



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

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Wednesday, November 20, 2024

2:00 PM

Council Chambers, Room 300

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#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

#### Southwest Ohio Regional Transit Board

1. [202402379](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Tianay Amat to the Southwest Ohio Regional Transit Board for a term of three years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/AA).

**Recommendation** CONFIRM

**Sponsors:** Mayor

#### MR. JEFFREYS

2. [202402419](#) **MOTION**, submitted by Councilmember Jeffreys, **WE MOVE** that the Administration issue a report within sixty (60) days that: Outlines traffic citations overall and by neighborhood for 2024, and update the same for the previous four years. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED).

**Recommendation** PUBLIC SAFETY & GOVERNANCE COMMITTEE

**Sponsors:** Jeffreys

#### MR. WALSH

3. [202402426](#) **MOTION**, submitted by Councilmember Walsh, **WE MOVE** that the \$1,782,421 returned to the City of Cincinnati from the Hamilton County Auditor from the Real Estate Assessment Fund be directed to the Capital Project Reserve. **WE FURTHER MOVE** that the attached policy go in place with the allocation of the fund. (STATEMENT ATTACHED)

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Walsh

#### MS. ALBI

4. [202402433](#) **MOTION**, submitted by Councilmember Albi, **WE MOVE** that the City Administration provide a report within ninety (90) days on the feasibility of

creating a holistic strategy to combat hate crime and incidents. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED)

**Recommendation** PUBLIC SAFETY & GOVERNANCE COMMITTEE

**Sponsors:** Albi

**MS. ALBI**

**MS. PARKS**

**MS. OWENS**

**MS. KEARNEY**

5. [202402435](#) **MOTION**, submitted by Councilmembers Albi, Parks, Owens and Vice Mayor Kearney, **WE MOVE** that the administration to provide a report within sixty (60) days on the current availability and quality of lactation rooms in City-owned or City-maintained properties. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED)

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** Albi, Parks, Owens and Kearney

**MR. CRAMERDING**

**MR. JOHNSON**

6. [202402442](#) **MOTION**, submitted by Councilmember Cramerding and Johnson, **WE MOVE** that Councilmember Scotty Johnson be appointed to vice-chair of Budget and Finance Committee.

**Recommendation** PUBLIC SAFETY & GOVERNANCE COMMITTEE

**Sponsors:** Cramerding and Johnson

**CITY MANAGER**

7. [202402385](#) **REPORT**, dated 11/20/2024 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Price Hill Petroleum LLC, 3749 Glenway Avenue. (#70770400010, New, C1 C2) [OBJECTIONS: None]

**Recommendation** FILE

**Sponsors:** City Manager

8. [202402390](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$199,691.96 from the National Association of County and City Health Officials Adaptation of Project Firstline Tools and Resources program to develop tools and resources related to infection prevention and control activities and to promote them to community healthcare facility partners; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

9. [202402392](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **AUTHORIZING** the City Manager to execute a Lease Agreement with 39th Parallel Leasing, LLC., pursuant to which the City will enter into a new lease for the use and occupancy of Lunken Airport Lease Areas 11, 28, and 29 for up to twenty years.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

10. [202402395](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$25,569 from the Cincinnati Police Department Community Preventive Education Grant Program to operate the Cincinnati Recreation Commission's Queen City Safety While Integrating Skills and Hoops (SWISH) Program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, "Contributions for Recreation Purposes," revenue account no. 319x8571.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

11. [202402396](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **ESTABLISHING** new capital improvement program project account no. 980x199x251924, "Hartwell Field - FCC Donation," to provide resources for the installation of a turf field at the Hartwell Recreation Complex; **AUTHORIZING** the City Manager to accept and appropriate a donation of \$30,000 from FC Cincinnati into newly established capital improvement program project account no. 980x199x251924, "Hartwell Field - FCC Donation," to provide resources for the installation of a turf field at the Hartwell Recreation Complex; and **AUTHORIZING** the Director of Finance to deposit \$30,000 from FC Cincinnati into capital improvement program project account no. 980x199x251924, "Hartwell Field - FCC Donation."

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

12. [202402397](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$10,000 from the FC Cincinnati Foundation to support the City's Rec@Nite program at the Lincoln Recreation Center in the West End neighborhood; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, "Contributions for Recreation Purposes," revenue account no. 319x8571.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

13. [202402398](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **AMENDING** Ordinance No. 31-2023, which authorized the City Manager to accept and appropriate a grant of up to \$6,000,000 from the Congestion Mitigation/Air Quality program awarded through the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) (ALN 20.205) to provide resources to upgrade and install a fiber optic Coordinated Traffic Control System in the Over-the-Rhine neighborhood, to increase the grant

resource value to up to \$6,600,000.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

14. [202402399](#) **REPORT**, dated 11/20/2024, submitted Sheryl M. M. Long, City Manager, regarding road closure policy update. (See Ref. Doc. 202401922)

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

15. [202402400](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **MODIFYING** Chapters 723, "Streets and Sidewalks, Use Regulations," 883, "Public Assembly Permit," 865, "Theaters and Exhibitions," and Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code by **ORDAINING** new Sections 883-1-E "Event," 883-1-F, "Facility for Public Assembly; Facility," 883-1-F1, "Facility Manager," and 883-1-P1, "Person," and by **AMENDING** the provisions of Chapter 883, "Public Assembly Permit," to establish a clear and effective framework for ensuring the safety, security, and welfare of persons at public assembly events where such events may require heightened safety considerations; and further **AMENDING** Sections 723, "Applicability," 865-31, "Emergency On-the-Scene Authority of Police and/or Fire Officer in Charge," 865-33, "Selling of Tickets Over Capacity of Places of Assembly," Section 1501-11, "Class E Civil Offenses," to make the provisions consistent with the changes provided herein; and further **REPEALING** Chapter 881, "Facilities for Public Assembly," of Title VIII, "Business Regulations," as the provisions are duplicated and incorporated into the modifications provided for herein.

**Recommendation** PUBLIC SAFETY & GOVERNANCE COMMITTEE

**Sponsors:** City Manager

16. [202402411](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/20/2024, **AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 4710-4722 Madison Road in the Madisonville neighborhood from the MG-T, "Manufacturing General - Transportation Corridor," zoning district to the CG-A-T, "Commercial General-Auto Oriented - Transportation Corridor," zoning district to facilitate the construction of three new commercial buildings for day care center, retail, and restaurant uses.

**Recommendation** EQUITABLE GROWTH & HOUSING COMMITTEE

**Sponsors:** City Manager

## BUDGET AND FINANCE COMMITTEE

17. [202402318](#) **REPORT**, dated 11/6/2024, submitted Sheryl M. M. Long, City Manager, regarding the Department of Finance Investment Policy update.

**Recommendation** APPROVE & FILE

**Sponsors:** City Manager

18. [202402319](#) **REPORT**, dated 11/6/2024, submitted Sheryl M. M. Long, City Manager, regarding residential sidewalk repair assistance. (See Doc. #202401457)

**Recommendation** APPROVE & FILE

**Sponsors:** City Manager

19. [202402341](#) **RESOLUTION (LEGISLATIVE) (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **DECLARING** the intent to appropriate to public use certain real-property interests necessary to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
20. [202402342](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **APPROPRIATING** to public use certain real property interests necessary to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
21. [202402371](#) **ORDINANCE**, submitted by Mayor Aftab Pureval, from Emily Smart Woerner, City Solicitor, **RENAMING** General Fund balance sheet reserve account no. 050x3422, "Deferred Appropriations," to "Discretionary Reserve"; and **AUTHORIZING** the transfer of \$1,782,421 from the General Fund unappropriated surplus to renamed General Fund balance sheet reserve account no. 050x3422, "Discretionary Reserve," to reserve resources to be used for one-time FY 2026 General Fund Operating Budget priorities.
- Recommendation** PASS
- Sponsors:** Mayor
22. [202402335](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **AUTHORIZING** the City Manager to accept and appropriate up to \$25,000 from the City of Norwood to capital improvement program project account no. 980x233x242308, "Street Rehabilitation," to rehabilitate the section of Edwards Road from Wasson Road to Madison Road, a portion of which is located within the City of Norwood; and **AUTHORIZING** the Director of Finance to deposit the resources into capital improvement program project account no. 980x233x242308, "Street Rehabilitation."
- Recommendation** PASS
- Sponsors:** City Manager
23. [202402338](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **AUTHORIZING** the City Manager to accept and appropriate up to \$180,000 from Hamilton County to capital improvement program project account no. 980x233x242308, "Street Rehabilitation," to provide resources for rehabilitating the section of West Galbraith Road from Vine Street to the corporation line, a portion of which is located in Springfield Township; and **AUTHORIZING** the Director of Finance to deposit the resources from Hamilton County into capital improvement program project account no. 980x233x242308, "Street Rehabilitation."
- Recommendation** PASS
- Sponsors:** City Manager

24. [202402332](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **AUTHORIZING** the payment of \$2,257.14 from Parks Department capital improvement program project account 980x203x242000, "Park Infrastructure Rehabilitation," as a moral obligation to W. W. Grainger, Inc. for charges related to the purchase of shop supplies for the Parks Department Division of Natural Resources building.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
25. [202402366](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/14/2024, **AUTHORIZING** the payment of \$2,288.01 from Parks Department General Fund non-personnel operating budget account no. 050x202x1000x7316 to CDW Government LLC as a moral obligation for outstanding charges related to the purchase of telephones and headsets for use in City parks.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
26. [202402367](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/14/2024, **AUTHORIZING** the payment of \$999.99 to W. W. Grainger, Inc. from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x1059x7379 as a moral obligation for outstanding charges related to the purchase of a workbench for the new Division of Natural Resources building.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
27. [202402334](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **AUTHORIZING** the payment of \$5,487.50 from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x3137x7373 to Forevergreen Complete Ground Care for charges related to the clearing of the Fort Washington Way planter irrigation systems, pursuant to the attached then and now certificate from the Director of Finance.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
28. [202402337](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **AUTHORIZING** the payment of \$3,000 from Parks Department capital improvement program project account 980x203x242000, "Park Infrastructure Rehabilitation," to Southwestern Ohio Services pursuant to the attached certificate from the Director of Finance to repair the pickleball courts at Sawyer Point.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
29. [202402336](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **ESTABLISHING** new capital improvement program project account no. 980x104x251056, "Public Access EV Charging Ports - Grant," to

provide grant resources for public-facing electric vehicle charging infrastructure at City-owned properties that are in or adjacent to disadvantaged communities; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$854,547 from the U.S. Department of Transportation Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to newly established capital improvement program project account no. 980x104x251056, "Public Access EV Charging Ports - Grant"; and **AUTHORIZING** the Director of Finance to deposit grant resources into capital improvement program project account no. 980x104x251056, "Public Access EV Charging Ports - Grant."

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

30. [202402340](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **ESTABLISHING** new capital improvement program project account no. 980x233x252321, "Columbia Parkway Landslide OPWC Grant," to provide Ohio Public Works Commission ("OPWC") grant resources for landslide stabilization work along Columbia Parkway and new capital improvement program project account no. 980x233x252322, "Warsaw Avenue OPWC Grant," to provide OPWC grant resources for the Warsaw Avenue rehabilitation project; **AUTHORIZING** the City Manager to accept and appropriate grant resources of up to \$2,438,518 from OPWC Funding Round 38 to provide OPWC grant resources of up to \$1,166,000 to newly established capital improvement program project account no. 980x233x252321, "Columbia Parkway Landslide OPWC Grant," for landslide stabilization work along Columbia Parkway and up to \$1,272,518 to newly established capital improvement program project account no. 980x233x252322, "Warsaw Avenue OPWC Grant," for the Warsaw Avenue rehabilitation project; **AUTHORIZING** the Director of Finance to deposit OPWC grant resources of up to \$1,166,000 into capital improvement program project account no. 980x233x252321, "Columbia Parkway Landslide OPWC Grant," and up to \$1,272,518 into capital improvement program project account no. 980x233x252322, "Warsaw Avenue OPWC Grant"; and **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

**Recommendation** PASS

**Sponsors:** City Manager

31. [202402365](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/14/2024, **ESTABLISHING** new capital improvement program project account no. 980x234x252352, "Lunken Runway 3L-21R 2025 OH AIP Grant," to provide grant matching resources for the decommissioning of runway 3L-21R at Lunken Airport; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$76,265 from the 2025 Ohio Airport Improvement Program awarded by the Ohio Department of Transportation to newly established capital improvement program project account no. 980x234x252352, "Lunken Runway 3L-21R 2025 OH AIP Grant," for the purpose of decommissioning Runway 3L-21R at Lunken Airport; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account 980x234x252352, "Lunken

Runway 3L-21R 2025 OH AIP Grant.”

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

32. [202402333](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **AUTHORIZING** the City Manager to accept a donation of \$4,999 from Paul M. Jurgensen to be used for Cincinnati Police Department members’ special weapons and tactics (SWAT) training; **AUTHORIZING** the Director of Finance to deposit the donation into General Fund revenue account no. 050x8571; and **AUTHORIZING** the transfer and appropriation of \$4,999 from the unappropriated surplus of the General Fund to Cincinnati Police Department General Fund non-personnel operating budget account no. 050x222x7200.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

33. [202402339](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **AUTHORIZING** the City Manager and employees of the Cincinnati Police Department to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, entertainment industries, and other available sources for the Victims Assistance Liaison Unit/Cincinnati Citizens Respect Our Witnesses to provide food and gift cards to the surviving families of homicide victims during the upcoming holiday season; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City of Cincinnati into Public Safety Special Projects Fund 456.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

34. [202402388](#) **ORDINANCE**, submitted by Mayor Aftab Pureval, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the City Manager to accept an in-kind donation of event space valued at \$2,200 from the Cincinnati Center City Development Corporation for the purpose of holding the State of the City address at Memorial Hall on November 12, 2024.

**Recommendation** PASS

**Sponsors:** Mayor

35. [202402370](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/14/2024, **AUTHORIZING** the establishment of capital improvement program project account nos. 980x203x252038, “Mt. Airy Trails Expansion - GF,” to provide resources for the expansion of trails in the Mt. Airy Park; 980x203x252037, “Park Trails Expansion - GF,” to provide resources for trail expansions in the Cincinnati Park network; 980x255x252501, “City Facility Renovation and Repairs - CSR,” to provide resources for the continuation of ongoing repairs, alterations, and upgrades to City facilities such as those used by the Police, Fire, and Public Services Departments; and 980x252x252533, “Brine Equipment,” to provide resources for the upgrade of the City’s salt brine system; **AUTHORIZING** the establishment of permanent improvement

program project account no. 758x227x252226, "Records Management System Peripherals," to provide resources for printers, scanners, and other peripherals to support the upgrade and conversion of the existing records management system; **AUTHORIZING** the redirection of \$11,797.82 in Cincinnati Board of Park Commissioners Private Endowment Funds from existing capital improvement program project account no. 980x203x182017, "Drabner-Funded Infrastructure Improvements," to the unappropriated surplus of Parks Private Endowment and Donations Fund 430 to close out or decrease existing capital improvement program project account no. 980x203x182017, "Drabner-Funded Infrastructure Improvements"; **AUTHORIZING** the transfer and return to source of \$7,707,176.06 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,602,832.06 from the unappropriated surplus of various General Capital Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$716,344 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to new or existing permanent improvement project accounts to provide resources for certain permanent improvement project accounts according to Section C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and return to source of \$3,281,585.40 from various Restricted and Special Revenue Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section D of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$1,180,973.23 from the unappropriated surplus of various Restricted and Special Revenue Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section E of the attached Schedule of Transfer; **AUTHORIZING** the transfer of \$17,000 from the unappropriated surplus of Parking System Facilities Fund 102 to Parking System Facilities Fund balance sheet reserve account no. 102x3441, "U-Square Garage - Reserve for Capital Projects"; **AUTHORIZING** the transfer and appropriation of \$308,000 from the unappropriated surplus of the General Fund to City Manager's Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for emergency rental assistance and audio-visual equipment contract support; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

36. [202402394](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 11/18/2024, **AUTHORIZING** the City Manager to execute a First Amendment to Development Agreement with Oakley Yards Land, LLC, an affiliate of Neyer Properties, Inc., pertaining to the redevelopment of property located at 2800 Robertson Avenue in the Oakley neighborhood of Cincinnati. (Subject to the [Temporary Prohibition List](#)  [<https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business)) (COUNCILMEMBER

NOLAN IS EXCUSED FROM THIS ITEM).

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager

37. [202402384](#) **MOTION (AMENDED)** submitted by Councilmembers Jeffrey, Parks and Vice Mayor Kearney, **WE MOVE** that the administration \*allocate \$250,000 in FY 2025 and another \$250,000 in FY 2026 from the Cincinnati Health Department for mental health and safety services for transgender and gender nonbinary youth. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED).

**Recommendation** ADOPT

**Sponsors:** Jeffrey, Parks and Kearney

## PUBLIC SAFETY & GOVERNANCE COMMITTEE

38. [202402344](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 11/6/2024, **MODIFYING** Chapter 503, "Vehicular Construction and Equipment," of the Cincinnati Municipal Code ("CMC") by **AMENDING** Section 503-52, "Unauthorized License Plates," to align the CMC with R.C. 4503.21, which the General Assembly amended to remove a requirement that motor vehicles display front license plates; and **MODIFYING** Chapter 506, "Operation and Right of Way," of the CMC by **AMENDING** Section 506-66, "Vehicle Restrictions-Street Usage," to reflect the removal of the entrance ramp to northbound Interstate 75 from Central Parkway.

**Recommendation** PASS

**Sponsors:** City Manager

39. [202402285](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/30/2024, **MODIFYING** Chapter 721, "Streets and Sidewalks, Establishment and Maintenance," of the Cincinnati Municipal Code by **AMENDING** Sections 721-1-D, "Department," 721-1-D1, "Director," 721-23, "Undedicated Streets, Improvements Forbidden," 721-47, "Undedicated Streets, Construction Under Public Supervision," 721-49, "Fund for Inspection of Streets and Sewers Privately Constructed," 721-51, "Undedicated Streets; Review of Engineering Details for Supervised Construction," 721-53, "Rules and Schedules of Prices," and 721-55, "Fund for Reviewing Engineering Details for Construction of Undedicated Streets," to establish permit requirements for the construction, maintenance, repair, and replacement of private streets and drives in the City of Cincinnati.

**Recommendation** PASS

**Sponsors:** City Manager

40. [202402286](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/30/2024, **MODIFYING** Chapter 507, "One-Way Streets," of the Cincinnati Municipal Code by **ORDAINING** new Section 507-4, "Contra-Flow and Limited Access Lanes," and by **AMENDING** Section 507-1, "One-Way Streets and Alleys," to allow for the City Manager to designate lanes on two-way streets as limited to specific vehicles so as to provide for Complete

Streets in the City of Cincinnati.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager



**AFTAB PUREVAL**  
City of Cincinnati, Office of the Mayor

Nov 2024

**APPOINTMENT**

I hereby appoint Tianay Amat to the Southwest Ohio Regional Transit Board for a term of three years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.

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Mayor Aftab Pureval



2024 02 19

Mark Jeffreys  
Councilmember

**MOTION**

***2024 Traffic Enforcement***

WE MOVE that, the Administration issue a report within sixty (60) days that:

- Outlines traffic citations overall and by neighborhood for 2024, and update the same for the previous four years;
- Shares how many 'traffic blitzes' there were in 2024 and the number of citations and stops for each traffic blitz;
- Outlines plans for 'traffic blitzes' and other plans for traffic enforcement in 2025;
- Shares the number of crashes that CPD responded to on Interstate Highways (I-74/75/71) within city limits in 2023 & 2024, including the total Full Time Equivalent (FTE) hours spent responding to those crashes and the subsequent follow up.

**STATEMENT**

Speeding in the City of Cincinnati remains a challenge across neighborhoods. While City Council has invested significant funds in traffic calming measures such as speed humps and bump outs, enforcement of traffic laws is still needed in our neighborhoods. This report will help inform the public and City Council of what has been done and what the plans are for 2025.

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Councilmember Mark Jeffreys

DT  
CAL 11/20

11/11/20



MEMORANDUM  
TO: [Illegible]

[Illegible text block]

RECOMMENDATION

[Illegible text block]

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*20240226*

**Seth Walsh**  
Councilmember

11/18/24

## **MOTION**

*To Direct Returned Funding from the Hamilton County Auditor*

WE MOVE that the \$1,782,421 returned to the City of Cincinnati from the Hamilton County Auditor from the Real Estate Assessment Fund be directed to the Capital Project Reserve.

WE FURTHER MOVE that the attached policy go in place with the allocation of the fund.

## **STATEMENT**

The Capital Project Reserve was created in Motion #202402266. In that motion, \$1,359,008 was set aside with the following parameters:

“This funding is to be set aside for one-time capital use. We ask that the Administration review any of these potential projects and provide their professional input, including listing any past or current city funding involved in the project. These would then be voted on by the Council no sooner than January 1, 2025 and would be capped at \$500,000 per allocation.”

The usage of this fund should be to allow the Council to address priorities and needs that arise outside of the Budget and Close Out process. This funding can only be used at the discretion of Cincinnati City Council and is intended to be used before the start of FY26. Allocations may only be made at the initiation of a member of City Council.

The Administration review should be conducted within two weeks of the request being made by motion by a member of Council for review. The report should be brief, including a summary of the project, past asks and funding of the project by the City of Cincinnati, any pertinent information from the Administration on the project, and a final recommendation by the Administration as to whether the Administration recommends funding or not funding the project.

By adding the \$1,782,421 to this fund, that brings the total to \$3,141,429 that will be not accessible until January 1, 2025.

The initial allocation of \$1,359,008 was set aside exclusively for capital projects. All new funding into this account will be split 85% for capital projects and 15% for operating expenses.

