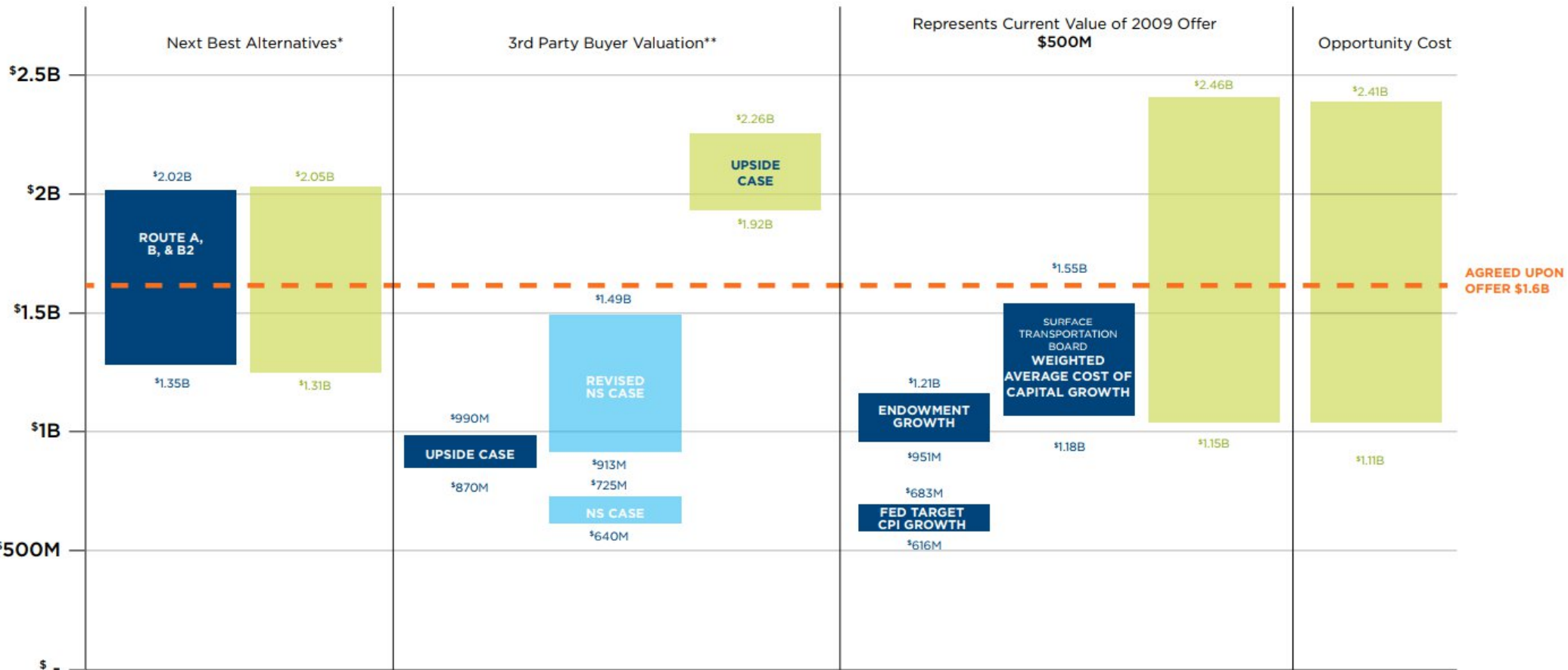
CSR Valuation Analysis Comparison

Norfolk Southern (NS)

BMO Capital Markets Corp.

The Brattle Group Inc.

Based upon data available to CSR



* Next Best Alternatives represents how much it would cost NS to reroute the traffic from CSR to a different line. NS would try to accomplish this at the lowest possible cost.

** 3rd Party Buyer Valuation represents how much NS believes a third-party would pay for the rail line. The upside case better represents what the CSR's experts believe the initial NS case would be worth.