Account	Initial Amount	Capital	Operating
Motion #2024002266	\$1,359,008	\$1,359,008	\$0
Today	\$1,782,421	\$1,515,057.85	\$267,363.15
Total	\$3,141,429	\$2,874,065.85	\$267,363.15



Councilmember Seth Walsh



202402433

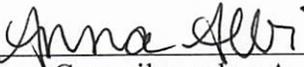
Anna Albi  
Councilmember

November 18, 2024

## MOTION

We MOVE that the City Administration provide a report within ninety (90) days on the feasibility of creating a holistic strategy to combat hate crimes and incidents to include the following items:

- Creating a portal where residents can report hate incidents and/or potential integration with the 311 system
- Adding additional investigators to specialize in following up on reported incidents
- Communication protocol between administration and council if hate crime(s) escalate into violence

  
\_\_\_\_\_  
Councilmember Anna Albi

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707407435

Anna Albi  
Councilmember

November 18, 2024

## MOTION

**WE MOVE** that the administration to provide a report within sixty (60) days on the current availability and quality of lactation rooms in City-owned or City-maintained properties. The report should include the following items:

1. A list of all City-owned or City-maintained buildings that include a designated lactation room, including:
  - The total number of lactation rooms at each site
  - Information on whether each room includes a refrigerator suitable for milk storage
  - The date each lactation room was installed
2. An estimate of the costs associated with creating a lactation room, including the installation of a small refrigerator, as a template for any site that might not have a designated location room.
3. A list of potential funding sources to make these improvement updates.

## STATEMENT

The Hamilton County Commission on Women and Girls' (HCCWG) Pay Equity Committee is gathering information about lactation accommodations for working mothers throughout Hamilton County. This effort aligns with the City of Cincinnati's commitment to Pay Equity, as established in our signing of the Pay Equity Commitment from the HCCWG in 2022.

This request reflects the federal and state guidelines mandating that employers provide private, non-bathroom spaces for breastfeeding employees, as outlined in the Fair Labor Standards Act (FLSA) and Ohio state law. Federal requirements include ensuring break time and access to a lactation space for one year after a child's birth, and the FLSA mandates that spaces must be shielded from view and free from intrusion. However, it does not require that employers provide a lactation room, as opposed to a 'designated space'.

Anna Albi  
Councilmember Anna Albi

Victoria York

Mark P. Orr

Jan-Michael Lemoine

\_\_\_\_\_



**Jeff Cramerding**  
Councilmember

November 18, 2024

Motion

***Budget and Finance Committee***

WE MOVE that Councilmember Scotty Johnson be appointed to vice-chair of Budget and Finance Committee.

*JEFF CRAMERDING*

Councilmember Jeff Cramerding

*Scotty Johnson*

Councilmember Scotty Johnson

November 20, 2024

**To:** Mayor and Members of City Council  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Liquor License – NEW**

202402385

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***FINAL RECOMMENDATION REPORT***

OBJECTIONS: None

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

APPLICATION: 70770400010  
PERMIT TYPE: NEW  
CLASS: C1 C2  
NAME: PRICE HILL PETROLEUM LLC  
DBA: NONE LISTED  
3749 GLENWAY AVE  
CINCINNATI OH 45205

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

On October 9, 2024, the East Price Hill Improvement Association was notified and does not object.

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Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: November 26, 2024

November 20, 2024

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

202402390

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

**Subject: Ordinance – Health: National Association of County and City Health Officials (NACCHO) Adaptation of Project Firstline Tools and Resources Grant**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$199,691.96 from the National Association of County and City Health Officials Adaptation of Project Firstline Tools and Resources program to develop tools and resources related to infection prevention and control activities and to promote them to community healthcare facility partners; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$199,691.96 from the National Association of County and City Health Officials (NACCHO) Adaptation of Project Firstline Tools and Resources program to develop tools and resources related to infection prevention and control activities and to promote them to community healthcare facility partners. This Ordinance further authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

There are no new FTEs/full time equivalents associated with this grant and no local match is required.

The Cincinnati Health Department applied for the grant on October 18, 2024, and received notice of award on November 1, 2024. However, no grant funds will be accepted prior to authorization from the City Council.

Acceptance of the NACCHO grant 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 apply for, accept, and appropriate a grant of up to \$199,691.96 from the National Association of County and City Health Officials Adaptation of Project Firstline Tools and Resources program to develop tools and resources related to infection prevention and control activities and to promote them to community healthcare facility partners; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

WHEREAS, a grant is available from the National Association of County and City Health Officials (“NACCHO”) Adaptation of Project Firstline Tools and Resources program to develop tools and resources related to infection prevention and control activities and to promote such tools and resources to community healthcare facility partners; and

WHEREAS, these resources would allow the Cincinnati Health Department to build capacity to deliver this important training and education to its community healthcare facility partners in support of the Centers for Disease Control and Prevention’s (CDC’s) Project Firstline; and

WHEREAS, this grant requires no matching funds, and no additional FTEs/full time equivalents are associated with this grant; and

WHEREAS, the grant application deadline was October 18, 2024, and the City has already applied for the grant, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant 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 apply for, accept, and appropriate a grant of up to \$199,691.96 from the National Association of County and City Health Officials Adaptation of Project Firstline Tools and Resources program to develop tools and resources related to infection prevention and control activities and to promote them to community healthcare facility partners.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

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

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

Passed: \_\_\_\_\_, 2024

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

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

Date: November 20, 2024

To: Mayor and Members of City Council 202402392  
From: Sheryl M. M. Long, City Manager  
Subject: EMERGENCY ORDINANCE – Lunken Airport Lease Areas 11, 28, and 29 (39th Parallel Leasing, LLC)

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Attached is an emergency ordinance captioned as follows:

**AUTHORIZING** the City Manager to execute a Lease Agreement with 39th Parallel Leasing, LLC., pursuant to which the City will enter into a new lease for the use and occupancy of Lunken Airport Lease Areas 11, 28, and 29 for up to twenty years.

39th Parallel Leasing, LLC, has leased this area at Lunken Airport since 2007, the current lease expired, and they now wish to continue occupying the leased area with a new lease for 20 years to continue to operate their business.

39th Parallel Leasing, LLC is a tenant in good standing and has made several facility improvements through the years with plans to do more in the future as part of this lease. They are a long tenured entity with diverse business operations in both hangars. They operate the largest flight school at Lunken Airport by aircraft number, number of instructors and students. They also have a Maintenance, Repair and Overhaul business which focuses on popular General Aviation aircraft while providing co-op opportunities for students at local colleges. The hangars also serve as venues for weddings and non-profit events, which is great non-aeronautical exposure for Lunken Airport, while adding to their business diversity. 39th Parallel Leasing, LLC plans to continue to grow its fleet which will increase their revenue, thereby increasing revenue at Lunken Airport.

The initial term is 5 years, based upon fair market rate appraisal by the City's Real Estate Services Division and five 3-year renewal with CPI adjustments over the term of the lease.

The City Planning Commission approved the lease at its meeting on November 1, 2024.

The reason for the emergency is the immediate need to execute the Lease Agreement so the new Lease Agreement and rent amounts can begin as soon as possible to enable the Airport to receive the benefit at the earliest possible time.

The Administration recommends passage of the attached ordinance.

Attachment I – Lunken Airport Lease

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

## EMERGENCY

JRS

- 2024

**AUTHORIZING** the City Manager to execute a Lease Agreement with 39th Parallel Leasing, LLC., pursuant to which the City will enter into a new lease for the use and occupancy of Lunken Airport Lease Areas 11, 28, and 29 for up to twenty years.

WHEREAS, the City of Cincinnati (“City”) owns Lunken Airport (“Airport”) in the East End and Linwood neighborhoods, which is under the management of the City’s Department of Transportation and Engineering (“DOTE”); and

WHEREAS, the City and 39th Parallel Leasing, LLC., an Ohio limited liability company, as successor in interest, (“Lessee”), are parties to (i) that certain Lunken Airport Lease Agreement, dated June 6, 2007, and as amended, by and between the City and LBK Hangar LLC, for Lease Area 29, (ii) that certain Lunken Airport Lease Agreement, dated June 6, 2007, by and between the City and LBK Hangar LLC, for Lease Area 11, and (iii) that certain Lunken Airport Lease Agreement, dated January 29, 2007, by and between the City and Avionics, LLC, for Lease Area 28 (collectively, the “Existing Lease”); and

WHEREAS, the term of the Existing Lease expired and Lessee is holding over and Lessee desires to continue occupying Airport Lease Areas 11, 28, and 29 (collectively, the “Leased Premises”) to operate its business and has requested a new lease with a term of up to twenty years, as more particularly set forth in the Lease Agreement attached to this ordinance as Attachment A and incorporated herein by reference (“New Lease”); and

WHEREAS, the City Manager, in consultation with DOTE, has determined that (i) the Leased Premises is not needed for a municipal purpose for the duration of the New Lease, and (ii) leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises or the Airport; and

WHEREAS, the City’s Real Estate Services Division, in consultation with the City’s Airport Manager after considering airport industry standards and FAA requirements, has determined by a professional appraisal that the fair market rental value of the Leased Premises is approximately \$90,927 per year, subject to the base rent escalation provisions set forth on Attachment A; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the lease of City-owned property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the New Lease at its meeting on November 1, 2024; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Lease Agreement with 39th Parallel Leasing, LLC., an Ohio limited liability company, (“Lessee”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City of Cincinnati will enter into a new lease with Lessee for Lunken Airport (“Airport”) Lease Areas 11, 28, and 29 (“Leased Premises”) for up to twenty years, as more particularly described on Attachment A.

Section 2. That (i) the Leased Premises is not needed for a municipal purpose for the duration of the lease, and (ii) leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises or the Airport.

Section 3. That the rent set forth in the Lease Agreement reflects the fair market rental value of the Leased Premises, as determined by appraisal by the City’s Real Estate Services Division in consultation with the City’s Airport Manager after considering airport industry standards and FAA requirements.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Leased Premises is in the best interest of the City because Lessee has been a good and responsible tenant at the Airport and the City desires to retain Lessee as a tenant.

Section 5. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the Lease Agreement, including, without limitation, executing any and all ancillary documents associated with the Lease Agreement, such as amendments or supplements to the Lease Agreement deemed by the City Manager to be in the vital and best interests of the City.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the

terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to execute the Lease Agreement so the new Lease Agreement and rent amounts can begin as soon as possible to enable the Airport to receive the benefit at the earliest possible time.

Passed: \_\_\_\_\_, 2024

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

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

Contract No. \_\_\_\_\_

Property: Lunken Airport – Lease Area No. 11, 28, 29  
Hangars 1 and 2

## LUNKEN AIRPORT LEASE AGREEMENT

THIS LEASE AGREEMENT (this “**Lease**”) is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”), and **39<sup>th</sup> Parallel Leasing, LLC.**, an Ohio limited liability company, the address of which is 1 East 4<sup>th</sup> Street, Ste. 1400, Cincinnati, Ohio 45202 (“**Lessee**”).

### Recitals:

A. The City owns certain real property known as Lunken Airport (the “**Airport**”), which is under the management and control of the City’s Department of Transportation and Engineering (“**DOT**”).

B. The City and Lessee, as successor in interest, are parties to (i) that certain *Lunken Airport Lease Agreement*, dated June 6, 2007, and as amended, by and between the City and LBK Hangar LLC, for Lease Area 29, (ii) that certain *Lunken Airport Lease Agreement*, dated June 6, 2007, by and between the City and LBK Hangar LLC, for Lease Area 11, and (iii) that certain *Lunken Airport Lease Agreement*, dated January 29, 2007, by and between the City and Avionics, LLC, for Lease Area 28 (collectively, the “**Existing Lease**”), pursuant to which the City leases Lessee a portion of the Airport designated as Lease Area No. 11, 28, and 29 containing approximately 206,305 square feet, as generally depicted on Exhibit A (Site Map), and more particularly described on Exhibit B (Legal Description) hereto (the “**Leased Premises**”). Under the terms of the Existing Lease, Lessee made certain improvements to the Leasehold Improvements located thereon to facilitate Lessee’s parking, storage, maintenance and, repair of airplanes and accessories for the conduct of activities incident thereto and for other general aeronautical purposes (the “**Permitted Use**”).

C. The term of the Existing Lease expired and Lessee is holding over and Lessee desires to continue occupying the Leased Premises to operate its business. Lessee desires to enter into a new lease pursuant to which the City will lease the Leased Premises to Lessee for a period expiring on **October 31, 2044** (an initial term ending on October 31, 2029, with five 3-year renewal options). As used in this Lease, the term “**Leasehold Improvements**” shall be inclusive of [x] any and all buildings, facilities, and improvements, including without limitation to ordinary and trade fixtures, located on or within the Leased Premises; [y] any and all additions, buildings, facilities, and improvements, including without limitation to ordinary and trade fixtures, constructed, placed, or otherwise installed on or within the Leased Premises pursuant to the terms of the Existing Lease; and [z] any and all future additions, buildings, facilities, and improvements, including without limitation to ordinary and trade fixtures, approved by DOT and constructed, placed, or otherwise installed by Lessee on or within the Leased Premises during the term of this Lease. The City is agreeable to enter into a new lease on the terms and conditions set forth herein.

D. The rent set forth in this Lease reflects the fair market rental value of the Leased Premises, as determined by analysis by the City’s Real Estate Services Division and the Airport Manager, considering airport industry standards and FAA requirements.

E. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City’s lease of the Leased Premises to Lessee at its meeting on \_\_\_\_\_.

F. Execution of this Lease was authorized by Ordinance No. \_\_\_\_\_, passed by Cincinnati City Council on \_\_\_\_\_.

NOW, THEREFORE, the parties hereby agree as follows:

**1. Leased Premises; Termination of Existing Lease.**

(A) Grant. The City hereby leases the Leased Premises to Lessee, and Lessee hereby leases the Leased Premises from the City on the terms and conditions set forth herein. The City makes no representations or warranties to Lessee regarding the physical condition of the Airport or Leased Premises, and Lessee accepts the Leased Premises in “as is” condition. The rights herein granted to Lessee are subject and subordinate to any and all existing covenants, easements, restrictions, and other matters of record affecting the Leased Premises and to any and all existing agreements between the City and the federal government pertaining to the Airport. Throughout the Term of this Lease, Lessee shall have the non-exclusive right to use Airport Road for ingress/egress, subject to the City’s rules and regulations governing the rights of tenants and others to use Airport Road. Title and ownership to the Leasehold Improvements vested with the City upon expiration of the Existing Lease.

(B) City’s Right to Enter. The City’s employees, agents, and contractors shall have the right to enter upon the Leased Premises at any reasonable time and from time to time to examine the condition of the Leased Premises, determine Lessee’s compliance with the provisions of this Lease, access any public utility installations as shown on drawings at the office of the Airport Manager, and for any other proper purpose. The City shall use reasonable efforts to avoid disrupting Lessee’s business operations and promptly repair any damage to the Leased Premises caused by the City’s entry. The City shall use reasonable efforts to notify Lessee prior to entering upon the Leased Premises, except that no notice shall be required in the event of an emergency.

(C) Termination of Existing Lease. The Existing Lease shall automatically terminate on the Commencement Date set forth in Section 2 below, provided, however, that any and all obligations of Lessee under the Existing Lease that have accrued but have not been fully performed as of such date (for example, Lessee’s obligation to pay rent through the termination date) shall survive such termination until fully performed.

**2. Term; Renewal Periods.**

(A) Initial Term. The initial term of this Lease (“**Initial Term**”) shall commence on November 1, 2024 (the “**Commencement Date**”) and, unless extended or sooner terminated as herein provided, shall expire on **October 31, 2029**. As used herein, a “**Lease Year**” shall mean each 12-month period from November 1 to October 31.

(B) Renewal Periods (five 3-year automatic renewal periods unless Lessee provides Notice of Non-Renewal). Provided that (i) on the commencement date of each renewal period, Lessee is not in default under this Lease beyond any applicable notice and cure period provided for herein, (ii) the Lease has not been terminated as herein provided, and (iii) Lessee shall not have notified the City in writing that Lessee does NOT wish to extend the Term (a “**Notice of Non-Renewal**”), the Initial Term of this Lease shall automatically be extended for five (5) renewal periods of three (3) years each (each, a “**Renewal Period**”). Each renewal shall be on the same terms and conditions as set forth herein (except that, after the 5<sup>th</sup> Renewal Period, there shall be no additional renewal options unless agreed to by the parties in a written amendment to this Lease). As used herein, the “**Term**” of this Lease means the Initial Term and, if applicable, the Renewal Periods.

**3. Rent.**

(A) Base Rent. Beginning on the Commencement Date, Lessee shall pay annual base rent in equal monthly installments, in advance, on the first business day of each month, in the amounts calculated in this paragraph. The monthly rent installment for any partial calendar month at the beginning or end of the Term shall be prorated on a per diem basis. Notwithstanding the rent adjustments provided for herein, in

no event shall annual base rent decrease.

(i) Initial Term (the Commencement Date – October 31, 2029) (fixed). From the Commencement Date through October 31, 2029, annual base rent shall be equal to the following amount:

Annual Amount	Monthly Installment
\$90,927.00	\$7,577.25

(ii) Renewal Periods (CPI adjustment every 3 years). Effective as of the first day of Lease Years 6, 9, 12, 15, and 18 (i.e., every 3 years), the annual base rent shall increase to an amount that is equal to the product of multiplying the annual base rent payable during the term then just ended by a fraction, the numerator of which is the CPI most recently published 60 days prior to the rent adjustment date, and the denominator of which is the CPI most recently published 60 days prior to the commencement of the term then just ended. “CPI” means the Consumer Price Index, All Urban Consumers, U. S. City Average (1982-1984=100) published from time to time by the United States Bureau of Labor Statistics. Lessee shall make all CPI rent adjustment computations under this section 3(A) and shall send written notice of each CPI-based rent adjustment, together with Lessee’s computations (“**Lessee’s Rent Adjustment Notice**”), to DOTE (to the two addresses set forth in section 12 below) and to the City’s Real Estate Services Division (801 Plum Street, Room 122, Cincinnati, OH 45202) no less than 30 days prior to each rent adjustment date.

(B) Place of Payment. As used herein, “rent” shall mean base rent and all other amounts payable by Lessee to the City under this Lease. Rent shall be payable to “Treasurer – City of Cincinnati” and mailed or delivered to: City of Cincinnati, 465 Wilmer Ave, Cincinnati, OH 45226, Attn: Lunken Airport Manager, or to such other address as the City may from time to time specify in writing.

(C) Late Payments. If any payment of rent is not paid when due, a late charge of 5% of the amount past due shall automatically become due and payable. If rent is outstanding for longer than 30 days, such past due amount shall bear interest at the rate of 10% per annum until paid.

(D) Operating Fees; Gross Revenue Statements (§402-23, Cincinnati Municipal Code). Throughout the Term, Lessee shall (i) provide the City, on a semi-annual basis, with complete and accurate sworn statements of gross revenue received from operations (the “**Semi-Annual Gross Revenue Statements**”), and (ii) pay the City a percentage of gross revenue (currently, one percent (**1.0%**), but subject to change) (“**Operating Fees**”), all as required under Section 402-23, CMC, as the same may be modified from time to time. Lessee acknowledges that the City administration has no control over the Operating Fees established by Cincinnati City Council or when the new rates go into effect. (The parties acknowledge that, under Section 402-23, as currently written, Lessee is not required to pay the 1% fee on revenue derived from the carrying of United States mail, passengers or cargo on scheduled air routes, the sale of airplanes, the sale of gasoline, or revenue received for storage of aircraft in City-owned hangars; and that, where an operator provides more than one type of service licensed under Section 402-22, CMC, the minimum operating fee is \$500/year.) Lessee acknowledges that the City administration has no control over the Operating Fees established by Cincinnati City Council or when the new rates go into effect.

4. Permitted Use. Provided Lessee has obtained all valid permits from the City and any and all other required permits. Lessee shall use the Leased Premises for the storage, maintenance and repair of airplanes, flight school operations, as long as the annual permit is obtained, and other general aeronautical purposes (the “**Permitted Use**”) and for no other activities whatsoever without the City’s prior written consent. Lessee shall not deviate from the Permitted Use without the City’s prior written approval (and if required, as determined by the City, without the prior written approval of the FAA)

5. Utilities; Real Estate Taxes; Other Expenses. This is a “triple net” lease for the City, and during the Term of this Lease, Lessee shall pay (i) any and all utility charges associated with the Leased Premises, (ii) all real estate taxes and assessments levied (including the two semi-annual tax bills issued

by the Hamilton County Treasurer following the expiration or termination of the Term, payable in arrears), and (iii) any and all other expenses associated with the Leased Premises, including without limitation any and all other fees required to be paid under Chapter 402 (*Airport*) of the CMC. *Lessee acknowledges and agrees that the City shall not be liable for any expenses associated with the Leased Premises during the Term of this Lease.* Lessee shall have the right to contest the amount or validity of real estate taxes and assessments by appropriate legal proceedings in its own name. The City shall have the right to participate in such legal proceedings at the City's election. Lessee shall pay all costs and expenses arising from such legal proceedings. If the Leasehold Improvements are not separately taxed for real estate tax purposes, the City shall calculate Lessee's share of each tax bill based upon the Hamilton County Auditor's respective values of the land and Leasehold Improvements, and Lessee shall pay its allocated share of the bill within 15 days after receiving written notice from the City of the amount due.

**6. Project; Maintenance and Repairs; Other Operating Requirements.**

(A) Project. As the Leasehold Improvements are owned by the City, Lessee shall complete any approved project in accordance with Exhibit C (Construction Requirements) hereto and plans and specifications must be submitted, reviewed, and approved in writing by DOTE, including without limitation the design, location of proposed additions, and all other material aspects thereof (as approved by DOTE, the "**Final Plans**"). Licensed architects or engineers shall prepare all plans and specifications for any project. Lessee shall bear all costs associated with any project. Once approved by DOTE, Lessee shall not make any modifications to the Final Plans without the prior written approval of DOTE. Upon commencement of on-site work, Lessee shall thereafter diligently pursue the same to completion. Upon completion of construction, Lessee shall provide DOTE with a copy of the "as built" plans.

(B) Maintenance and Repairs/ 3-Year Facility Audit. Lessee shall maintain the Leased Premises in good, clean, and safe condition and repair, shall not permit any waste or nuisance on the Leased Premises, shall not permit any debris or rubbish to accumulate in open space, and shall keep the Leased Premises free from unreasonable accumulations of snow and ice and other obstructions. Without limitation of the foregoing, Lessee shall replace all light bulbs and filters, provide water sprinkler system inspection and repair, provide trash removal, window washing, grass cutting, and proper maintenance of landscaped areas, and maintain and keep in good condition and repair the exterior and interior structural portions and roof of any and all buildings, structures, hangars, fences, fixtures, pavement, HVAC, electrical, plumbing and mechanical fixtures, fuel farm, and any and all other improvements located on the Leased Premises, reasonable wear and tear excepted, and in compliance with all applicable building and fire codes, airport regulations and other laws (collectively, "**Applicable Laws**"). At the beginning of every Renewal Period, Lessee shall provide the Airport Manager with a comprehensible leasehold facility audit report which will include a list of preventative maintenance actions completed during the prior period and any ongoing facility maintenance needs.

(C) Lessee's Right to Grant Leasehold Mortgage.

(i) Right to Grant Leasehold Mortgage. The City acknowledges and agrees that [x] Lessee shall have the right to grant a leasehold mortgage to the construction lender who will be providing financing to Lessee for approved projects for the Leasehold Improvements (a "**Permitted Leasehold Mortgage**", and the "**Permitted Leasehold Mortgagee**", as applicable), and [y] if Lessee defaults under the Permitted Leasehold Mortgage, the Permitted Leasehold Mortgagee shall be permitted, by written notice to the City, to assume Lessee's leasehold interests under this Lease by foreclosure of the Permitted Leasehold Mortgage or otherwise and on the terms and conditions set forth therein.

(ii) Delivery of Default Notices to Permitted Leasehold Mortgagee. Provided Lessee or the Permitted Leasehold Mortgagee shall have given the City a recorded copy of the Permitted Leasehold Mortgage and notified the City in writing of the Permitted Leasehold Mortgagee's mailing address for purposes of notices under this Lease, then, if, while the Permitted Leasehold Mortgage remains in effect, the City gives a written notice of default to Lessee under this Lease, which default, if uncured, would entitle the City to terminate this Lease under section 9 hereof (a "**Default Notice**"), the City shall send a copy of

the Default Notice to the Permitted Leasehold Mortgagee. Notwithstanding the City's termination rights under section 9 hereof, the City agrees that it shall not exercise its right to terminate this Lease upon Lessee's default until the City has given the Permitted Leasehold Mortgagee at least sixty (60) days (following the City's delivery of the Default Notice to the Permitted Leasehold Mortgagee) to cure such default. The foregoing shall not be construed as requiring the Permitted Leasehold Mortgagee to cure Lessee's default. If neither Lessee nor the Permitted Leasehold Mortgagee cures Lessee's default within the applicable time periods specified in this paragraph (B)(ii) and section 9, the City shall be free to exercise its right to terminate this Lease and thereby extinguish the Permitted Leasehold Mortgage (and whereupon, if the City requires Lessee to surrender the Leasehold Improvements to the City under section 12 hereof, Lessee shall take all steps necessary to ensure that the Leasehold Improvements are transferred to the City free and clear of all monetary liens and encumbrances as required under section 12.

(D) Taxiway. Lessee acknowledges that the FAA requires an obstacle-free area on Taxiway "C" of 131 feet and that any modifications to the leasehold terrain/taxilane onto and/or adjacent to Taxiway "C" needs to be compliant with FAA taxiway design standards. Lessee shall bear all costs associated with any modifications.

(E) Soil and Environmental Conditions. Lessee acknowledges that it is familiar with and has had an opportunity to investigate the soil and environmental conditions at the Leased Premises. The City shall have no responsibility or liability in the event that the existing conditions do not support Lessee's proposed Leasehold Improvements.

(F) Protection from Aircraft Engine Blasts. Lessee shall provide an approved means of protection for persons and property from jet aircraft engine blasts or exhaust emissions at any time jet aircraft is operated on the Leased Premises.

(G) Parking. Lessee shall provide within the limits of the Leased Premises, at its own cost, a parking area for motor vehicles sufficient for vehicle parking needs of Lessee, its agents, employees, and customers.

(H) Permits. Lessee shall obtain all required permits and shall pay all required permit fees associated with Lessee's activities at the Leased Premises.

(I) Changes to Land Grade or Level. Lessee shall not make any changes in the land grade or level of the Leased Premises that might affect the abutting properties without the prior written consent of DOTE.

(J) Compliance with Federal Air Regulations. Lessee shall comply with Federal Air Regulations Part 77 and shall not penetrate any designated runway clear zone.

(K) Flood Plain. Lessee acknowledges that (i) the Leased Premises are located in a flood plain, (ii) FEMA requires that all improvements constructed within a flood plain comply with precise, rigorous construction standards, (iii) City building officials will not issue construction permits if the plans are not in compliance with the FEMA standards specific to flood plains, and (iv) compliance may add significant additional time and costs to the design and construction of the Leasehold Improvements.

(L) Alterations and Future Improvements. Once installed, Lessee shall not alter or remove any Leasehold Improvements except in accordance with section 12 below. Any and all alterations to the Leased Premises shall require the prior written consent of DOTE and shall comply with the minimum aesthetic and architectural standards and requirements adopted by the City (if any) that are applicable to the exterior of all other buildings and structures at the Airport.

(M) Determinations by DOTE. All determinations of the City, including determinations by the DOTE Director, with respect to the construction, alteration, maintenance, repair, restoration or removal of improvements at the Leased Premises shall be based upon confirmation that the improvements (i) are

structurally sound, (ii) comply with the safety standards and requirements applicable to all other buildings and structures at the Airport, (iii) are consistent with the quality and appearance of Airport facilities adjacent to Wilmer Avenue and/or Airport Road, and (iv) comply with all other requirements under this Lease applicable to the Leasehold Improvements.

(N) Potential Access Roads. The City may elect to develop or lease additional lease areas in the areas surrounding the Lease Premises. If the City develops or leases such areas, then the City or other persons may construct access roads or improve the pavements to create access roads to the surrounding areas. The access roads may be placed near or along the border of the Leased Premise. After creation of the access roads, Lessee shall at all times keep such access roads open and not impede or place anything on the access roads. The creation of the access roads will not reduce Lessee's rents or reduce any amounts owed to the City under this Lease. Lessee shall be responsible for its share of the costs to maintain and improve the access roads if Lessee uses the access roads.

## 7. Insurance.

(A) Insurance. Throughout the Term, Lessee shall maintain the following insurance:

(i) special peril (formerly known as "all-risk") full replacement cost insurance on the Leasehold Improvements, naming the City and Lessee as their interests may appear;

(ii) property insurance on any and all personal property of Lessee from time to time located at the Leased Premises in the amount of the full replacement cost thereof;

(iii) Commercial General Liability insurance of at least Three Million Dollars (\$3,000,000) per occurrence, combined single limit, naming the City as an additional insured, or such additional amounts as the City or its insurance or risk advisors may determine from time to time to be customary for similar-sized airport facilities;

(iv) automobile liability insurance in the amount of \$1,000,000 per occurrence, naming the City as an additional insured; and

(v) workers compensation insurance as required by law.

(B) Policy Requirements. Lessee's insurance policies shall (i) be written in standard form by insurance companies authorized to do business in Ohio and having an A.M. Best rating of A VII or better, (ii) provide that they may not be canceled or modified without at least thirty (30) days prior written notice to the City, and (iii) be primary and non-contributory with respect to insurance maintained by the City. No later than the Commencement Date, and annually thereafter, Lessee shall provide the City with a certificate of insurance evidencing the insurance required to be maintained by Lessee hereunder.

(C) Waiver of Subrogation. Lessee hereby waives all claims and rights of recovery, and on behalf of Lessee's insurers, rights of subrogation, against the City, its employees, agents, contractors and subcontractors with respect to any and all damage to or loss of property that is covered or that would ordinarily be covered by the insurance required under this Lease to be maintained by Lessee, even if such loss or damage arises from the negligence of the City, its employees, agents, contractors or subcontractors; it being the agreement of the parties that Lessee shall at all times protect itself against such loss or damage by maintaining adequate insurance. Lessee shall cause its property insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

(D) Indemnity. The City assumes no responsibility for any acts, errors or omissions of Lessee or any employee, agent, contractor, subcontractor, representative or any other person acting or purporting to act for or on behalf of Lessee. Lessee shall defend, indemnify and hold the City, its employees, agents, contractors and subcontractors ("**Indemnified Parties**") harmless from and against all costs (including without limitation legal costs), losses, claims, demands, actions, suits, judgments, claims for relief, damages

and liability suffered or incurred by or asserted against the Indemnified Parties or any one or more of them as a result of or arising from the acts of Lessee, its employees, agents, licensees, invitees, contractors, subcontractors or anyone else acting at the request of Lessee in connection with Lessee's activities at or with respect to the Leased Premises or in connection with any breach by Lessee under this Lease.

## **8. Casualty; Eminent Domain.**

(A) Casualty. If the Leased Premises are damaged or destroyed by fire or other casualty, Lessee shall repair and restore the Leased Premises (or, in the event of a partial taking, the remaining portion thereof), as expeditiously as possible, and to the extent practicable, to substantially the same condition in which they were in immediately prior to such occurrence. The City and Lessee shall jointly participate in filing claims and taking such other actions pertaining to the payment of proceeds resulting from such occurrence. All insurance proceeds shall be deposited with an insurance trustee appointed by both the City and Lessee, and such insurance proceeds shall be disbursed to Lessee for purposes of paying costs associated with restoration, repair, stabilization, or demolition, as necessary to meet the provisions set forth herein. If the insurance proceeds are insufficient to fully repair and restore the Leasehold Improvements, Lessee shall make up for the deficiency. Lessee shall not be relieved of any obligations, financial or otherwise, under this Lease during any period in which the Leased Premises are being repaired or restored (it being the agreement of the parties that Lessee shall purchase business interruption insurance, if it so chooses, to alleviate such financial burden). Lessee shall oversee all construction in accordance with the applicable requirements set forth herein. Notwithstanding anything herein to the contrary, Lessee shall have the right, but not the obligation to repair and restore the Leased Premises and Leasehold Improvements, *provided, however*, in the event that Lessee elects not to restore or repair the Leasehold Improvements, Lessee shall provide written notice to the City within thirty days after such damage or casualty event to terminate this Lease. If notice of termination is timely provided, this Lease shall terminate on the date specified in the notice. Upon termination of this Lease following a casualty event, the insurance proceeds shall be allocated as follows: (i) first to Lessee to perform any and all work necessary for the Leased Premises to be surrendered to the City in a safe and proper condition (i.e., to cause any and all remaining improvements to comply with all applicable laws, including the City's building code or to otherwise demolish the Leasehold Improvements); and (ii) second to any Permitted Leasehold Mortgagee to satisfy any outstanding principal, interest or any other amounts owed to such Permitted Leasehold Mortgagee. Upon such termination, Lessee shall satisfy and cause to be released any mortgages, liens, or other encumbrances placed upon or permitted to be placed upon the Leased Premises.

(B) Eminent Domain. If any portion of the Leased Premises is taken by exercise of eminent domain (federal, state, or local), Lessee shall repair and restore the Leased Premises (or, in the event of a partial taking, the remaining portion thereof), as expeditiously as possible, and to the extent practicable, to substantially the same condition in which they were in immediately prior to such occurrence. Notwithstanding the foregoing, if (i) the entire Leased Premises are taken by eminent domain, this Lease shall automatically terminate on the date on which Lessee is required to surrender possession, and (ii) if a substantial portion of the Leased Premises is taken by eminent domain such that the remainder is not usable for the Permitted Use as determined by Lessee, Lessee shall have the right to terminate this Lease by giving written notice thereof to the City on or before the date on which Lessee is required to surrender possession of such portion. Upon such termination of this Lease, the eminent domain proceeds shall be allocated as follows: (i) in the case of a taking by the state or federal government, to the City, to compensate the City for the value of the land taken (and, in the event of a partial taking, for the cost of clearing and otherwise restoring the remaining portion of the Leased Premises); and (ii) to Lessee, to compensate Lessee for the value of the Leasehold Improvements; provided, however, following title and ownership of the Leasehold Improvements vesting with the City, all such value shall be allocated to the City.

## **9. Default; Remedies.**

(A) Default. Each of the following shall constitute an event of default by Lessee under this Lease:

(i) If Lessee fails to pay rent or any other sum payable to the City hereunder when due, and such failure to pay continues for longer than ten (10) days after Lessee receives written notice thereof from the City;

(ii) If Lessee fails to perform or observe any of the other covenants, terms or conditions contained in this Lease, and such failure continues for longer than twenty (20) days after Lessee receives written notice thereof from the City; provided, however, that if such failure is not reasonably susceptible of being cured within such 20-day period, an event of default shall not be deemed to have occurred if Lessee commences to cure such failure within such 20-day period and thereafter diligently pursues such cure to completion and, in fact, cures such failure within ninety (90) days after Lessee receives written notice of the default from the City. The foregoing notwithstanding, if the failure creates a dangerous condition or otherwise constitutes an emergency as determined by the City, an event of default shall be deemed to have occurred if Lessee fails to promptly take corrective action upon discovering such dangerous condition or emergency (and in any event within no later than 24 hours, depending upon the nature of the emergency and the steps needed to address it); and

(iii) The commencement of levy, execution or attachment proceedings against Lessee, any principal (which shall be defined as any individual or entity having an ownership interest in Lessee of more than 25%) or partner of Lessee, or any of the assets of Lessee, or the application for or appointment of a liquidator, receiver, custodian, sequester, conservator, trustee, or other similar judicial officer; or the insolvency in the bankruptcy or equity sense, of Lessee or any principal or partner of Lessee; or the assignment for the benefit of creditors, or the admission in writing of an inability to pay debts generally as they become due, or the ordering of the winding-up or liquidation of the affairs of Lessee or any principal or partner of Lessee; or the commencement of a case by or against Lessee or any principal or partner of Lessee under any insolvency, bankruptcy, creditor adjustment, debtor rehabilitation or similar laws, state or federal, or the determination by any of them to request relief under any insolvency, bankruptcy, creditor adjustment, debtor rehabilitation or similar proceeding, state or federal, including, without limitation, the consent by any of them to the appointment of or taking possession by a receiver, liquidator, assignee, trustee, custodian, sequester or similar official for it or for any of its respective property or assets (unless, in the case of involuntary proceedings, the same shall be dismissed within ninety (90) days after institution).

(B) **Remedies.** Upon the occurrence of an event of default that continues beyond the applicable notice and cure period (if any) provided for under paragraph (A) above, the City shall be entitled to (i) terminate this Lease by giving Lessee written notice thereof, (ii) take such actions in the way of "self-help" as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of Lessee, and (iii) exercise any and all other rights and remedies under this Lease or available at law or in equity, including without limitation pursuing an action for specific performance; all such rights and remedies being cumulative. Lessee shall be liable for all costs and damages, including without limitation legal fees, suffered or incurred by the City as a result of a default of Lessee under this Lease or the City's enforcement or termination of this Lease. Lessee shall pay all such costs and damages within thirty (30) days after receiving documentation from the City of the amount due. The failure of the City to insist upon the strict performance of any covenant or duty or to pursue any remedy under this Lease shall not constitute a waiver of the breach of such covenant or of such remedy. Nothing contained in this Lease shall limit or prejudice the right of a party to prove for and obtain as damages incident to a termination of this Lease in any bankruptcy, reorganization or other court proceedings, the maximum amount allowed by any statute or rule of law in effect when such damages are to be proved.

**10. Assignment and Subletting.** Lessee acknowledges that the City is entering into this transaction because of the City's confidence that Lessee has the financial means and business experience that are necessary to carry out the construction of the Leasehold Improvements and to successfully operate Lessee's business in accordance with the provisions of this Lease. Lessee acknowledges that the City shall not be expected to consent to a proposed assignment or sublease by Lessee of its interests under this Lease to any person or entity in whom the City does not have similar confidence. Any attempt by Lessee

to assign or otherwise transfer its interests under this Lease to a third party without the City's prior written consent shall be null and void and shall, at the option of the City, constitute a default of Lessee under this Lease. The foregoing notwithstanding, if Lessee transfers its interests under this Lease to an affiliate of Lessee (including without limitation a sublease of a portion of the Leased Premises to Lessee's affiliate), or to the surviving entity in a merger involving Lessee, or to the purchaser of all or substantially all of Lessee's assets or ownership interests, such transfer shall not constitute a prohibited assignment for purposes of this section provided that Lessee provides the City with no less than 30 days prior written notice thereof, accompanied by the relevant supporting documentation. As used in the preceding sentence, an "affiliate" of Lessee means an entity that controls, or is controlled by, or is under common control with, Lessee. For purposes hereof "control" shall mean the power, exercisable jointly or severally, to manage and direct the business and affairs of a party through the ownership of more than fifty percent (50%) of membership or partnership interests, corporate stock and/or voting rights. No assignment or sublease by Lessee of its rights or obligations under this Lease to an affiliate or any other third party shall relieve Lessee from any liability to the City under this Lease. All compensation received by Lessee in connection with a subletting relating to or otherwise allocable to this Lease in respect of the interval in question that exceeds the base rent ("Excess Compensation") for the same interval shall be payable as follows:

- (1) first, to Lessee until Lessee has received an amount equal to all actual, third-party, out-of-pocket costs incurred by Lessee in connection with such transfer (including brokerage commissions, attorneys' fees and expenses, Lessee finish-work, and other Lessee inducements); an
- (2) thereafter, 50% to City and 50% to Lessee.

(a) If an event of default occurs, all such Excess Compensation accruing thereafter shall be payable to City. Lessee shall hold all amounts it receives which are payable to City in trust and shall deliver all such amounts to City within ten business days after Lessee's receipt thereof.

**11. Notices.** All notices given by the parties hereunder shall be deemed given if personally delivered, or delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:

City of Cincinnati  
Dept of Transportation & Engineering  
801 Plum Street, Suite 450  
Cincinnati, OH 45202

To Lessee:

Jay Schmalfuss, Member  
4510 Airport Rd.  
Cincinnati, OH 45226  
513-321-1200 ext. 806  
[jay@flightlogix.com](mailto:jay@flightlogix.com)

*with a copy to:*

City of Cincinnati  
Attn: Airport Manager  
465 Wilmer Ave, Cincinnati, OH 45226

If Lessee sends a notice to the City alleging that the City is in default under this Lease, it shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, OH 45202.

**12. Surrender; Holdover.**

(A) Surrender. At the end of the Term, Lessee shall peaceably surrender the Leased Premises to the City, free and clear of all leasehold mortgages and other liens (except those, if any, created by the

City); provided, however, that, notwithstanding any other provision of this Lease to the contrary, no less than 90 days prior to the end of the Term, Lessee shall notify DOTE in writing of the existence of any fuel tanks at the Leased Premises (“**Fuel Tanks**”), whereupon DOTE shall notify Lessee as to whether or not the City requires the removal of the Fuel Tanks. If the City requires Lessee to remove the Fuel Tanks, Lessee shall remove the same and repair any and all damage to the Leased Premises caused thereby no later than the end of the Term. As provided in paragraph 6(L) above, Lessee shall not be permitted to remove any other improvements and acknowledges that the City would not enter into this Lease on the terms and conditions set forth herein but for Lessee’s obligation to surrender all improvements to the City, free and clear of all liens, at the end of the Term.

(B) Lessee’s Right to Remove Items of Personal Property. No later than the last day of the Term, Lessee shall remove all of Lessee’s personal property at the Leased Premises (excluding trade fixtures, which shall not be removed unless otherwise directed by the City under paragraph 12(A) above)) shall repair any and all damage to the Leased Premises caused by the installation or removal thereof and otherwise restore the Leased Premises to a safe, clean, and satisfactory condition.

(C) Holdover. If Lessee fails to surrender possession of the Leased Premises to the City at the end of the Term, such holdover shall be deemed as creating a tenancy-at-will on all of the same terms and conditions as set forth herein (except for the duration of the Term and except that base rent payable during the holdover period shall be equal to two hundred percent of the base rent in effect at the end of the Term), terminable by either party at any time by giving written notice thereof to the other party. Lessee shall be liable for all costs and damages suffered or incurred by the City as a result of Lessee’s failure to surrender possession at the end of the Term, including without limitation costs and damages suffered or incurred by the City during the holdover period.

(D) Documents to be Delivered to City. At the end of the Term, Lessee shall deliver to the City originals or copies of all books and records, operating manuals, contracts with third parties (but only if the City has expressly agreed to accept an assignment of such contracts), warranty information, and all other written materials and documents that are in Lessee’s possession or under Lessee’s control and that are reasonably needed in order for there to be a seamless transition with respect to the operation and maintenance of the Leased Premises for the Permitted Use.

### **13. Compliance with Laws.**

(A) Compliance with Laws. Lessee shall comply with all federal, state, and local laws, ordinances, rules, and regulations, including without limitation all applicable building and zoning codes of the City of Cincinnati pertaining to the Airport, all applicable requirements set forth in Chapter 402 (*Airport*) of the CMC, and all requirements under Title 49 of the Code of Federal Regulations, as the same may be enacted or modified from time to time.

(B) Non-Discrimination. In all its activities, the Lessee agrees to comply with pertinent statutes, Executive Orders, and such rules as identified in Title VI List of Pertinent Nondiscrimination Acts and Authorities to ensure that no person shall, on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability be excluded from participating in any activity conducted with or benefiting from Federal assistance. This provision is in addition to that required by Title VI of the Civil Rights Act of 1964 which Lessee shall comply with. If the Lessee transfers its obligation to another, the transferee is obligated in the same manner as the Lessee. In the event of breach of any of the above Nondiscrimination covenants, the City will have the right to terminate the Lease and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the Lease had never been made or issued. With reference to 49 CFR Subtitle A, Part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation”, the purpose of which “is to effectuate the provisions of Title VI of the Civil Rights Act of 1964 . . . to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Transportation”, Lessee shall include the

foregoing provision in every agreement or concession pursuant to which any person or persons, other than Lessee, operates any facility at the Leased Premises providing services to the public and shall include therein a provision granting the City the right to take such action as the United States may direct to enforce such covenant. Lessee shall defend, indemnify, and hold harmless the City from any and all claims and demands of third persons, including the United States of America, resulting from Lessee's noncompliance with any of the provisions of this section and shall reimburse the City for any and all losses or expenses incurred by reason of such noncompliance.