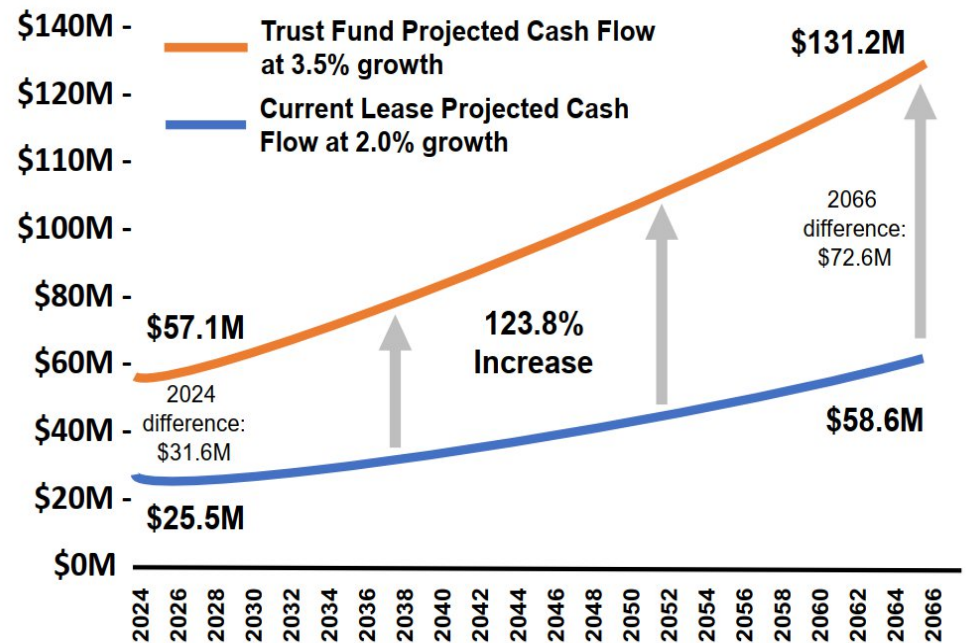
This slide is subject to all of the caveats in the various decks prepared by the CSR's experts.

Projected Annual Return on Investment (Sale v. Lease)

- More than double (123.8%) the annual cash flow available to the City for existing infrastructure improvements
- 2026 (projected):
 - Lease: \$25.5M
 - Trust Fund Earnings*: \$57.1M
- 2066 (projected):
 - Lease: \$58.6M
 - Trust Funding Earnings*: \$131.2M

* *Does not include earnings reserved annually for trust fund growth, a hedge against inflation and CSR operations.*

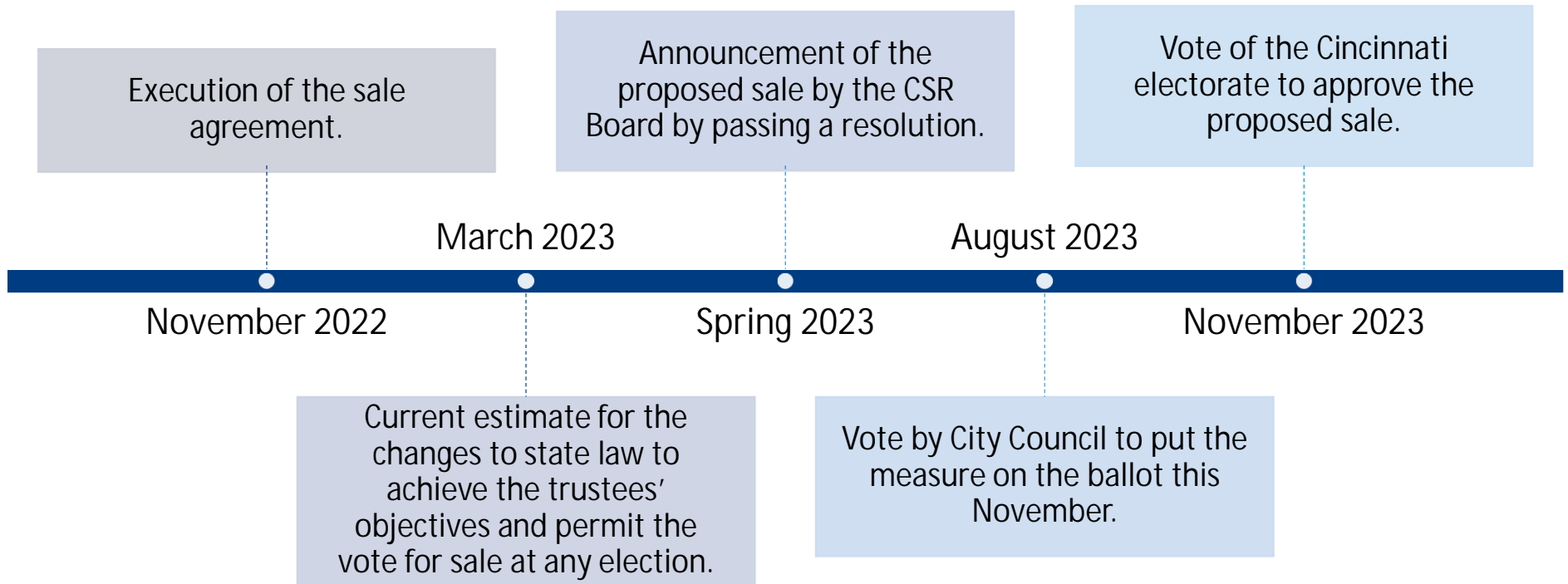
Current Lease vs “Trust Fund” Annual Cash Flows



Source: BMO Capital Markets, Project Copper Valuation Update (May 2022)

Future of the CSR

Proposed Timeline



Changes to the Ferguson Act

- The proposed changes to the state law governing the CSR are necessary to create a trust fund and allow the sale proceeds of \$1.6B to be invested.
- State law would require the CSR Board to remit a minimum amount to the City each year.
- The proposed changes also, like the Council policy adopted in 1987, limit the City's use of the funds to rehabbing, replacing, and modernizing existing infrastructure.
- The proposed changes also create multiple safeguards of the sale proceeds.

“Existing infrastructure improvements” means streets, bridges, municipal buildings, parks and green space, site improvements, recreation facilities, improvements for parking purposes, and any other public facilities that are owned by a municipal corporation with a useful life of five or more years.

“Existing infrastructure improvements” does not include the construction of new infrastructure improvements.

Future Roles and Responsibilities

Board of Trustees:

- Nothing changes. Its role remains to ensure the greatest possible return for the benefit of the City of Cincinnati.
- Instead of managing a lease, its duty is to grow the trust fund in perpetuity.
- It must hire a financial expert.
- It must disburse to the City a minimum amount each year.
- It must be bipartisan.

City Council:

- Mayor appoints CSR Board of Trustees with the advice and consent of Council.
- Appropriates funds for existing infrastructure improvements in accordance with the approved state law.

Questions?

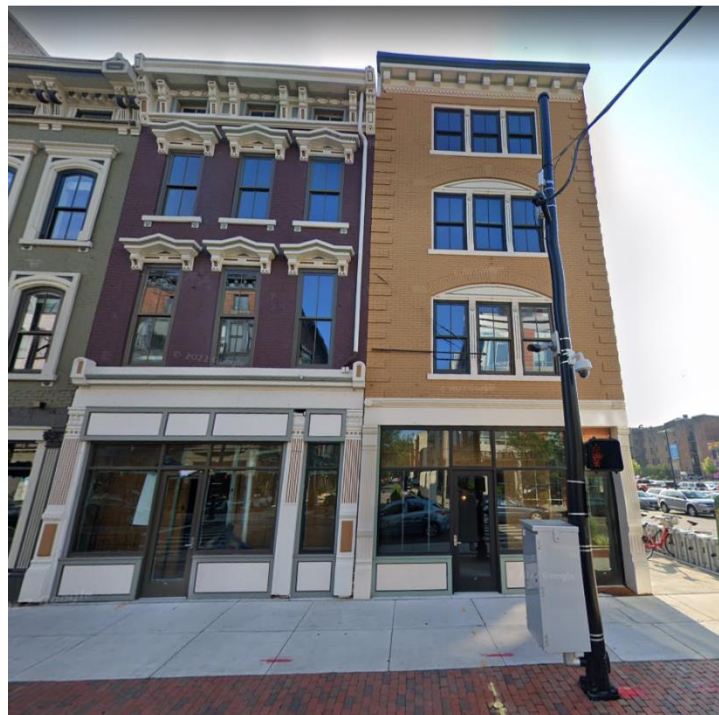
More information is available at:

<http://cincinnati-southern-railway.org/csr-sale/>

Meyer Lofts

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	Meyer Lofts (Storefronts)
Street Address	1428-1430 Vine Street
Property Condition	Two historic buildings currently sit vacant; Developer acquired the buildings in 2019 through a related entity and transferred them to Condominium Holdings, LLC in 2022
Neighborhood	Over-the-Rhine
Incentive Application Process	Commercial CRA – Downtown Streetcar Area Policy (Non-LEED)
Recent or other projects by Developer	The Foundry, 4 th & Race, Willkommen, August Flats
Approval at planning commission/Neighborhood support	Planning Commission N/A
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