**14. Coordinated Report Conditions (CR #40-2024).** All conditions set forth in the City's Coordinated Report #40-2024 shall apply (summarized generally as follows):

(A) Metropolitan Sewer District of Greater Cincinnati and Stormwater Management Utility. Lessee shall comply with all requirements of the Metropolitan Sewer District of Greater Cincinnati ("MSD"), the City's Stormwater Management Utility (SMU), and the Ohio EPA with respect to sewer service, storm water, detention, and flood plain requirements.

(B) Greater Cincinnati Water Works. Lessee must conform to Greater Cincinnati Water Works' requirements for water service, including backflow prevention requirements, entirely at their cost." GCWW records show that this site does not have backflow prevention devices installed as required for commercial accounts. To bring this service into compliance, backflow prevention devices will need to be installed. Test results will be required to be submitted to GCWW upon initial installation and annually thereafter. Lessee must contact GCWW Field Services at 513-591-7825 for more information or to schedule an inspection. The Lessee is advised that the Lease Area is served by 1.5 inch copper service. The Lease Area contains two public fire hydrants which must be kept clear and accessible and otherwise maintain the integrity of the fire hydrants.

No building, structure or improvement of any kind shall be made in the lease area which will interfere with access to or operation of the existing water main. The City of Cincinnati, Ohio shall not be responsible to any present or future owners of said property or present or future owners of property with rights of ingress and egress over said property for reason of entering for constructing, maintaining or replacing the water mains. Further, the City of Cincinnati, Ohio shall not be responsible to any present or future owners of said property or future owners of property with rights of ingress and egress over said property for any damages which result from disruption or denial of said rights of ingress and egress or other rights of access by reason of entering for constructing, maintaining, or replacing the water main. No grade changes of any kind over any part of the full width profile of this lease area are permitted at any time so not to impact any present or future Water Works operations. The full width lease area must be accessible to the Water Works at all times for future maintenance and operation purposes

(C) Duke Energy. Lessee shall not do anything to interfere with Duke Energy's right to access, use, maintain, repair, or replace its existing electric or gas facilities at the site, if any. Any and all damage to the electric and gas facilities caused by Lessee, its employees, agents, contractors, licensees, or invitees shall be repaired at Lessee's expense. If required by Duke, Lessee shall grant Duke a recordable utility easement for Duke's existing gas facilities (such easement to encumber only Lessee's leasehold interest in the Leased Premises, and not the City's fee interest; the parties acknowledging that any such easement from the City would require approval by City Planning Commission and City Council).

(D) Altafiber. The existing facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work required to relocate the facilities as a result of this request will be handled entirely at the property owner's expense.

(E) Buildings & Inspections. If the Leased Premises do not constitute a separate tax parcel on the Hamilton County Auditor's tax maps, Lessee shall take all steps to accomplish the same, in cooperation with DOTE and the City's Real Estate Services Division.

**15. General Provisions.**

(A) Entire Agreement. This Lease (including the exhibits hereto) contains the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations, or agreements, written or oral, between them respecting the subject matter hereof.

(B) Amendments. This Lease may be amended only by a written amendment signed by both parties.

(C) Governing Law. This Lease shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Lease shall be brought in the Hamilton County Court of Common Pleas, and Lessee agrees that venue in such court is proper. Lessee hereby waives trial by jury with respect to any and all disputes arising under this Lease.

(D) Binding Effect. This Lease shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(E) Captions. The captions of the various sections and paragraphs of this Lease are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Lease.

(F) Severability. If any part of this Lease is held to be void, illegal or unenforceable by a court of law, such part shall be deemed severed from this Lease, and the balance of this Lease shall remain in full force and effect.

(G) No Recording. This Lease shall not be recorded in the Hamilton County Recorder's office.

(H) Time. Time is of the essence with respect to the performance by Lessee of its obligations under this Lease.

(I) No Third Party Beneficiaries. The parties hereby agree that no third party beneficiary rights are intended to be created by this Lease.

(J) No Brokers. Lessee represents that it has not dealt with a real estate broker, salesperson or other person who might claim entitlement to a fee or other compensation as a result of the parties' execution of this Lease.

(K) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Lease shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future member, officer, agent, or employee of the City in other than his or her official capacity. No official executing or approving the City's participation in this Lease shall be personally liable under this Lease.

(L) Representation as to Authority. Lessee represents that it has the power and authority to enter into and perform its obligations under this Lease without the consent of anyone who is not a party to this Lease and that the execution and performance of this Lease has been duly authorized by all necessary actions on Lessee's part.

**16. Exhibits.** The following exhibits are attached hereto and made a part hereof:

Exhibit A - *Site Map*

Exhibit B - *Legal Description*

Exhibit C - *Construction Requirements*

[SIGNATURE PAGES FOLLOW]

This Lease is executed by the parties on the dates of acknowledgement indicated below, effective as of the later of such dates (the "Effective Date").

**39<sup>th</sup> Parallel Leasing, LLC.**, an Ohio limited liability company

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

Printed name: \_\_\_\_\_

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

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024 by \_\_\_\_\_, the \_\_\_\_\_ of **39th Parallel Leasing, LLC.**, an Ohio limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

[City Signature Page Follows]

**CITY OF CINCINNATI**

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

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

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

STATE OF OHIO                    )  
  ) ss:  
COUNTY OF HAMILTON         )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2024, by \_\_\_\_\_, the \_\_\_\_\_ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Recommended by:

\_\_\_\_\_  
John Brazina, Director  
Department of Transportation and Engineering

\_\_\_\_\_  
Jaime Edrosa, Lunken Airport

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

**NO CERTIFICATION OF FUND REQUIRED**

By: \_\_\_\_\_  
Karen Alder, City Finance Director

**EXHIBIT A**  
to Lease  
Site Map

**Figure 1**  
Lunken Airport LA 11, 28, 29 Combined Area, approximately 4.5 acres.



**EXHIBIT B**  
to Lease  
*Legal Description*

City of Cincinnati  
Department of Transportation and Engineering  
August 2024

Lunken Airport  
Consolidation of Lease Areas 11, 28, and 29

Situated in Sections 24 and 30, Town 5, F.R. 1, Spencer Township, Hamilton County, Ohio, and being part of certain lots of the M.S. Wade Estate and parts of certain lots of Mary W. Lockett's Estate and more particularly described as follows:

Ohio State Coordinates (South Zone 3402)

E 1421258.67 N 406963.17  
E 1421591.78 N 407130.83  
E 1421826.80 N 406633.45  
E 1421487.84 N 406473.32  
E 1421326.79 N 406817.57  
E 1421298.78 N 406804.34  
E 1421266.01 N 406874.38  
E 1421294.02 N 406887.61

Area 206,305.52 +/- SF

Coordinates Based On NAD-83 (1986)  
Corpscon

**EXHIBIT C**  
to Lease  
*Construction Requirements*

As the Leasehold Improvements are owned by the City, Lessee shall comply with all applicable City requirements for construction, improvement, or repairs to the Leasehold Improvements and facilities.

1. **Design & Construction.** In accordance with Section 6 of the Lease, prior to commencing construction, Lessee shall provide DOTE with plans and specifications for the Project for DOTE's review and approval. All construction shall be performed in a good and workmanlike manner and in accordance with all legal requirements. All materials and workmanship shall be of good quality, and upon completion of construction, all improvements will be structurally safe and sound, and all parts therefor and all mechanical equipment therein and all utilities serving the improvements will be in good working order and will have been properly installed, tested, and paid for.

2. **Construction Schedule.**

(A) **Construction Completion.** Lessee shall request approvals from DOTE prior to commencement of construction or modifications to the Leasehold Improvements. Lessee shall diligently work to complete any project and shall not leave any project uncompleted.

(B) **Notice of Commencement and Completion.** Lessee shall provide DOTE written notice within 10 business days upon commencing any project and shall provide DOTE written notice within 10 business days following the date on which Lessee completes any project. The City shall inspect the project upon completion and notify Lessee of any observable deficiencies.

3. **City's Approval of General Contractor and Subcontractors.** Lessee shall not hire any contractor or subcontractor who is listed on the Federal Debarred List or State Debarred List, or any contractor or subcontractor who is identified as being debarred on the City's Vendor's Performance list (as identified on the applicable federal, state, and local government websites).

4. **Monthly Project Reports.** On a calendar month basis, and until such time as a project has been completed, Lessee shall submit a monthly progress report to DOTE so that the City can be kept up-to-date on all matters pertaining to the project.

5. **Inspections.** The City shall have the right to periodically inspect the project. If the City discovers any defects in the project or deviation from the Final Plans, Lessee shall promptly correct the same upon receipt of written notice from the City. The City shall use reasonable efforts to verbally notify Lessee prior to each inspection (except that no prior notice shall be needed in the event of inspections by the City's Building Department or Health Department) and shall use reasonable efforts not to disrupt construction.

6. **No Liens.** Lessee shall not permit any mechanics' liens to attach to the Leased Premises in connection with the project. If any such liens attach, Lessee shall cause them to be released within thirty (30) days after receiving notification of the filing thereof.

7. **Prevailing Wage.** Lessee shall comply with applicable prevailing wages for the project as determined by state and local law. Lessee acknowledges and agrees that it has not and shall not rely upon determinations or representations made by the City, its employees, or agents regarding applicability of state and local prevailing wage laws and that Lessee's decisions regarding applicability of and compliance with such laws shall be based upon its own and its counsel's investigations, determinations, and opinions.

Without limitation of other rights and remedies available to the City under this Lease or under state or local laws, Lessee shall defend, indemnify, and hold the City harmless from and against all costs (including without limitation legal costs), losses, claims, demands, actions, suits, judgments, claims for relief, damages and liability suffered or incurred by or asserted against them as a result of or arising from Lessee's failure to comply with applicable prevailing wage laws.

**8. Punch-List Work.** Promptly after delivering the Notice of Completion to DOTE under Section 1 above, Lessee shall create a punch-list of unfinished work and shall promptly thereafter complete such work (but in any event within 90 days after the date of the Notice of Completion).

**9. Correction of Defects During Warranty Period.** If any defect should appear that, in the reasonable opinion of the City, is due to defective materials or workmanship, Lessee shall remedy such defect within the applicable warranty period under Lessee's contract with its general contractor.

\* \* \*

November 20, 2024

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

202402395

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

**Subject: Ordinance – Cincinnati Recreation Commission: Queen City Safety While Integrating Skills and Hoops (“SWISH”) Program Grant**

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$25,569 from the Cincinnati Police Department Community Preventive Education Grant Program to operate the Cincinnati Recreation Commission’s Queen City Safety While Integrating Skills and Hoops (SWISH) Program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Approval of this Ordinance would authorize the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$25,569 from the Cincinnati Police Department (CPD) Community Preventive Education Grant Program to operate the Cincinnati Recreation Commission (CRC) Queen City Safety While Integrating Skills and Hoops (SWISH) Program. This Ordinance also authorizes the Finance Director to deposit the grant funds into Contributions for Recreation Purposes Fund revenue account no. 319x8571.

CPD provides grants for community-based drug and alcohol prevention programs from its State Asset Forfeiture Funds as stipulated in Ohio Revised Code (ORC) Section 2981.13. CRC will use the grant resources to operate the Queen City Safety While Integrating Skills and Hoops (SWISH) Program, which provides high-level educational, recreational, and mentoring opportunities for Cincinnati teens between the ages of 12 and 17. Through the game of basketball, program attendees will learn valuable life skills to prepare them for the game of life. Participants will engage in fun, positive activities centered around learning life skills, competition, and drug prevention in cooperation with CPD and the Cincinnati Fire Department (CFD).

There are no new FTEs/full time equivalents or matching funds associated with the grant. The City already applied for the grant application to meet the deadline of October 30, 2024. However, no grant funds will be accepted without approval by the City Council.

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 210 - 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 \$25,569 from the Cincinnati Police Department Community Preventive Education Grant Program to operate the Cincinnati Recreation Commission’s Queen City Safety While Integrating Skills and Hoops (SWISH) Program; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

WHEREAS, the Cincinnati Police Department (“CPD”) 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, the Cincinnati Recreation Commission will use the grant resources to operate the Queen City Safety While Integrating Skills and Hoops (SWISH) Program, which provides high-level educational, recreational, and mentoring opportunities for Cincinnati teens between the ages of twelve and seventeen; and

WHEREAS, through the game of basketball, program attendees will learn valuable life skills to prepare them for the game of life; and

WHEREAS, participants will engage in fun, positive activities centered around learning life skills, competition, and drug prevention in cooperation with CPD and the Cincinnati Fire Department; and

WHEREAS, the grant application deadline was October 30, 2024, and the City has already applied for the grant, but no grant funds will be accepted without approval by Council; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs/full time equivalents associated with this grant; 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 210 - 212 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$25,569 from the Cincinnati Police Department Community Preventive Education Grant Program to operate the Cincinnati Recreation Commission’s Queen City Safety While Integrating Skills and Hoops (SWISH) Program.

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

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

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

Passed: \_\_\_\_\_, 2024

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

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

November 20, 2024

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

202402396

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

**Subject: Ordinance – Cincinnati Recreation Commission: Hartwell Recreation Field Donation from FC Cincinnati**

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Attached is an Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the installation of a turf field at the Hartwell Recreation Complex; **AUTHORIZING** the City Manager to accept and appropriate a donation of \$30,000 from FC Cincinnati into newly established capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the installation of a turf field at the Hartwell Recreation Complex; and **AUTHORIZING** the Director of Finance to deposit \$30,000 from FC Cincinnati into capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation.”

Approval of this Ordinance would authorize the City Manager to accept and appropriate a donation of \$30,000 from FC Cincinnati into newly established capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the installation of a turf field at the Hartwell Recreation Complex. FC Cincinnati generously offered to donate \$30,000 to support the installation of a turf field at the Hartwell Recreation Complex. As a condition for the cash donation, FC Cincinnati requires that The Motz Group perform the work for the installation of the turf infield due to its expertise with such work.

The donation requires \$30,000 in matching funds which will come from existing Cincinnati Recreation Commission (CRC) capital improvement program resources. There are no new FTEs/full time equivalents associated with the acceptance of this donation.

Accepting this donation to support the Hartwell turf field installation is in accordance with the “Live” goal to “[b]uild a robust public life” and the strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people,” as described on pages 147-152 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

**ESTABLISHING** new capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the installation of a turf field at the Hartwell Recreation Complex; **AUTHORIZING** the City Manager to accept and appropriate a donation of \$30,000 from FC Cincinnati into newly established capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the installation of a turf field at the Hartwell Recreation Complex; and **AUTHORIZING** the Director of Finance to deposit \$30,000 from FC Cincinnati into capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation.”

WHEREAS, FC Cincinnati has generously offered to donate \$30,000 to support the installation of a turf field at the Hartwell Recreation Complex; and

WHEREAS, as a condition for the cash donation, FC Cincinnati requires that The Motz Group perform the work for the installation of the turf infield at Hartwell Recreation Complex due to its expertise with such work; and

WHEREAS, the donation requires \$30,000 in matching funds which will come from existing Cincinnati Recreation Commission capital resources; and

WHEREAS, there are no new FTE/full time equivalents associated with this donation; and

WHEREAS, accepting this donation to support the Hartwell turf field installation is in accordance with the “Live” goal to “[b]uild a robust public life” and the strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on pages 147-152 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is authorized to establish new capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the installation of a turf field at the Hartwell Recreation Complex (“Project”).

Section 2. That the City Manager is authorized to accept and appropriate a donation of \$30,000 from FC Cincinnati into newly established capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the Project.

Section 3. That the Director of Finance is authorized to deposit \$30,000 from FC Cincinnati into capital improvement program project account no. 980x199x251924, “Hartwell Field - FCC Donation,” to provide resources for the Project.

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

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

Passed: \_\_\_\_\_, 2024

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

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

November 20, 2024

**To:** Mayor and Members of City Council 202402397

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

**Subject:** **Ordinance – Cincinnati Recreation Commission: FC Cincinnati Foundation Grant for Lincoln Recreation Center Rec@Nite**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$10,000 from the FC Cincinnati Foundation to support the City’s Rec@Nite program at the Lincoln Recreation Center in the West End neighborhood; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Approval of this Ordinance would authorize the City Manager to accept and appropriate a grant in the amount of up to \$10,000 from the FC Cincinnati Foundation to support the City’s Rec@Nite program at the Lincoln Recreation Center in the West End neighborhood. This Ordinance further authorizes the Finance Director to deposit the grant funds into Contributions for Recreation Purposes Fund revenue account no. 319x8571.

A grant of up to \$10,000 is available from the FC Cincinnati Foundation to support the City’s Rec@Nite program at Lincoln Recreation Center in the West End neighborhood. The City’s Rec@Nite program is focused on creating a safe, welcoming, and fun place for teens to spend time and participate in activities like silent disco nights, DJ sets, art creation, barbers and nail techs, sports, open swims, and more.

There are no new FTEs/full time equivalents or matching funds associated with the grant. The City already applied for the grant, but no grant funds will be accepted without approval by the City Council.

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

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 \$10,000 from the FC Cincinnati Foundation to support the City’s Rec@Nite program at the Lincoln Recreation Center in the West End neighborhood; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

WHEREAS, the FC Cincinnati Foundation provides annual grants to invest towards community building initiatives in the City’s West End community; and

WHEREAS, a grant of up to \$10,000 is available to support the City’s Rec@Nite program at Lincoln Recreation Center in the West End neighborhood; and

WHEREAS, the City’s Rec@Nite program is focused on creating a safe, welcoming, and fun place for teens to spend time and participate in activities like silent disco nights, DJ sets, art creation, barbers and nail techs, sports, open swims, and more; and

WHEREAS, acceptance of this grant requires no matching funds, and no new permanent FTEs/full time equivalents are associated with acceptance of this grant; and

WHEREAS, the City already applied for the grant, but no grant funds will be accepted without approval by Council; and

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

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$10,000 from the FC Cincinnati Foundation to support the City’s Rec@Nite program at Lincoln Recreation Center in the West End neighborhood.

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

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

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

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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

November 20, 2024

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

202402398

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

**Subject: Emergency Ordinance – DOTE: Accept Additional OKI Grant Resources for Coordinated Traffic Control System (CTCS)**

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Attached is an Emergency Ordinance captioned:

**AMENDING** Ordinance No. 31-2023, which authorized the City Manager to accept and appropriate a grant of up to \$6,000,000 from the Congestion Mitigation/Air Quality program awarded through the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) (ALN 20.205) to provide resources to upgrade and install a fiber optic Coordinated Traffic Control System in the Over-the-Rhine neighborhood, to increase the grant resource value to up to \$6,600,000.

This Emergency Ordinance amends Ordinance No. 0031-2023, which authorized the City Manager to accept and appropriate a grant of up to \$6,000,000 from the Congestion Mitigation/Air Quality (CMAQ) program awarded through the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) (ALN 20.205) to provide resources to upgrade and install a fiber optic Coordinated Traffic Control System in the Over-the-Rhine (OTR) neighborhood, to increase the grant resource value to up to \$6,600,000.

On February 1, 2023, the City Council passed Ordinance No. 0031-2023, which established new capital improvement program project account no. 980x239x232370, “CTCS OTR Fiber OKI Grant,” to provide grant resources to upgrade and install a fiber optic Coordinated Traffic Control System in the Over-the-Rhine neighborhood. Ordinance No. 0031-2023 also authorized the City Manager to accept and appropriate a grant of up to \$6,000,000 from the Congestion Mitigation/Air Quality program awarded through OKI (ALN 20.205) to capital improvement program project account no. 980x239x232370, “CTCS OTR Fiber OKI Grant.”

The bids for the CTCS OTR Fiber OKI project exceeded the grant funding of \$6,000,000, and the City requested and was awarded an additional \$600,000 in grant funding from OKI.

Acceptance of the increased grant award does not require additional matching funds or new FTEs/full time equivalents.

The reason for the emergency is the immediate need to accept and appropriate additional grant resources to ensure uninterrupted progress of the CTCS OTR Fiber OKI Grant project.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



**EMERGENCY**

CNS

-2024

**AMENDING** Ordinance No. 31-2023, which authorized the City Manager to accept and appropriate a grant of up to \$6,000,000 from the Congestion Mitigation/Air Quality program awarded through the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) (ALN 20.205) to provide resources to upgrade and install a fiber optic Coordinated Traffic Control System in the Over-the-Rhine neighborhood, to increase the grant resource value to up to \$6,600,000.

WHEREAS, on February 1, 2023, Council passed Ordinance No. 31-2023, which established new capital improvement program project account no. 980x239x232370, “CTCS OTR Fiber OKI Grant,” to provide grant resources to upgrade and install a fiber optic Coordinated Traffic Control System (“CTCS”) in the Over-the-Rhine (“OTR”) neighborhood (HAM VAR CTCS OTR West End PID 115277); and

WHEREAS, Ordinance No. 31-2023 also authorized the City Manager to accept and appropriate a grant of up to \$6,000,000 from the Congestion Mitigation/Air Quality program awarded through the Ohio-Kentucky-Indiana Regional Council of Governments (“OKI”) (ALN 20.205) to capital improvement program project account no. 980x239x232370, “CTCS OTR Fiber OKI Grant”; and

WHEREAS, the bids for the CTCS OTR Fiber OKI project exceeded the grant funding of \$6,000,000, and the City requested and was awarded an additional \$600,000 in grant funding from OKI; and

WHEREAS, acceptance of the increased grant award does not require additional matching funds or new FTEs/full time equivalents; and

WHEREAS, Ordinance No. 31-2023 must be amended to allow the City to accept and appropriate the grant award now valued at up to \$6,600,000 to the CTCS OTR Fiber OKI grant project; now, therefore,

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

Section 1. That Section 2 and Section 4 of Ordinance No. 31-2023, approved by Council on February 1, 2023, are amended as follows:

Section 2. That the City Manager is hereby authorized to accept and appropriate a Congestion Mitigation/Air Quality grant of up to \$6,600,000, awarded by the Ohio-Kentucky-Indiana Regional Council of Governments (ALN 20.205), ~~in an amount up to \$6,000,000~~ to newly established capital

improvement program project account no. 980x239x232370, “CTCS OTR Fiber OKI Grant,” for the purpose of providing grant resources to upgrade and install a fiber optic CTCS in the OTR neighborhood.