Incentive Summary Category	Explanation
Abatement Term and amount	15-year, net 52%
Construction Cost & Private investment committed	\$466,444 in hard construction costs, \$100,000 in acquisition costs, and \$116,541 in soft costs; Developer has received a low-interest loan of \$558,153 from the Cincinnati Equity Fund II
Sq. Footage by Use	2,486 sf - commercial
Number of units and rental ranges	No residential units
Jobs created/retained and payroll (living wage)	Projected to create 9 FTE positions at \$289,200 in annual payroll (avg. of \$32,133.33 annually per job)
“But For”	This project would not proceed without an abatement; the developer would lose money on the project for the first 9 years 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: -2% (stabilized vacancy) With Abatement: Year 5: 4% (stabilized vacancy)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	Streetcar VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$2.24 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$82,384
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	Sits along 46, 78, and Metro Plus bus routes and is only a block away from the Liberty & Race Streetcar stop; also sits in the OTR Vine Street Business District
Geography	Located in an Opportunity Zone and the OTR-West End NRSA
Historic Preservation/Existing Building Renovation	This project will renovate the ground floor of two historic buildings, preserving and reactivating them for future use
Public Infrastructure Improvements	N/A

February 13, 2023

FOR YOUR INFORMATION

202300619

To: Mayor and Members of Council

From: Sheryl M. M. Long, City Manager

Subject: **Budget Schedule for Fiscal Year (FY) 2024-25 Biennial Budget**

The purpose of this memo is to provide an overview of the FY 2024-25 Biennial Budget process along with a schedule of important dates and events.

The FY 2024-25 Biennial Budget process will be structured in phases starting in earnest with an outline of the process on Monday, February 13th at the Budget and Finance Committee meeting. The first phase, Budget Education and Outreach, will begin with a “Budget Basics and New Leveraged Support Process” presentation at the regular meeting of the Healthy Neighborhoods Committee on February 15th at 5:30 PM at the Evanston Recreation Center. The same presentation will be provided in a virtual session on February 28th at 6:00 PM, which can be registered for online (<https://www.cincinnati-oh.gov/budget/budget-engagement/>). Additionally, an interactive session on the City’s Budget will be part of the annual Neighborhood Summit on March 11th.

The second phase, Budget Policy Motion – Goals and Priorities, of the FY 2024-25 Biennial Budget process will kickoff at the regular meeting of the Budget and Finance Committee on March 13th. This phase will include numerous community engagement sessions throughout the month of March with a planned series of public Budget Hearings in the evenings on March 14th, March 20th, and March 30th. On April 3rd, the City Manager will provide an overview presentation of the City’s strategic priorities. Additionally, the Office of Performance and Data Analytics (OPDA) will present results of the Community Survey and provide an overview of the Performance Management Agreement process for departments. Continuing in April, departments will be making informational presentations on their department’s mission, programs, and agencies; recent budget and staffing history; key performance indicators (KPIs); performance goals for FY 2024; and service delivery challenges affecting their department. These presentations will be held during the first two weeks of April during the regular meetings of the Budget and Finance Committee on April 3rd and April 10th and during two special meetings of the Budget and Finance Committee on April 4th and April 12th.

Once the department presentations are completed, the City Council will begin to develop a Budget Policy Motion for the FY 2024-25 Biennial Budget. The Budget Policy Motion is an annual process in which the City Council makes a motion providing direction to the City Administration with regard to policy guidelines and priorities for the upcoming budget. During the middle of April, as part of a regular Budget and Finance Committee

meeting, a public hearing will be held on the Budget Policy Motion, which will then go to the City Council for adoption.

The City Manager is working toward completion and release in mid-May of the Recommended FY 2024-25 Biennial Budget. While a deficit is currently projected, the City Administration will recommend a balanced budget for FY 2024 through the use of American Rescue Plan (ARP) funds set aside for fiscal stability. The City Manager's Recommended Budget will then be transmitted to the Mayor, who has up to 15 days to recommend changes to the Budget before transmitting the Budget to the City Council. In line with previous practice, it is expected that the City Council will begin budget deliberations at the end of May with a public Budget Hearing scheduled for early June. The City Council can then make budget motions to alter the Recommended Budget leading up to the scheduled passage of the FY 2024-25 Biennial Budget on June 14, 2023. Dates during the Final Budget Process phase are tentative.

A graphic of the FY 2024-25 Biennial Budget schedule is provided on the next page.

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

Attachment