Section 4. That the Director of Finance is authorized to deposit up to \$6,600,000 of grant resources ~~in an amount up to \$6,000,000~~ into newly established capital improvement program project account no. 980x239x232370, “CTCS OTR Fiber OKI Grant.”

Section 2. That all terms of Ordinance No. 31-2023 not amended in this ordinance remain in full force and effect.

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 accept and appropriate additional grant resources to ensure uninterrupted progress of the CTCS OTR Fiber OKI Grant project.

Passed: \_\_\_\_\_, 2024

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

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

\_\_\_\_\_  
New language underlined. Deletions struck through.

November 20, 2024

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: Road Closure Policy Update

**202402399**

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Reference Document #202401922

The Council at its session on September 11, 2024, referred the following item for review and report.

MOTION, dated 8/21/2024, submitted by Councilmember Walsh, WE MOVE that the Administration prepare a report and updated policy within 30 days for supporting small businesses during road closures.

**BACKGROUND**

The Department of Transportation and Engineering (DOTE) Permit Office requires a Traffic Management Plan (TMP) for those permitted construction activities that significantly impact public right-of-way, such as utility service road closures, to ensure safe passage for all travel modes, including pedestrians, cyclists, transit users, and motorists. Before issuing a right-of-way permit, the TMP must be approved, meeting safety standards from the Ohio Manual on Uniform Traffic Control Devices (OMUTCD).

To better align with the City's focus on pedestrian safety in 2023, the Permit Office updated TMP Guidelines which emphasized active transportation modes (walking and biking), minimum contractor requirements, a comprehensive checklist of items to include in the TMP and contact information for requesting police details and obtaining temporary no-parking signage.

Currently, the minimum contractor requirements include notifications to the affected properties immediately adjacent to the construction. Prior to the start of non-emergency construction, notifications by mail must be postmarked at least 5 days in advance and in-person notifications must occur at least 72 hours before construction.

DOTE regularly updates road closures on its website, with special event road closures listed on the Traffic Alerts page, and long-term closures shared via the News section and social media, as appropriate.

**ACKNOWLEDGEMENT**

The DOTE Permit Office recognizes the challenges of balancing construction work in the public right-of-way while maintaining access and safety for all road users. Construction, whether it is associated with a DOTE sponsored project or a permit project, can significantly disrupt residents, commuters, and businesses, affecting customer access, deliveries, and overall operations. To address this, for DOTE sponsored projects, our construction and design teams collaborate with impacted property owners and businesses to accommodate their needs. For permit projects, the DOTE Permit Office issues notification requirements as part of the permit conditions.

As part of the recent Riverside Drive closure, these notification requirements were exceeded by the permit holder, Greater Cincinnati Water Works (GCWW), who began notifying affected property owners and the East End Neighborhood Business District well in advance of the utility work, hosting community meetings and adding signage to inform travelers that the business district remained open. DOTE sponsored projects recently provided supplemental signage for longer-term road closures, including Mr. Gene's Dog House on Beekman Street and Hyde Park School on Edwards Road. Please see the images attached to this report.

These efforts demonstrate the importance of proactive communication and collaboration to keep residents, commuters, and businesses informed about project timelines, detours, and work progress despite the many moving parts and potential delays involved in construction.

## SUMMARY

DOTe implements a structured process to manage road closures and construction activities, prioritizing safety and communication with the intent to support small businesses.

- DOTE Permit Office requires a TMP for significant construction activity impacting the street system; the TMP requires a comprehensive project description and traffic control measures that consider all travel modes.
- The updated TMP Guidelines includes a comprehensive checklist to address safety requirements, including the accommodation of all travel modes and the maintenance of ADA compliance.
- Contractors are required to notify affected properties before construction begins.
- DOTE communicates road closure updates through the City's website and social media channels, when appropriate.
- Currently, there is no dedicated funding available to compensate business owners impacted by right-of-way construction, nor is there a process in place to manage such a program.

## CONSIDERATIONS

To further enhance the TMP process for the safety and accessibility in construction work zones and to minimize the disruption to businesses, DOTE would consider the following:

1. **Centralized Roadway Closure Information:** Efforts are underway to consolidate road closure and detour information on the city's Traffic Updates page as a central source for all roadway closures for permitted special events and long-term projects. DOTE is also exploring additional public awareness measures, such as an opt-in email and potential communications through the existing Cincy Alerts/311Cincy systems.
2. **Community Notification Plans:** DOTE will update the current TMP Checklist to require contractors to submit a communication plan outlining how they will notify the impacted community for construction activities that significantly impact public right-of-way. An impacted community would include the typical stakeholder groups such as Community Councils, Community Development Corporations, and Business Associations/Districts.

3. **Templates for Businesses and Contractors:** From the DOTE website, the department will work on providing downloadable templates for door knockers, handouts, and flyers that contractors and businesses can edit and print on their own. This would not be a requirement; it is an optional resource to encourage public awareness from contractors and businesses to communicate with their clientele.
4. **Supplemental Signage:** For construction activities that significantly impact public right-of-way, DOTE will require contractors to provide supplemental signage, especially in areas with Neighborhood Business Districts, to ensure clear communication about roadway access with the goal of improving visibility and business accessibility for patrons during construction.
5. **Post Signage in Advance:** For construction activities that significantly impact public right-of-way, DOTE will strongly encourage contractors to place signage along the affected routes before construction begins, giving commuters, residents, and businesses ample time to prepare and adjust their routes.
6. **Expand the Notification Period:** DOTE will extend the required notification period to at least 30 days for non-emergency construction projects with long-term road closures to allow residents, businesses, and other stakeholders more time to prepare.
7. **Navigation Apps:** DOTE can continue to update long-term closures in navigation apps like Google Maps, Apple Maps, and Waze. However, the department has limited control over these updates from outside service providers.

You can learn more about accessing the right-of-way and the TMP Guidelines from the DOTE website: <https://www.cincinnati-oh.gov/dote/permits-licenses/dote-resource-page/>.

Attachment

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

**SIGN IMAGES**



November 20, 2024

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

202402400

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

**Subject: Ordinance - Modifying CMC 883 and Repealing 881 – Public Assembly  
– Special Events**

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Attached is an Ordinance captioned:

**MODIFYING** Chapters 723, “Streets and Sidewalks, Use Regulations,” 883, “Public Assembly Permit,” 865, “Theaters and Exhibitions,” and Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code by **ORDAINING** new Sections 883-1-E “Event,” 883-1-F, “Facility for Public Assembly; Facility,” 883-1-F1, “Facility Manager,” and 883-1-P1, “Person,” and by **AMENDING** the provisions of Chapter 883, “Public Assembly Permit,” to establish a clear and effective framework for ensuring the safety, security, and welfare of persons at public assembly events where such events may require heightened safety considerations; and further **AMENDING** Sections 723, “Applicability,” 865-31, “Emergency On-the-Scene Authority of Police and/or Fire Officer in Charge,” 865-33, “Selling of Tickets Over Capacity of Places of Assembly,” Section 1501-11, “Class E Civil Offenses,” to make the provisions consistent with the changes provided herein; and further **REPEALING** Chapter 881, “Facilities for Public Assembly,” of Title VIII, “Business Regulations,” as the provisions are duplicated and incorporated into the modifications provided for herein.

Cincinnati Municipal Code Chapters 881 and 883 were written in 1980 following The Who concert tragedy. This ordinance is consolidating the two chapters into one, updating the language to reflect updated processes, and lowering the attendance number from 3000 to 1800 to accommodate the venues that have been built since 1980. This will also better streamline processes and allow the City to better prepare for future venues. These updates were discussed with interested stakeholders and is meant to align with their practices while ensuring that events are planned and occur in a safe and secure manner to protect the lives of the people who attend the events.

The Administration recommends passage of this Ordinance.

cc: William “Billy” Weber, Assistant City Manager

**MODIFYING** Chapters 723, “Streets and Sidewalks, Use Regulations,” 883, “Public Assembly Permit,” 865, “Theaters and Exhibitions,” and Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code by **ORDAINING** new Sections 883-1-E “Event,” 883-1-F, “Facility for Public Assembly; Facility,” 883-1-F1, “Facility Manager,” and 883-1-P1, “Person,” and by **AMENDING** the provisions of Chapter 883, “Public Assembly Permit,” to establish a clear and effective framework for ensuring the safety, security, and welfare of persons at public assembly events where such events may require heightened safety considerations; and further **AMENDING** Sections 723, “Applicability,” 865-31, “Emergency On-the-Scene Authority of Police and/or Fire Officer in Charge,” 865-33, “Selling of Tickets Over Capacity of Places of Assembly,” Section 1501-11, “Class E Civil Offenses,” to make the provisions consistent with the changes provided herein; and further **REPEALING** Chapter 881, “Facilities for Public Assembly,” of Title VIII, “Business Regulations,” as the provisions are duplicated and incorporated into the modifications provided for herein.

WHEREAS, Cincinnati Municipal Code (“CMC”) Chapter 883, “Public Assembly Permit,” requires persons to first obtain a permit when they seek to have an event at a private facility wherein large crowds of the general public may attend; and

WHEREAS, these permits are the primary tool by which the City of Cincinnati (“City”) ensures that the event and the facility associated with the event, are safe and the health, safety, and welfare of any patrons of the event are reasonably protected; and

WHEREAS, events where large crowds of people gather present elevated concerns for the safety, security, and welfare of the persons attending the event, the employees of the facility, and the City’s ability to respond to health and safety emergencies; and

WHEREAS, Council accordingly wishes to modify Chapter 883, “Public Assembly Permit,” to clearly and effectively establish conditions for obtaining a permit to hold public assembly events to provide for the health, safety, and welfare of persons and ensure the City’s ability to respond to health, safety, and welfare issues, and further wishes to establish the penalties associated with the failure to satisfy those conditions; and

WHEREAS, additionally, City Council wishes to repeal CMC Chapter 881, “Facilities for Public Assembly,” and modify CMC Section 865-31, “Emergency On-the-Scene Authority of Police and/or Fire Officer in Charge,” Section 865-33, “Selling of Tickets Over Capacity of Places of Assembly,” and Section 723, “Applicability,” to provide clarity and consistency for the changes provided for herein; now, therefore,

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

Section 1. That Chapter 883, “Public Assembly Permit,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 883-1. Definitions.**

For the purposes of this chapter, the words and phrases defined in the sections hereunder Chapter 881 of this code shall have the meaning therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

**Sec. 883-1-E. Event.**

“Event” shall mean a live, videotaped, recorded, televised or transmitted speech, performance, presentation or gathering of persons, including but not limited to concerts, dramatic or dance presentations, variety shows, sports presentations, exhibitions or other performances, presentations or gatherings of people where the intent of the person attending can be construed to be the visual or auditory observation of persons, performers or objects and for which a separate admission is required regardless of whether tickets are issued, sold or required or whether a fee is charged.

**Sec. 883-1-F. Facility for Public Assembly; Facility.**

“Facility for public assembly” or “facility” shall mean a stadium, theatre, arena, concert hall or other place having a gathering of 1,800 persons or more which is in a wholly or partially enclosed area, whether indoors or outdoors, having limited access through a restricted number of entrances.

**Sec. 883-1-F1. Facility Manager.**

“Facility manager” shall mean a person who owns, operates, or manages a facility for public assembly.

**Sec. 883-1-P1. Person.**

“Person” shall mean the city of Cincinnati, any individual, corporation, firm, partnership, association, organization, university, school, or agent thereof, or any other group acting as a unit as well as individually, and shall also mean an executor, administrator, trustee, receiver, or other representative appointed according to law.

**Sec. 883-3. Public Assembly Permit.**

- (a) No person shall operate or admit patrons to a facility for public assembly for an event without first obtaining a permit approved by the Cincinnati fire chief or the fire chief’s designee.
- (b) Before a permit is issued under this chapter, the facility manager of a permanent facility for public assembly shall make application on a form, including by electronic means, provided by the city manager ~~360~~ days prior to the date of the

event. The facility manager of a facility or person responsible for a facility involving street events or other events requiring a special event permit, shall also make application as required by Cincinnati Municipal Code Chapter 765 ~~on a form provided by the city manager 90 days prior to the date of the event.~~ The city manager may allow application within a shorter time upon a showing of special circumstances. The application shall include all information required by the rules and regulations provided for in Section 883-13 which shall include the following information and meet the following requirements:

- (1) The name and location of the facility for public assembly at which the event is to be held;
- (2) The type of activity or event;
- (3) The name and description of the event and any acts within the event;
- (4) The number of persons participating in the event and each act thereof;
- (5) The number of support personnel, including stage hands, electricians, technicians and other persons whose activities support the staging of the event;
- (6) The date and time of each event;
- (7) The amount of time and time of day the doors will be open to admit patrons to the event, which time shall be in accordance with Section (c)(2)(iii) below. The number of doors shall comply with the Fire Code and the Building Code, and as required by any rules and regulations which may consider requiring one door per 1000 patrons not less than 90 minutes prior to the publicized start of the event for a general admission or festival seating event, nor 60 minutes prior to the publicized start of the event for a reserved seating event, unless the time is determined to be otherwise by the fire chief, police chief or their designate; in addition, the facility manager or facility representative shall be prepared to open the doors at least two hours ahead of the publicized start of the event if necessary to avoid a risk of substantial danger or injury to persons or property;
- (8) An estimate of the duration of the event;
- (9) The number of persons anticipated to attend the event;
- (10) The name, address and telephone number of the promoter or sponsor of the event;
- (11) The arrangements of seating for the event, including the location of the stage (A diagram of the arrangements including the stage shall be included with the application);

- (12) The person or persons in charge of the event and each act of the event and the name of the facility representative who will be present at the facility during the event;
  - (13) City services or personnel to be used during the event;
  - (14) Additional plans for the event to protect the safety and welfare of patrons and the public ~~not addressed in the facility's plan of operating procedure approved under Chapter 881;~~
  - (15) The respective responsibilities of the promoter, the operator of a facility, and persons performing or participating in the event for crowd management and the provision of a safe environment for patrons to the event and the public;
  - (16) Insurance coverage, per the city's regulations, including type of risk and amount, of promoter of an event, operator of the facility, performers and participants; ~~if the city of Cincinnati is~~ shall be named as an additional insured of any insurance policy for the event and a copy of the policy shall be attached to the application;
  - (17) The date on which ticket sales will commence;
  - (18) Such other information as may be required by regulations promulgated pursuant to the provisions of Section 883-13 of this chapter.
- (c) Festival seating or general admission must be clearly indicated on the application. For festival seating or general admission seating, a Life Safety Evaluation will be required and shall include an assessment of the following conditions and related safety measures:
- (1) Nature of events and the participants and attendees:
    - (i) The type of music or event;
    - (ii) The type of crowd including the anticipated age span of the crowd;
    - (iii) Require a written plan on the steps that will be taken to address aggressive behavior such as "Moshing" and "Body Surfing";
    - (iv) Performances may be interrupted upon orders of the commanding fire officer due to safety concerns;
    - ~~(v) The fire chief will determine the number of fire personnel required to assure public safety for any event.~~
    - (v) A written show stoppage procedure detailing the steps to be taken to stop the performance in an emergency;

- (vi) Location of a formal command post including representation from fire, police, facility, and event manager. The facility and event manager shall ensure proper staffing to ensure stoppage of an event if needed;
- (vii) The fire chief will determine the number of fire personnel required to assure public safety for any event, which may require a minimum of two life safety officers; and
- (viii) whether there is the removal of the fire alarm system or changes to the fire alarm systems.

(2) Access and egress movement, including crowd density problems:

- (i) The number of tickets available for festival seating. All tickets for festival seating must be sold prior to the event;
- (ii) Maximum occupancy for the festival seating area will be determined according to the criteria established by the National Fire Protection Association's Life Safety Code standards;
- (iii) Doors must be prepared to open 2 hours prior to the start of the event and will open upon the command of the fire officer on the scene. All ushers and security personnel will be in place 2 and 1/2 hours prior to the start of the event. Doors shall not open less than 90 minutes prior to the publicized start of the event for a general admission or festival seating event, nor 60 minutes prior to the publicized start of the event for a reserved seating event, unless the time is otherwise determined by the fire chief, police chief or their designee;
- (iv) The number of additional ushers and security personnel assigned specifically to the festival seating area;
- (v) A procedure detailing the plan to stage and escort patrons into the festival seating area;
- (vi) If only part of the event is for general or festival seating admission, then all AH (floor/festival seating) patrons will be required to wear a wrist band or, if permitted by the Cincinnati fire chief or a designee, electronic banding for tickets on electronic devices;
- (vii) A written emergency plan in place addressing the control and evacuation of patrons from the festival seating area;
- (viii) A description of the facility, including the number and locations of exits from the floor/festival seating area, including the width of the exits, the configuration of the facility and event, including aisle

widths, and such other information as may be required by regulations promulgated pursuant to the provisions of Section 883-13 of this chapter.

- (3) Medical emergencies:
  - (i) Refer to emergency procedure plan as required on current permit requirements;
  - (ii) A diagram of the ingress and egress maintained for emergency personnel.
- (4) Fire hazards:
  - (i) Refer to emergency procedure plan as required on current permit requirements.
- (5) Permanent and temporary structures:
  - (i) Diagram detailing the placement of barricades and exit doors as well as any queuing lines that may be needed. Such diagrams shall show the widths of all exits.
- (6) Severe weather conditions:
  - (i) Refer to emergency procedure plan as required on current permit requirements.
- (7) Earthquakes:
  - (i) Refer to emergency procedure plan as required on current permit requirements.
- (8) Civil or other disturbances:
- (9) Hazardous materials incidents within and near the facility:
  - (i) Refer to emergency procedure plan as required on current permit requirements.
- (10) Relationships among facility management, event participants, emergency response agencies, and others having a role in the events accommodated in the facility.
- (11) Such other information as may be required by regulations promulgated pursuant to the provisions of Section 883-13 of this chapter.

- (12) This section shall not apply to high school ~~and collegiate~~ athletic events, including club-sponsored athletic events; nor to religious events sponsored by bona fide religious organizations; nor to business expositions or exhibitions where the activity involved consists of the viewing of stationary exhibits by persons for whom seating is not available.

**Sec. 883-5. Issuance or Denial of Permit.**

- (a) The Cincinnati fire chief or a designee~~director of safety~~ shall grant or deny a public assembly permit for an event being held in a ~~permanent~~ facility within ~~230~~ 30 days of the date of a full and completed application. The Cincinnati fire chief or a designee~~director of safety~~ shall grant or deny a public assembly permit for an event involving street events or other events requiring a special event permit in accordance with Chapter 765 of the Cincinnati Municipal Code ~~within 30 days of the date of the event~~.
- (b) If the Cincinnati fire chief or a designee~~director of safety~~ finds that the applicant is reasonably protecting the safety and welfare of the patrons to the event and the public and that the facility in which the event is to take place ~~is operated pursuant to a license issued under Chapter 881~~, the Cincinnati fire chief or a designee~~director~~ shall issue a permit to hold the event.
- (c) The Cincinnati fire chief or a designee~~director of safety~~ may deny a permit, withhold final issuance, or grant conditional issuance if the Cincinnati fire chief or a designee~~director~~ determines that:
- (1) The information provided is incompatible; or
  - (2) The information is complete but the applicant is not reasonably protecting the safety of patrons to the event or the public; or
  - (3) Applicant has not complied with applicable federal, state and local laws and regulations pertaining to public safety.
- (d) When the Cincinnati fire chief or a designee~~director of safety~~ determines that in order to reasonably protect the safety and welfare of patrons to an event and the public it will be necessary for the applicant to use city services or personnel, the Cincinnati fire chief or a designee~~director~~ may condition a permit upon the use of such city services and personnel as the Cincinnati fire chief or a designee~~director~~ deems adequate. Further, the applicant shall reimburse the city for the costs of such city services and personnel at the city's established rate, unless the city has otherwise agreed.
- (e) In determining whether the applicant is reasonably protecting the safety and welfare of the patrons to the event and the public, the Cincinnati fire chief or a designee~~director of safety~~ shall consider:

- (1) The number, age and anticipated conduct of patrons and others attracted to the event;
  - (2) Whether the information submitted with the application for a permit, ~~information submitted pursuant to Section 881-3,~~ and other information known to the Cincinnati fire chief or a designee director establishes that:
    - a. The applicant has made arrangements to ensure safe ingress and egress to the event;
    - b. The applicant has made adequate provisions for crowd control and emergency medical services;
    - c. The applicant has made adequate arrangements for communication between internal and external security personnel, including city personnel, if any, and arrangements for emergency communication with patrons;
    - d. The applicant has adopted adequate procedures for admission to ensure the safety of patrons and the exclusion of others not entitled to entry;
    - e. The applicant has made adequate plans for emergencies, including but not limited to methods for safe ingress and egress.
  - (3) Prior experience of city personnel and others which relates to applicant's provision of an environment which reasonably protects the safety of patrons to the event and the public.
- (f) If the Cincinnati fire chief or a designee director ~~of safety~~ makes a preliminary determination that a permit should not be issued or that the granting of a permit should be conditional, the applicant shall be notified in writing with the reasons for such determination specified. The applicant shall be provided with an opportunity for a hearing. If after such hearing the Cincinnati fire chief or a designee director finds that information has been presented or conditions agreed to by the applicant which establish that the applicant is reasonably protecting the safety of patrons to the event and the public, the Cincinnati fire chief or a designee director shall issue the permit.
- (g) If after hearing the Cincinnati fire chief or a designee director ~~of safety~~ denies the issuance of the permit, the Cincinnati fire chief or a designee director shall specify in writing the findings of fact and conclusions of law upon which the denial is based.

#### **Sec. 883-7. Revocation of Permit.**

If the Cincinnati fire chief or a designee director ~~of safety~~ finds upon hearing that a permit holder has failed to comply with the provisions of this chapter, the laws of the state of

Ohio, or the ordinances of the city of Cincinnati, has misrepresented the information provided in the application, or fails to provide the level of services set forth in the application, the Cincinnati fire chief or a designee director may revoke or suspend the permit for that event until such time as the person holding such permit establishes that procedures are in existence to reasonably protect the safety and welfare of the patrons to the event and the public.

The Cincinnati fire chief or a designee director shall notify the permit holder in writing of the findings of fact and conclusions of law upon which the revocation or suspension is based. The Cincinnati fire chief or a designee director may, in case of emergency which immediately threatens the safety and welfare of the patrons to an event or the public, suspend or revoke a permit without hearing.

### **Sec. 883-9. Single Event and Series Permit Fees.**

A series permit may be issued where a number of substantially similar events are scheduled within a defined time period not to exceed one year.

In determining whether to grant a series permit, the Cincinnati fire chief or a designee director of safety may consider the similarity of the events, the dates of the events, whether the information required to be included in the application is similar for each event, and whether the applicant is reasonably protecting the safety of patrons to the event and the public.

All permit fees, application fees, and other fees and costs as provided for in this chapter, when such are to be established by the city manager or the Cincinnati fire chief, shall be limited to those costs and expenses incurred by the city or estimated to be incurred by the city, including but not limited to, for the application, inspection, and oversight in the administration of the relevant program as provided for in this chapter. Any such fees shall be available on the city's website and shall be paid in accordance with the relevant program section addressing the program and the payment of such fees and costs.

No permit shall be issued prior to the payment in full of all permit fees. Further, the city manager may require a deposit of funds for any amounts for city services or other fees and costs expected to be incurred by the city for the event.

### **Sec. 883-11. Notice of Modifications.**

Every person granted a permit under the provision of this chapter shall notify the ~~director of safety~~ the Cincinnati fire chief or a designee of any material change or modification to the information included in the application for the permit. Such notice shall be made in writing 14 days prior to implementation of such change or modification, unless the Cincinnati fire chief or a designee director of safety agrees to a lesser period upon a showing of special necessity. The Cincinnati fire chief or a designee director of safety may allow such modification upon finding that the modification or change is consistent with the safety and welfare of patrons to an event and the public.

If the Cincinnati fire chief or a designee director of safety finds that such change or modification is not consistent with the safety and welfare of patrons to an event or the public, the ~~director~~ Cincinnati fire chief or a designee shall disapprove such modification.

### **Sec. 883-13. Rules and Regulations.**

The Cincinnati fire chief or a designee ~~director of safety~~ may issue rules and regulations, including the establishment of permit fees and city costs, governing events at facilities for public assembly necessary to implement the provisions of this chapter and to provide for the safety and protection of patrons of such events and the general public.

Such rules and regulations shall be ~~filed with the law and public safety committee of council~~, published on the city's website ~~in the city bulletin~~ and sent to all persons ~~having a facility for public assembly license or~~ having been issued a public facility permit within the last year.

Such rules and regulations shall take effect and be in force 30 days after such rules and regulations are published on the city's website ~~filed with the law and public safety committee unless formal action is taken by the committee within that time to modify, disapprove or hold for consideration such rules and regulations.~~

### **Sec. 883-15. Exemptions.**

The provisions of this chapter shall not apply to events to which ~~no more~~ less than ~~3,000~~ 1,800 patrons will be admitted.

### **Sec. 883-17. Hearings.**

Any hearing held pursuant to this chapter shall be within 10 days of the request for the hearing or preliminary determination of denial by the Cincinnati fire chief or a designee ~~director of safety~~ unless the applicant or permit holder agrees to an extension of time. The hearing shall be heard by the office of administrative hearings. ~~The director~~ Cincinnati fire chief or a designee shall cause a record to be made of all evidence admitted or proffered by the applicant or permit holder. All testimony shall be given under oath.

The applicant or permit holder shall be permitted to appear and be heard in person or by an attorney:

- (a) To present the position, arguments and contentions of the applicant or permit holder;
- (b) To offer and examine witnesses and present evidence;
- (c) To cross-examine witnesses purporting to refute the position, arguments, and contentions of the applicant or permit holder;
- (d) To offer evidence, to refute evidence and testimony offered in opposition to the position, arguments, and contentions of the applicant or permit holder;
- (e) To proffer any such evidence into the record, if admission thereof is denied.

**Sec. 883-19. Appeal to the City Manager.**

Any revocation, suspension or denial of a permit may be appealed to the city manager or person designated by the city manager, who may reverse, affirm or modify the decision of the Cincinnati fire chief or a designee ~~director of safety~~. The appeal shall be confined to a review of the written record, including written statements of the appellant and such additional information as may be permitted. The review on appeal shall be limited to consideration of the standards and requirements set forth in this chapter. The city manager or the designee may adopt the findings of fact and conclusions of law issued by the Cincinnati fire chief or a designee ~~director of safety~~ or make such other findings and conclusions as appropriate.

Appeals shall be made to the city manager within 10 days of receipt of the decision of the Cincinnati fire chief or a designee ~~director of safety~~ in writing setting forth the decision appealed from and the reasons why the appellant believes the decision is erroneous.

**Sec. 883-21. Prohibitions.**

- (a) No person shall make any material change or modification to the plans set forth in the permit application without complying with the provisions of this chapter.
- (b) No person shall fail to protect the safety and welfare of patrons to a facility or the public by conducting an event at a facility for public assembly not in accordance with the plan of operating procedure of the facility or such conditions as may have been imposed by the Cincinnati fire chief or a designee ~~director of safety~~ upon issuance of the permit.

**Sec. 883-23. Penalties.**

Whoever violates the provisions of Section 883-3 or 883-21 of this chapter or who gives false information in order to obtain a permit under this chapter shall be fined not more than \$5,000 or imprisoned not more than 6 months, or both.

If a corporation violates the provisions of Section 883-3 or 883-21 of this chapter or gives false information on any application form or other written document required by the provisions of this chapter, it shall be fined not more than \$10,000.

Violations of this chapter shall be enforceable by members of the Cincinnati fire department. Each and every day on which a person or corporation continues to violate any provision of this chapter shall constitute a separate offense.

Section 2. That existing Sections 723, “Applicability,” 865-31, “Emergency On-the-Scene Authority of Police and/or Fire Officer in Charge,” 865-33, “Selling of Tickets Over Capacity of Places of Assembly,” and 1501-11, “Class E Civil Offenses,” of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 723. - Applicability.**

The standards set forth in this chapter apply to the use of streets, sidewalks and public rights-of-way and the placement of structures upon said streets, sidewalks and public rights-of-way, including, but not limited to:

- (a) Benches and other street furniture
- (b) Planters
- (c) Sandwich board signs
- (d) Parcel drop-off boxes
- (e) Newsracks
- (f) Retail sidewalk displays
- (g) Bus stop shelters
- (h) Outdoor dining areas
- (i) Informational kiosks
- (j) Sidewalk vending
- (k) Awnings, Marquees and Projecting Signs
- (l) Mailboxes
- (m) Mobile food vending
- (n) Bike share stations
- (o) Parking sign pylons
- (p) Access ramps for persons with mobility impairments
- (q) Temporary signs or banners in accordance with duly enacted City event promotion policy

Structures not provided for within these regulations are not allowed within the city rights-of-way unless specifically permitted elsewhere in the Cincinnati Municipal Code. This chapter shall not apply to the following activities, which are governed by other city policies or sections of the Cincinnati Municipal Code:

- (a) Placement of lines or conduit by any public utility

- (b) Public Assemblies and Special events (CMC Chapter 883 and CMC Chapter 765)
- (c) Street construction (CMC Chapter 721)
- (d) Public parks (Regulations of the City of Cincinnati Park Board)
- (e) Building encroachments within the rights-of-way (CMC Title XI - Cincinnati Building Code), except as set forth in CMC 723-27, "Access Ramps"
- (f) Designated markets (CMC Chapter 845)
- (g) Pay telephones (CMC Chapter 405)
- (h) Ticket Sales (CMC Chapter 840)
- (i) Peddlers and Itinerant Vendors (CMC Chapter 839)
- (j) Way-finding signs placed by the City of Cincinnati.

**Sec. 865-31. - Emergency On-the-Scene Authority of Police and/or Fire Officer in Charge.**

At all theaters, arenas, concert halls and all other places of assembly when the maximum capacity of the facility is 1,800 ~~3,000~~ or more, or the anticipated crowd is ~~3,000~~ 1,800 or more, the sponsor of the event shall publicize at least 48 hours prior to the event the time at which patrons may be permitted to enter the facility and shall obtain a public assembly permit under Chapter 883 of the Cincinnati Municipal Code.

For crowd control purposes inside or outside at theaters, arenas, concert halls and all other places of assembly, whether indoor or outdoor, the police officer or fire officer in charge at the scene shall have authority to order the placement or removal of barriers, the opening or closing of doors or other entrances, the establishment of check points, or other crowd control measures whenever the size, manner, nature or conduct of the crowd in light of all other facts and circumstances at the time, including the number of personnel on the scene to control and/or to accommodate the crowd, indicate that the risk of substantial danger or injury to persons or property warrants such action.

Nothing in this section shall be construed in any way to lessen in any fashion the liability of those responsible for the management and operation of the event, including the employment of adequate personnel for security, safety, health and sanitation.

**Sec. 865-33. - Selling of Tickets Over Capacity of Places of Assembly.**

It shall be unlawful to sell, give away or in any other way disseminate tickets to all theaters, arenas, operas, concert halls and other places of assembly over the maximum capacity of said theater, arena, opera, concert hall or other place of assembly, which capacity is determined in accordance with the provisions of Section 1203-3 of the Cincinnati Fire Prevention Code and Cincinnati Building Code.

**Sec. 1501-11. - Class E Civil Offenses.**

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class E Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class E Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 883-3	Public Assembly Permit	See § 883-23
(2)	§ 883-21	Prohibitions	See § 883-23
(3)	§ 1247-15	Material Safety Data Sheets	Class E
(4)	§ 1247-17	Location of Toxic or Hazardous Substance	Class E
(5)	§ 1113-03	Prohibitions of Certain Excavations, Fills or Grades	Class E

(b) Class E Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 703-1	Blasting Unlawful Without Permit	Class E
(2)	§ 729-30	Dumping	Class E
(3)	<del>§ 881-3</del>	<del>Facility for Public Assembly License (Reserved)</del>	<del>Class E</del>
(4)	§ 881-19	Prohibitions	Class E
(5)	§ 1247-9	Labeling of Toxic and Hazardous Substances	Class E
(6)	§ 1247-27	Falsification of Information	Class E
(7)	§ 759-3	Use of a Motor Vehicle for Prostitution or Solicitation Prohibited	Class E3

			Civil Fine for Subsequent Offense
(8)	§ 701-50	Nuisance, Dangerous, and Vicious Dogs	Class E

Section 3. That the existing Chapter 881, “Public Assembly License,” of the Cincinnati Municipal Code is hereby repealed.

Section 4. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance, including by updating applicable rules and regulations, fee schedules, and policies and procedures in accordance with the modifications to the Cincinnati Municipal Code provided for herein.

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

Passed: \_\_\_\_\_, 2024

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

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

\_\_\_\_\_  
Additions indicated by underline; Deletions indicated by strikethrough.

November 20, 2024

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

202402411

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

**Subject:** Ordinance for the Rezoning of 4710-4722 Madison Road in Madisonville

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Transmitted is an Ordinance captioned:

**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 4710-4722 Madison Road in the Madisonville neighborhood from the MG-T, “Manufacturing General – Transportation Corridor,” zoning district to the CG-A-T, “Commercial General-Auto Oriented – Transportation Corridor,” zoning district to facilitate the construction of three new commercial buildings for day care center, retail, and restaurant uses.

The City Planning Commission recommended approval of the designation at its November 15, 2024, meeting.

**Summary:**

The petitioner, Oakley Capital Partners 2, LLC, requests a zone change for the property located at 4710-4722 Madison Road in Madisonville. The current zoning is Manufacturing General – Transportation Corridor (MG-T), and the applicant is pursuing the change to Commercial General-Auto Oriented – Transportation Corridor (CG-A-T). The property is currently vacant and is 3.98 acres in size. The surrounding properties include manufacturing businesses, commercial businesses, and a health facility. It is adjacent to a railroad.

This proposed zone change will allow the applicant to include a day care facility, restaurant, and retail uses on the site. The daycare facility is expected to have around 200 children enrolled, and there are 230 parking spaces.

The City Planning Commission recommended the following on November 15, 2024, to City Council:

**APPROVE** the proposed zone change from Manufacturing General – Transportation Corridor (MG-T) to Commercial General-Auto Oriented – Transportation Corridor (CG-A-T) at 4710-4722 Madison Road in Madisonville.

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

**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 4710-4722 Madison Road in the Madisonville neighborhood from the MG-T, “Manufacturing General – Transportation Corridor,” zoning district to the CG-A-T, “Commercial General-Auto Oriented – Transportation Corridor,” zoning district to facilitate the construction of three new commercial buildings for day care center, retail, and restaurant uses.

WHEREAS, Oakley Capital Partners 2, LLC (“Petitioner”), has petitioned to rezone the real property located at 4710-4722 Madison Road in the Madisonville neighborhood (“Property”) from the MG-T, “Manufacturing General – Transportation Corridor,” zoning district to the CG-A-T, “Commercial General-Auto Oriented – Transportation Corridor,” zoning district; and

WHEREAS, the Property currently consists of three vacant parcels totaling 3.97 acres and is surrounded by a mix of medium manufacturing and retail uses; and

WHEREAS, rezoning the Property from the MG-T, “Manufacturing General – Transportation Corridor,” zoning district to the CG-A-T, “Commercial General-Auto Oriented – Transportation Corridor,” zoning district would facilitate the construction of three new commercial buildings for day care, retail, and restaurant uses (“Project”); and

WHEREAS, the current MG-T, “Manufacturing General – Transportation Corridor,” zoning district for the Property does not permit the day care center use and limits the size of retail spaces to less than 10,000 square feet; and

WHEREAS, the proposed development meets the demand for day care centers in the area and is consistent with the nature and density of adjacent land uses; and

WHEREAS, the proposed zone change is in accordance with the “Live” initiative area action step to “[p]rovide high-quality pre-school through 12<sup>th</sup> grade school options” and with the “Compete” initiative area goal to “[f]ocus development of modern office spaces and retail/light industrial sites in the Madison Road corridor to complement a high-density, walkable redevelopment” as described on pages 62 and 80 of Plan Cincinnati (2012); and

WHEREAS, at its regularly scheduled meeting on November 15, 2024, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the MG-T, “Manufacturing General – Transportation Corridor,” zoning district to the CG-A-T, “Commercial General-Auto Oriented – Transportation Corridor,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public's health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the MG-T, "Manufacturing General – Transportation Corridor," zoning district to the CG-A-T, "Commercial General-Auto Oriented – Transportation Corridor," zoning district, finding it to be in the interest of the public's health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati's official zoning map in the location of the real property located at 4710-4722 Madison Road in the Madisonville neighborhood, shown on the map attached hereto as Attachment A and incorporated herein by reference, and being more particularly described on the legal description contained in Attachment B attached hereto and incorporated herein by reference, is hereby amended from the MG-T, "Manufacturing General – Transportation Corridor," zoning district to the CG-A-T, "Commercial General-Auto Oriented – Transportation Corridor," zoning district.

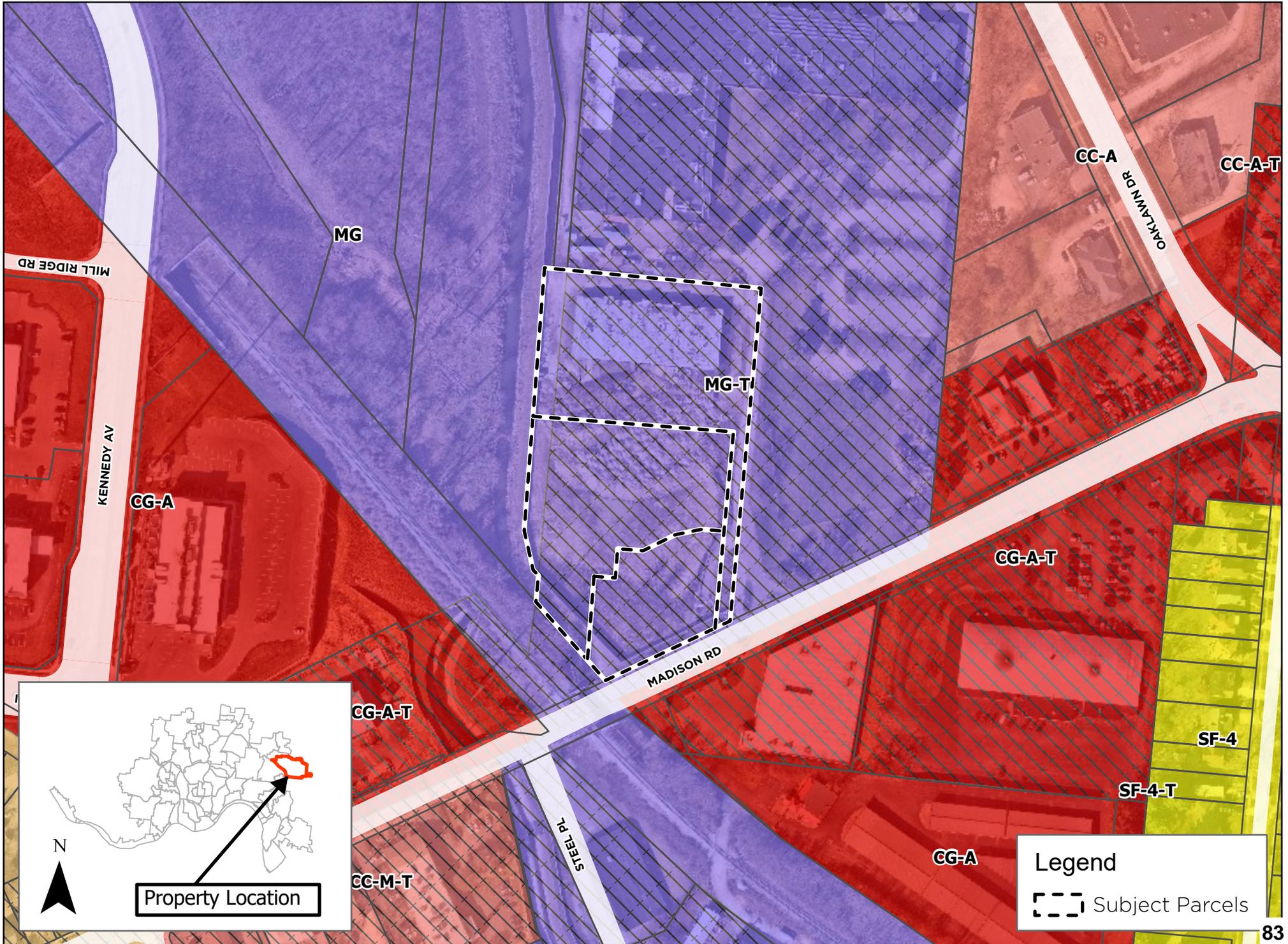
Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2024

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

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

# Proposed Zone Change from MG-T to CG-A-T at 4710-4722 Madison Road in Madisonville



## **LEGAL DESCRIPTION**

### **3.9768 ACRES**

Situated in Section 22, Town 4, Fractional Range 2, B.T.M., City of Cincinnati, Hamilton County, Ohio being all of the tracts of land conveyed to Oakley Capital Partners 2, LLC by deed recorded in O.R. 15065 Pg. 1481 and O.R. 15218 Pg.1698, and also in O.R. 15227 Pg. 1496 . The boundary of which is more particularly described as follows:

**BEGINNING** at the intersection of the centerline of Madison Road and the east right of way line of the Southwest Ohio Regional Transit Authority right of way (O.R. 6507 Pg. 257);

Thence along the lines of the grantor the following eight (8) courses:

1. North 41°38'09" West a distance of 148.64 feet to a point;
2. North 41°17'09" West a distance of 36.45 feet to a point;
3. North 05°21'51" East a distance of 38.90 feet to a point;
4. North 44°07'53" West a distance of 11.09 feet to a point;
5. North 12°53'23" West a distance of 59.29 feet to a point;
6. North 04°26'27" East a distance of 386.29 feet to a point;
7. South 84°38'09" East a distance of 319.23 feet to a point;
8. South 05°21'51" West a distance of 524.74 feet to a point in the centerline of Madison Road;

Thence along said centerline, South 64°26'51" West a distance of 175.76 feet to the **POINT OF BEGINNING**;

Containing 3.9768 acres of land more or less and being subject to all easements and restrictions of record.

Bearings are based on the Ohio State Plane coordinate system, South Zone (NAD 83) per GPS Observation utilizing the Ohio Department of Transportation's virtual reference stationing.

This description is solely for the purpose of rezoning the above described land including existing right of way that has been previously dedicated.

This description was written by Jeffrey C. Thompson P.S. Ohio Professional Surveyor Number S-7362 for Cardinal Engineering Corporation and is based on a field survey performed by Cardinal Engineering Corporation under the direct supervision of Daniel K. York, P.S. Ohio Professional Surveyor Number S-8729.

November 15, 2024

Honorable City Planning Commission  
Cincinnati, Ohio

**SUBJECT:** A report and recommendation on a proposed zone change from MG-T (Manufacturing General – Transportation Corridor) to CG-A-T (Commercial General-Auto Oriented – Transportation Corridor) located at 4710-4722 Madison Road in Madisonville.

**GENERAL INFORMATION:**

**Location:** 4710-4722 Madison Road, Cincinnati, OH 45227

**Petitioner:** Christopher R. Hildebrant, Manager of Oakley Capital Partners 2, LLC  
9370 Fields Ertel Road, #498428  
Cincinnati, OH 45249

**Property Owner:** Oakley Capital Partners 2, LLC  
9378 South Mason Montgomery Rd. Suite 115  
Mason, OH 45040

**EXHIBITS:**

Provided in addition to this report are the following exhibits:

- Exhibit A Location Map
- Exhibit B Zone Change Application
- Exhibit C Zone Change Plat
- Exhibit D Legal Description
- Exhibit E Proposed Development
- Exhibit F Coordinated Site Review Letter
- Exhibit G Community Engagement Summary
- Exhibit H Letter of Support
- Exhibit I Additional Correspondence

**BACKGROUND:**

The petitioner, Christopher R. Hildebrant, manager of Oakley Capital Partners 2, LLC, requests a zone change located at 4710-4722 Madison Road in Madisonville from MG-T (Manufacturing General-Transportation Corridor) to CG-A-T (Commercial General-Auto Oriented-Transportation Corridor). The proposed development involves the construction of three buildings for day care, retail, and restaurant uses. The buildings are permitted under the existing MG-T zoning, as well as the retail and restaurant uses, but rezoning the property is necessary to permit a day care use on this site. Currently, the subject property consists of three parcels that will be consolidated into a single parcel consisting of 3.85 acres to be reclassified.

The existing zoning (MG-T) does permit day care centers, but only as accessories to permitted uses. It also permits retail sales if the use occupies less than 10,000 square feet. Full-service and limited restaurants are permitted. The proposed zoning (CG-A-T) permits day care centers, retail, and restaurants without size limitations.

**ADJACENT LAND USE AND ZONING:**

The subject properties are currently zoned MG-T (Manufacturing General – Transportation Corridor) as shown on the attached map (Exhibit A). The zoning and land uses surrounding the subject properties are as follows:

**North:**

Zoning: MG-T – Manufacturing General – Transportation Corridor  
Existing Use: Medium manufacturing ILSCO Corporation

**East:**

Zoning: MG-T – Manufacturing General – Transportation Corridor  
Existing Use: Medium manufacturing & greenspace ILSCO Corporation

**South:**

Zoning: CG-A-T – Commercial General-Auto Oriented – Transportation Corridor  
Existing Use: iStorage facility, Madison Bowl recreational facility

**West:**

Zoning: MG – Manufacturing General  
Existing Use: Duck Creek, railroad, vacant lots, medium manufacturing ILSCO Corporation

Zoning: CG-A-T – Commercial General-Auto Oriented – Transportation Corridor  
Existing Use: Vacant land, retail

**PROPOSED DEVELOPMENT:**

The proposed zone change will allow for expanded uses on the site including a day care. One building (3,700 square feet) will be developed on the south side of the property and will have frontage along Madison Road, while two buildings (12,856 square feet each) will be on the western side of the property parallel to Duck Creek. Parking will be located behind and in the side yard of the southernmost building along Madison Road.

Permits have already been issued under the current MG-T zoning regulations for the parking lot and two multi-tenant buildings on the west side of the property. However, if the zone change is approved, future construction will need to conform to the development regulations set forth in the Cincinnati Zoning Code in the CG-A-T – Commercial General-Auto Oriented-Transportation Corridor zone.

**COORDINATED SITE REVIEW:**

The proposed project was reviewed by City departments through the Coordinated Site Review process in May 2023. The applicant inquired about whether the site would need to be rezoned to develop a day care facility and if so, what zoning designation would be most appropriate. Staff of the Department of City Planning and Engagement – Zoning Division recommended a zone change to CC-A or CG-A, which permit all proposed uses. They also noted that variances would be needed for the dumpster location and to allow multiple principal structures on the same parcel.

Many departments included requirements to obtain permits in their comments on the Coordinated Site Review, but did not have any immediate requirements to move forward. The Cincinnati Fire Department identified the need to have two readily accessible fire hydrants within 400 feet of all sides of the project and the Department of Transportation and Engineering (DOTE) required a Traffic Impact Study. The applicant is working with the appropriate departments to address these requirements.

**PUBLIC COMMENT AND NOTIFICATION:**

The applicant team engaged the Madisonville Community Council (MCC) prior to submitting the zone change application. At a special MCC meeting on August 2, 2024, the applicant team presented their zone change request. MCC wrote a letter of support for the zone change and requested that no drive-through establishment be constructed (Exhibit H).

A public staff conference was held on October 15, 2024. Notice was sent to all property owners within 400 feet of the subject property, the Madisonville Community Council, Madisonville Community Urban Redevelopment Corporation, and Oakley Community Council. The summary of community engagement (Exhibit G) shows there were four members of the applicant team, two staff members from the Department of City Planning and Engagement (DCPE), and two members from the Madisonville Community Council present at the staff conference. Questions related to easements for the Army Corps of Engineers to maintain the floodwall on the west side of the property were raised.

Additional correspondence (Exhibit I) was received from an Oakley resident with prior experience in reviewing zone changes similar to this proposal. The resident’s personal recommendation to the Madisonville Community Council was to consider approving a CC-P or CC-M zoning district, so the community would have more avenues for input regarding design decisions on the site.

**CONSISTENCY WITH PLANS:**

*Plan Cincinnati* (2012)

The proposed zone change is consistent with Plan Cincinnati’s Live Initiative Area, specifically the Action step to “provide high-quality pre-school through 12<sup>th</sup> grade school options” and long-range goal to “develop future new/renovated schools in locations that help to strengthen communities (p. 62). Changing the zoning designation to allow for day care uses will make it possible to create new early education opportunities.

This zone change is also consistent with the Compete Initiative Area, specifically the short-range goal to “focus development of modern office spaces and retail/light industrial sites in the Madison Road corridor to complement a high-density, walkable redevelopment” (p. 118). Allowing for more retail opportunities along the corridor helps achieve that vision.

This request is in keeping with the Guiding Geographic Principles section of *Plan Cincinnati* based on the principles to, “Focus revitalization on existing centers of activity” (p. 86), as the plan identifies Madisonville as a Traditional Neighborhood with a ‘Transform Neighborhood Center Degree of Change’ (p. 90). The objective of the Transform neighborhood centers is to completely change the character to emphasize walkability, infill, redevelopment, and public improvements (p. 90). Though the site is not within the neighborhood district, this development does activate a vacant parcel through infill development.

In the Geographic Principles section of *Plan Cincinnati*, the intersection of Ridge Avenue and Madison Road is identified as a Preliminary Opportunity for Future Mixed-Use Development or Neighborhood Center (p. 95). This site is about 0.33 miles away from that intersection, so increased activity and development in this area is in keeping with the plan.

*GO Cincinnati: Growth and Opportunities Study for the City of Cincinnati (2009)*

In the GO Cincinnati Report, Madison Road is identified as a corridor that offers strong opportunities “to capture growth in office and supporting retail demand (p. 3). It was recommended that “walkable urban development and drivable suburban development” be developed along Madison Road (p. 4); this zone change from a manufacturing to commercial district will make it possible to develop uses more compatible with drivable environments.

**ANALYSIS:**

In determining which zoning district would be most appropriate for this site, Staff considered several potential districts that would permit the proposed uses. The current zoning district MG-T is intended to support commercial and manufacturing establishments that may generate off-site impacts, including heavy industrial and manufacturing uses, transportation facilities, warehousing and distribution, and similar and related supporting uses. Sites within this district typically have good transportation access to facilitate efficient transport of goods but are not pedestrian-friendly. The MG-T zoning district allows retail uses up to 10,000 square feet but does not permit daycare centers, which is a proposed use in the development that is supported by the community.

All Commercial Districts permit day care centers. The Commercial Community (CC) commercial subdistrict is intended to create areas suitable for a mix of uses ranging from larger-scale commercial uses to residential uses. The Pedestrian (P) community character is intended for areas with traditional urban character with small setbacks and significant pedestrian activity. The Mixed (M) community character is intended to create a mix of auto-oriented and pedestrian-oriented buildings.

Because the surrounding uses are all auto-oriented with limited pedestrian accessibility, the Auto-oriented (A) character, specifically the CG-A-T zoning district, was determined to be most suitable for the uses proposed and site design of this development. The purpose of the Commercial General district is to maintain, support, and create areas with a mix of commercial, office, recreation, and entertainment and arts uses. Day care centers, restaurants, and retail sales are all permitted in this zone. The auto-oriented character of this district creates areas that provide for easy automobile access characterized by large buildings with parking out front, which is consistent with the corridor’s existing built form.

Because the site is located within the Transportation Corridor district per the Connected Communities ordinance, minimum off-street parking regulations do not apply but parking facilities must be in the rear yard. Permit applications for this proposed development were submitted before Connected Communities went into effect, so they were not required to be consistent with the Transportation Corridor parking regulations. However, future development on the site would need to comply with the Connected Communities development regulations.

This zone change will allow the reactivation of vacant property through planned development of a day care facility, retail sales, and a restaurant. The construction of a building with frontage on Madison Road will create a visual presence of the development along the corridor. Additionally, the change of zoning designation from MG-T to CG-A-T is consistent with existing surrounding zoning districts and the built environment. There are existing commercial uses across from the site (iStorage and Madison Bowl) as well as on the other side of Duck Creek along Madison Road (Oakley Kitchen, AFC Urgent Care, Starbucks, etc.).

**CONCLUSIONS:**

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding built environment with regards to allowable uses, building scale, massing, and adjacent zoning districts.
2. It is consistent with *Plan Cincinnati* (2012) within the Compete Initiative Area, specifically the goal to “Implement the GO Cincinnati Plan recommendations in the Madison Road, South Mill Creek, and Reading Road corridors.”
3. This development will activate a vacant property, create desperately needed day care opportunities, and increase density along the Madison Road corridor.

**RECOMMENDATION:**

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

**APPROVE** the proposed zone change from MG-T (Manufacturing General – Transportation Corridor) to CG-A-T (Commercial General – Auto-Oriented – Transportation Corridor) located at 4710-4722 Madison Road in Madisonville.

Respectfully submitted:

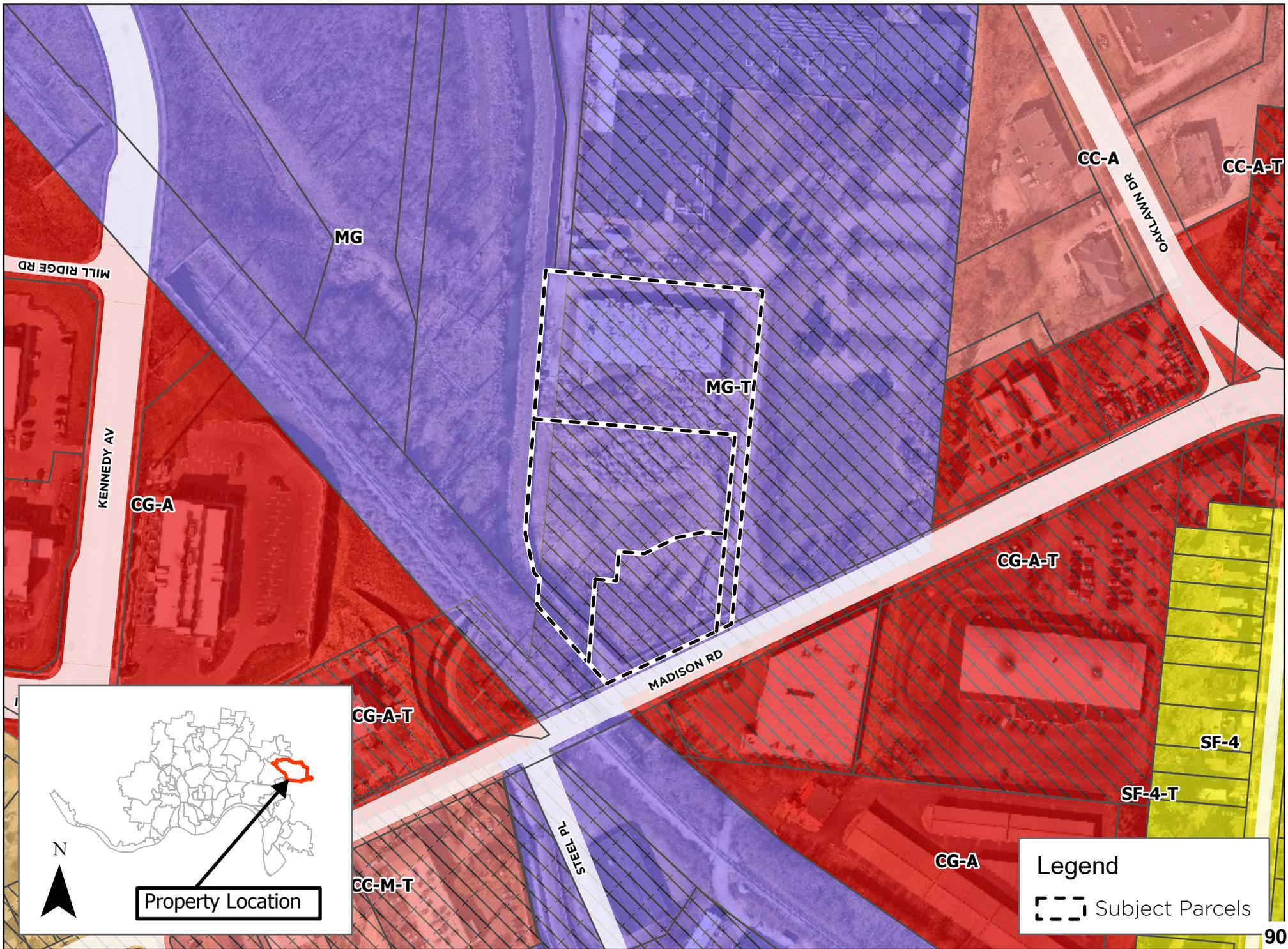


Sophia Ferries-Rowe, City Planner  
Department of City Planning and Engagement

Approved:



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



**Legend**  
[Dashed White Line] Subject Parcels

PETITION FOR CHANGE OF ZONING OF PROPERTY  
LOCATED IN THE CITY OF CINCINNATI, OHIO

To: The Honorable Council of the City of Cincinnati

Date: August 20, 2024

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the MG-T Zone District to the CG-A-T Zone District.

Location of Property (Street Address): 4710-4722 Madison Road, Cincinnati, Ohio 45227  
Hamilton County, Ohio Auditor's Parcel ID Nos. 51-0007-0087, -0086 and -0080.

Area Contained in Property (Excluding Streets): Approximately 3.8466 acres

Present Use of Property: Vacant manufacturing

Proposed Use of Property & Reason for Change: Daycare and restaurant /retail use

Property Owner's Signature: \_\_\_\_\_

Name Typed: Christopher R. Hildebrant, Manager of Oakley Capital Partners 2, LLC

Address: 9370 Fields Ertel Road, #498428, Phone: 513-469-1500  
Cincinnati, OH 45249

Agent Signature: *Betsy Emmert*

Name Typed: Betsy Emmert, Attorney for Property Owner

Address: 255 E. Fifth Street, Suite 1900, Phone: 513-832-5460  
Cincinnati, OH 45202

Please Check if the Following Items are Attached

Application Fee X

Copies of Plat X

Copies of Metes and Bounds X

# REZONING PLAT

## SECTION 22, TOWN 4, FRACTIONAL RANGE 2 CITY OF CINCINNATI HAMILTON COUNTY, OHIO

CABINET  
SLIDE  
GROUP

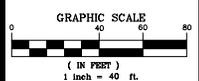


WEBSITE: <http://www.cardinalengineering.net>

**OWNER**  
OAKLEY CAPITAL PARTNERS 2 LLC  
8600 GOVERNORS HILL DRIVE  
CINCINNATI, OHIO 45249

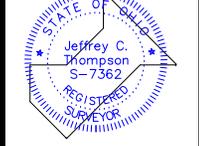
**CLIENT**  
MORELIA GROUP  
8600 GOVERNORS HILL DRIVE  
CINCINNATI, OHIO 45249

- LEGEND**
- - SET 5/8" REBAR WITH CAP stamped "JCS-8227"
  - △ - SET NOTCH IN CONCRETE
  - - FOUND IRON PIN
  - x--- - EXIST FENCE
  - ⊠ - FOUND R/W MARKER

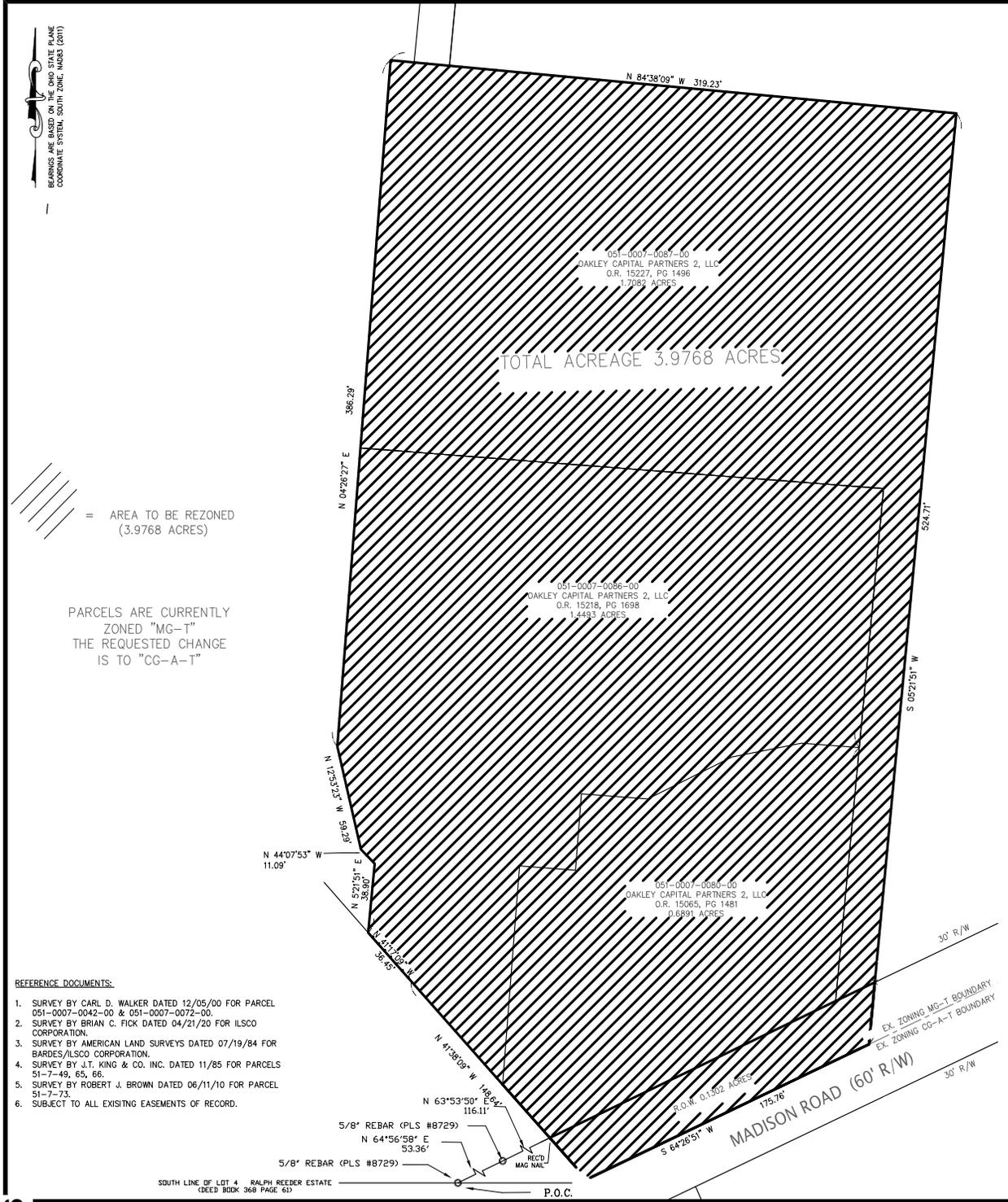


VICINITY MAP  
N.T.S.

PROJECT NO. 23-088



SHEET



BEARINGS ARE BASED ON THE OHIO STATE PLANE COORDINATE SYSTEM, STATE SPHEROID, NAD83 (G71)

= AREA TO BE REZONED (3.9768 ACRES)

PARCELS ARE CURRENTLY ZONED "MG-T" THE REQUESTED CHANGE IS TO "CG-A-T"

I, JEFFREY C. THOMPSON, (S-7362) A REGISTERED LAND SURVEYOR IN THE STATE OF OHIO, DO HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED FOR CARDINAL ENGINEERING UNDER MY DIRECT SUPERVISION. THE ORIGINAL BOUNDARY SURVEY WAS PERFORMED BY CARDINAL ENGINEERING CORPORATION UNDER THE DIRECT SUPERVISION OF JOSEPH S. KRAMER (S-8227) A REGISTERED LAND SURVEYOR IN THE STATE OF OHIO ACCORDANCE WITH O.R.C. 4733-37, AND THAT THE MONUMENTS HAVE BEEN FOUND OR SET AS NOTED.

DATE \_\_\_\_\_

**REFERENCE DOCUMENTS:**

1. SURVEY BY CARL D. WALKER DATED 12/05/00 FOR PARCEL 051-0007-0042-00 & 051-0007-0072-00.
2. SURVEY BY BRIAN C. FICK DATED 04/21/20 FOR ILSCO CORPORATION.
3. SURVEY BY AMERICAN LAND SURVEYS DATED 07/19/84 FOR BARDIS/ILSCO CORPORATION.
4. SURVEY BY J.T. KING & CO. INC. DATED 11/85 FOR PARCELS 51-7-49, 65, 66.
5. SURVEY BY ROBERT J. BROWN DATED 06/11/10 FOR PARCEL 51-7-73.
6. SUBJECT TO ALL EXISTING EASEMENTS OF RECORD.

SOUTH LINE OF LOT 4 RALPH REEDER ESTATE (DEED BOOK 368 PAGE 61)

P.O.C.

## LEGAL DESCRIPTION

### 3.9768 ACRES

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This description is solely for the purpose of rezoning the above described land including existing right of way that has been previously dedicated.

This description was written by Jeffrey C. Thompson P.S. Ohio Professional Surveyor Number S-7362 for Cardinal Engineering Corporation and is based on a field survey performed by Cardinal Engineering Corporation under the direct supervision of Daniel K. York, P.S. Ohio Professional Surveyor Number S-8729.





June 16, 2023

Mr. Charles E. Baverman III, Esq.  
 Dinsmore  
 255 East Fifth Street, Suite 1900  
 Cincinnati, Ohio 45202

Re: 4710 & 4722 Madison Road | Oakley Group Mixed-Use (P) - (CPRE230032) Initial Comments and Recommendations

Dear Mr. Baverman,

This **Preliminary Design Review** letter is to inform you that our Advisory-TEAM has reviewed your proposed project located at **4710 & 4722 Madison Road** in the Community of Madisonville. It is my understanding that you are proposing to construct a commercial development containing retail, restaurants, and a childcare facility. This project will need to be returned to us as a Development Design Review because of the need for a zone change. Please see our initial feedback listed below. Thank you for developing within the City of Cincinnati.

### **City Planning & Engagement – Planning Division**

#### **Immediate Requirements to move forward with project:**

1. **The proposed childcare, restaurant and retail uses are not permitted in the Manufacturing General (MG) zoning district. The proposed uses are permitted in the adjacent Commercial General - Auto-Oriented (CG-A) district.**
2. **A zone change would be required for this project. Applications for a zone change should be submitted through the Department of City Planning and Engagement. Information and materials can be found at <https://bit.ly/ZoneChangePacket>.**
  - Zone change process (approximately):
  - Public Staff Conference - 2-4 weeks
  - City Planning Commission - 4-6 weeks
  - City Council - 4-14 weeks
  - The applicant indicated intent to subdivide the property or create an air lot. More information is required to address this.

#### **Requirements to obtain Permits:**

1. All parcels should be consolidated and recorded with Hamilton County prior to submitting for any zone change or permits.

#### **Recommendations:**

1. The applicant should meet with the Madisonville and Oakley Community Councils and adjacent property owners to discuss the project. Contact information for the community councils can be found at <https://bit.ly/CommunityCouncilContacts>
2. Letters of support are encouraged.

#### **Contact:**

- **Gabrielle Couch** | City Planning | 513-352-4882 | [gabrielle.couch@cincinnati-oh.gov](mailto:gabrielle.couch@cincinnati-oh.gov)



## **City Planning & Engagement – Zoning Division**

### **Immediate Requirements to move forward with project:**

1. **The existing MG zoning does not permit a daycare center- rezoning would be required.**
2. Retail use is permitted in the MG but is limited to 10,000 SF.
3. Restaurant use is permitted in the MG zone.
4. Rezoning to a CC-A or CG-A would allow for unlimited size/use for the proposed daycare, restaurant and retail uses and no setback issues or ground floor transparency requirements.
5. Confirmation of the specific square footage of each use and capacity of the daycare center is needed to evaluate the parking required. 207 spaces are proposed. A 3' landscape area on the perimeter of the parking lot is required and one tree per 10 parking spaces is required as per section 1425-29.
6. The dumpster locations in the front yard requires a variance as per 1421-35. The dumpsters should be re-located to a rear yard or less visible location to avoid zoning variance.
7. If rezoned to a commercial district, no bufferyard is required abutting the MG surrounding the site.
8. Signage would be reviewed as a separate permit from buildings. More information on signage is needed to review.
9. Consolidation of the parcels would then require a variance for multiple principal structures on the same parcel (section 1400-23).

### **Requirements to obtain Permits:**

1. Exterior lights are required to be contained within the fixture and limited to 20' height above the ground.

### **Recommendations:**

- None

### **Contact:**

- **Wes Munzel** | ZPE | 513-352-2442 | weston.munzel@cincinnati-oh.gov

## **Metropolitan Sewer District (MSD)**

### **Immediate Requirements to move forward with project:**

- None

### **Requirements to obtain Permits:**

1. An approved site utility plan will be required for each building to receive an approved permit.
2. Your project may change flow to a sewer overflow. Please complete the Request for Availability of Sewer Service Form online. The link to the online form can be found at [http://www.msdc.org/customer\\_care/development\\_services/index.html](http://www.msdc.org/customer_care/development_services/index.html) Email questions to [MSDAvailability@cincinnati-oh.gov](mailto:MSDAvailability@cincinnati-oh.gov)

### **Recommendations:**

- None

**Contact:**

- **Jim Wood** | MSD | 513-352-4311 | [jim.wood@cincinnati-oh.gov](mailto:jim.wood@cincinnati-oh.gov)

**Stormwater Management Utility (SMU)****Immediate requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

1. Detention is required.
  - Use SMU rules, refer to SMU Rules & Regs, Chapter 12 [https://cincinnati-oh.gov/sites/stormwater/assets/File/smu\\_rules\\_and\\_regs\(1\).pdf](https://cincinnati-oh.gov/sites/stormwater/assets/File/smu_rules_and_regs(1).pdf)
  - Submit the following documents - detention calculations, drainage map, detention control structure with elevations, detentions shop drawings (manufacturer drawing), major storm calculations / flood routing.
2. Utility Plan
  - Verify existing SMU structures.
  - Label all pipes materials.
  - In the public R/W, pipes to be DIP or RCP.
  - Show Top & Invert elevations for all Appurtenances.
  - Show slopes for all pipes.
  - No pipes connections allowed into Public Inlets.
3. Grading Plan
  - Grading must show existing and proposed contours.
  - Impervious surfaces are NOT permitted to drain towards adjacent properties.
  - Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
  - Runoff from all pavements must be captured and conveyed to the stormwater system. Only 800 sf of pavement may sheet flow to the public R/W.
4. NPDESS
  - Site discharges into storm only, require developer to submit NOI from the Ohio EPA
5. Erosion & Sediment Control Plan is required. Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
6. SMU Standards Plans Notes is required. Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
7. As-Built survey is required. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
  - State Plane Coordinates (N,E) for all MH's and Catch Basins.
  - Inverts and Top elevations for all MHs and Catch Basins.
  - Slopes, sizes, and materials for all storm lines.

**Recommendation:**

- None



**Contact:**

- **Kevin Gold** | SMU | 513-222-3643 | [kevin.gold@gcww.cincinnati-oh.gov](mailto:kevin.gold@gcww.cincinnati-oh.gov)

**Water Works**

**Immediate requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

1. A stamped and recorded consolidation plat is required before any building permits are approved and new water service branches/meters are sold. The current drawing shows a building crossing a parcel line.
2. Each building will be required to have its own water service branch.
3. Owner is encouraged to seek a water service easement from neighboring property owner, so as, not to disturb the flood wall.
  - a. If a water service easement is required, it will need to be submitted to Greater Cincinnati Water Works for approval, prior to making application for the water service branch(es)/meter(s).
  - b. Submit proposed water service easements to [Richard.Roell@gcww.cincinnati-oh.gov](mailto:Richard.Roell@gcww.cincinnati-oh.gov).
4. The development is receiving water service from the 16" public water main in Madison Rd. with the following address and branches:

Address	Branch No.	Branch Size	Meter No.	Meter Size
4722 Madison Rd.	H-168745	1"	037970	1"
4710 Madison Rd.	H-173974 - FOD			

5. If the water service branch(es) are not to remain, the owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing the discontinuance of the account associated with the existing water service branch(es). This process must be completed before any new water service branch(es) can be sold.
6. If the existing water service branch(es) for this project is not to be used for this development, it must be disconnected at the owner's / developer's expense. The discontinued branch(es) will require a drawing showing the branch(es) and branch number(s) that is to be physically disconnected from the main. Submit to [Phillip.Young@gcww.cincinnati-oh.gov](mailto:Phillip.Young@gcww.cincinnati-oh.gov)

**Recommendations:**

1. Capacity for the site will not be an issue. Currently there is a 16-inch public water main in Madison Road.
2. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded plumber and fire protection company to perform the private water service branch design work and installation.
3. The Owner(s)/Developer(s) must have a licensed plumber that is bonded and certified with GCWW and fire protection company to fill out the Online Branch application



<https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

**Contact:**

- **Rick Roell** | Water Works | 513-591-7858 | [richard.roell@gcww.cincinnati-oh.gov](mailto:richard.roell@gcww.cincinnati-oh.gov)

**Fire Department**

**Immediate Requirements to move forward with project:**

1. A site plan is needed showing 2 readily accessible Fire Hydrants within 400 feet of all sides of your project.
2. The minimum fire flow requirements for Commercial structures: 2,000 gallons/per/minutes (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
3. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet.
4. The Site Plan needs to show the location of the FDC and the distance in feet from the closest Fire Hydrant. FDC's are to be located within 50 feet of a Fire Hydrant.
5. Emergency Responder Bidirectional Antenna radio required in your building.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Elton B. Britton** | Fire Dept. | 513-357-7596 | [elton.britton@cincinnati-oh.gov](mailto:elton.britton@cincinnati-oh.gov)

**Office of Environmental Sustainability (OES)**

**Immediate Requirements to move forward with project:**

- None

**Requirements to obtain permits:**

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 1,000 cubic yards as per City Municipal Code Chapters 1101 and 1031.

**Recommendations:**

1. The following recommendation is based on State of Ohio requirements:
  - a. Due to the anticipated age of the existing site structure, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable state regulations prior to demolition or renovation.
2. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
  - a. This property has had a long industrial land use history and is a suspected brownfields site. The development should environmentally evaluate the site for commercial land use suitability including commercial land use with high frequency child exposure.



- b. The project site is mapped within a flood hazard zone. Site development precautions should be taken for riparian and flash flooding concerns.
- c. The development goal should be to earn at a minimum the LEED Certified rating level.
- d. Rooftop solar should be considered in the design as a renewable energy source.
- e. Site parking should include charging stations for electric vehicles.
- f. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.
- g. The use of trees in the landscape design should be included to enhance urban forestry.
- h. The use of pervious surfaces should be maximized to the extent practical in the design.

**Contact:**

- **Howard Miller** | OES | 513-352-6999 | [howard@cincinnati-oh.gov](mailto:howard@cincinnati-oh.gov)

**Parks Department (Urban Forestry)**

**Immediate Requirements to move forward with project:**

1. Urban Forestry has no issues or concerns.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Marianne Prue** | Urban Forestry | 513-861-9070 | [marianne.prue@cincinnati-oh.gov](mailto:marianne.prue@cincinnati-oh.gov)

**Department of Transportation & Engineering (DOTE)**

**Immediate Requirements to move forward with project:**

1. A Traffic Impact Study, (TIS), is required, contact Bryan Williams at (513) 352-4506 or [bryan.williams@cincinnati-oh.gov](mailto:bryan.williams@cincinnati-oh.gov) for TIS requirements.

**Requirements to obtain Permits:**

1. The adjacent access drive is a private drive, not a City street.
2. The private drive connection to Madison Road will likely require redesign contingent upon Traffic Impact Study results.
3. The City / DOTE does not own or maintain the existing flood wall. It is recommended that the applicant review and confirm wall ownership and restrictions and all floodway easement restrictions prior to making any modifications.
4. All new signage shall be located on private property and not in the public right-of-way.
5. All work in the public right-of-way will require a separate DOTE permit. Prepare dimensioned plans, including all surface items, and all aboveground and underground utility facilities in compliance with DOTE standards as required for permit approval.
6. Before applying for building permits, contact [DTEaddress@cincinnati-oh.gov](mailto:DTEaddress@cincinnati-oh.gov) with a site plan to have addresses assigned. Per Ohio Fire Code and Cincinnati Municipal Code, assigned address numbers must be posted and visible from the road. Address numbers may need to be posted both on the buildings and on the monument sign.

**Recommendations:**

- None

**Contact:**

- **Morgan Kolks** | DOTE | 513-335-7322 | [morgan.kolks@cincinnati-oh.gov](mailto:morgan.kolks@cincinnati-oh.gov)

**Buildings & Inspections – Buildings****Immediate Requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

1. Exterior wall ratings and wall openings must comply with OBC Tables 602 and 705.8.
2. Multiple buildings on the same lot must be designed per section 503.1.2.
3. Separate permit applications are required for each building, underground detention, and the parking lot.

**Recommendations:**

- None

**Contact:**

- **Bob Martin** | B&I Plans Exam | 513-352-2456 | [robert.martin@cincinnati-oh.gov](mailto:robert.martin@cincinnati-oh.gov)

**Law Department****Immediate Requirements to move forward with project:**

1. No comments at this time.

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Charles Martinez** | Law | 513-352-3359 | [charles.martinez@cincinnati-oh.gov](mailto:charles.martinez@cincinnati-oh.gov)

**Department of Community & Economic Development (DCED)****Immediate Requirements to move forward with project:**

- None

**Requirements to obtain Permits:**

- None

**Recommendations:**

- None

**Contact:**

- **Taylor German** | DCED | 513-352-4546 | [taylor.german@cincinnati-oh.gov](mailto:taylor.german@cincinnati-oh.gov)



### **Health Department**

#### **Immediate Requirements to move forward with project:**

- None

#### **Requirements to obtain Permits:**

1. A food facility plan review by the Cincinnati Health Department (CHD) will be required if future or current commercial space (or tenant) is licensable (or is currently licensed) as a food service operation (FSO) or retail food establishment (RFE). If licensable, plumbing will not issue permits until CHD has completed the food facility review and approved the project.

#### **Recommendations:**

1. For assistance in determining whether the facility is licensable as an FSO/RFE or not, please contact me.

#### **Contact:**

- **Trisha Blake** | Health Dept. | 513-352-2447 | [trisha.blake@cincinnati-oh.gov](mailto:trisha.blake@cincinnati-oh.gov)

### **Police Department**

#### **Immediate Requirements to move forward with project:**

- None at this time.

#### **Requirements to obtain Permits:**

- No comments.

#### **Recommendations:**

- None

#### **Contact:**

- **Katalin Howard** | Police Dept. | 513-352-3298 | [katalin.howard@cincinnati-oh.gov](mailto:katalin.howard@cincinnati-oh.gov)
- **Brandon Kyle** | Police Dept. | [brandon.kyle@cincinnati-oh.gov](mailto:brandon.kyle@cincinnati-oh.gov)

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*This letter is not intended as the City's final approval of your project, but rather as an initial review and consultation to provide feedback from the City's various departments and to better coordinate between the City and developer. We hope you find this process both forthcoming and helpful.*

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodney D. Ringer". The signature is fluid and cursive, with a large initial "R".

Rodney D. Ringer,  
Development Manager

RDR: rdr



October 16, 2024

## 4710-4722 Madison Road Zone Change (MG-T to CG-A-T)

### Public Staff Conference Summary

Date: October 15, 2024

Time: 5pm

Attendees:

- Betsy Emmert – Representative from Dinsmore for applicant
- Christina Scavone – Morelia Group (Applicant Team)
- Christopher Hildebrant – Morelia Group (Applicant Team)
- Jeff Flaherty – Cardinal Engineering (Applicant Team)
- Kate Botos – Madisonville Community Council President
- Kerry Devery – Madisonville Community Council Board of Directors – Transportation Committee
- Maria Dienger – City of Cincinnati (Department of City Planning & Engagement)
- Sophia Ferries-Rowe – City of Cincinnati (Department of City Planning & Engagement)

Presentation:

- Background: Seeking zone change from MG-T to CG-A-T to allow for the development of a day care center and restaurant. CG-A-T zone would also permit retail use in case a childcare tenant is not found for the buildings intended to host a day care center.
- Clarification from Betsy: The retail use will be the back up use for the intended day care buildings.
- The applicant worked with the Madisonville community council on the childcare use, and they agree that it is needed and will be an asset to the community. The restaurant will not have a drive-through component as a result of community engagement with the community council.

Questions

- What does the easement for the floodway entail?
  - Jeff Flaherty (Cardinal Engineering): The Army Corp of Engineers has an easement around the floodwall so they can maintain the flood wall. Right now, the easement doesn't have a consistent buffer around the wall. They are proposing to reconfigure a 15-foot easement on either side.
    - Which side of the wall?
      - Currently, there is no easement on the building side of the wall (the dry side). They will give 15' on each side of the wall.



**Date:** August 5<sup>th</sup>, 2024

**To:** Dinsmore & Shohl LLP  
 c/o Betsy Emmert  
 255 East Fifth Street  
 Suite 1900  
 Cincinnati, Ohio 45202

**RE: Madison Parke – Zone Change Request**

Betsy,

At a special meeting of the Madisonville Community Council on August 2<sup>nd</sup>, as a representative of Oakley Capital Partners 2, LLC, you requested a Letter of Support for the zone change for the parcel at 4710-4722 Madison Road.

On behalf of the Madisonville Community Council (MCC), I write to you today to share the organization's support for your application on behalf of Oakley Capital Partners 2, LLC, to the City of Cincinnati to re-zone 4710-4722 Madison Road from Manufacturing General to Commercial General Auto.

After much discussion, the MCC General Body passed a motion to support of this zoning change request. It needs to be noted that this motion passed because it was stated by the developer's representative that no establishment with a drive thru requirement is planned for 4710-4722 Madison Road, even though the zoning change would allow for a drive thru type of establishment,

Should you or the City of Cincinnati Planning Staff have any questions or concerns, please contact me by email at [president@ourmadisonville.com](mailto:president@ourmadisonville.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kate Botos', with a long horizontal flourish extending to the right.

Kate Botos  
 Madisonville Community Council President

***Officers***

***President***  
 Kate Botos

***Vice President***  
 Monica Hill

***Treasurer***  
 Jeff Hart

***Recording Secretary***  
 Vacant

***Correspondence Secretary***  
 Angela Pearson

**From:** Joe Groh joe.groh@oakleynow.com

**To:** Sophia Ferries-Rowe sophia.ferries-rowe@cincinnati-oh.gov

**Cc:** president@ourmadisonville.com; vp@ourmadisonville.com; colleen.reynolds@oakleynow.com; oakleycouncil@oakleynow.com; maria.dienger@cincinnati-oh.gov

**Subject:** Re: [External Email] Re: Public Staff Conference - 4710 & 4722 Madison Road  
Zone Change

Hello All,

My apologies, as I got stuck in a lenient call and just now free.

I would like to share that I recommend, based on Oakley's experience with a similar zoning change request, the that Madisonville Community Council consider approving a CC-P or CC-M zoning district, and not CG-A. Doing so gives the community some recourse if the plans or makeup of the businesses/retail options change; consequently, if the developer later wanted to add something like a drive-thru, they would have to seek a variance. This gives the community a voice in that decision/change from what they originally approved.

I know I wish I had this additional knowledge at the time of our vote, as in hindsight, I would not have voted to approve CG-A.

Regards,

--

Joe Groh  
Oakley Community Council Vice President  
Pedestrian Safety, NSP/NBD Manager

3715 MADISON RD LLC  
425 WALNUT ST #1800  
CINCINNATI, OH 45202

4538 CAMBERWELL LLC  
1730 TENNESSEE AVE  
CINCINNATI, OH 45229

4730 MADISON ROAD LLC  
4730 MADISON RD  
CINCINNATI, OH 45227

CHASE REALTY CO THE  
5469 CEDAR VILLAGE #5119  
MASON, OH 45040-8976

EKP 3799 MADISON ROAD LLC  
2948 PINERIDGE AVE  
CINCINNATI, OH 45208

HAMILTON COUNTY BOARD OF MENTAL  
HEALTH & RECOVERY SERVICES  
2350 AUBURN AVE  
CINCINNATI, OH 45219

MADI BOWL LLC  
PO BOX 8129  
CINCINNATI, OH 45208

NLDS PROPERTIES LLC  
5041 OAKLAWN DR  
CINCINNATI, OH 45227

OAKLEY CROSSINGS HOLDINGS LLC  
8600 GOVERNORS HILL DR STE 160  
CINCINNATI, OH 45249

PREGNANCY CENTER EAST INC  
4760 MADISON RD  
CINCINNATI, OH 45227

QUEEN CITY FLATTS LLC  
3415 UNIVERSITY AVE  
SAINT PAUL, MN 55114

QUEEN CITY GREEN HOLDINGS LLC  
4570 STEEL PLACE  
CINCINNATI, OH 45209

SOUTHWEST OHIO REGIONAL TRANSIT  
AUTHORITY  
1014 VINE ST SUITE 2000  
CINCINNATI, OH 45202-1122

SS MAMNOH LLC  
PO BOX 320099 SI # 2020  
ALEXANDRIA, VA 22320

SS MAMNOH LLC  
8400 E PRENTICE AVE 9TH FL  
GREENWOOD VILLAGE, CO 80111

Madisonville Community Urban  
Redevelopment Corporation  
6111 Madison Rd.  
Cincinnati, OH 45227

Madisonville Community Council  
P.O. Box 9514  
Cincinnati, OH 45209

Oakley Community Council  
P.O. Box 9244  
Cincinnati, OH 45209

Oakley Capital Partners 2, LLC  
9370 Fields Ertel Road, #498428  
Cincinnati, OH 45249

Betsy Emmert  
255 E. Fifth Street, Suite 1900  
Cincinnati, OH 45202

November 20, 2024

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

Dear Members of Council:

We are transmitting herewith an Ordinance captioned as follows:

**AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 4710-4722 Madison Road in the Madisonville neighborhood from the MG-T, “Manufacturing General – Transportation Corridor,” zoning district to the CG-A-T, “Commercial General-Auto Oriented – Transportation Corridor,” zoning district to facilitate the construction of three new commercial buildings for day care center, retail, and restaurant uses.

**Summary:**

The petitioner, Oakley Capital Partners 2, LLC, requests a zone change for the property located at 4710-4722 Madison Road in Madisonville. The current zoning is Manufacturing General – Transportation Corridor (MG-T), and the applicant is pursuing the change to Commercial General-Auto Oriented – Transportation Corridor (CG-A-T). The property is currently vacant and is 3.98 acres in size. The surrounding properties include manufacturing businesses, commercial businesses, and a health facility. It is adjacent to a railroad.

This proposed zone change will allow the applicant to include a day care facility, restaurant, and retail uses on the site. The daycare facility is expected to have around 200 children enrolled, and there are 230 parking spaces.

The City Planning Commission recommended the following on November 15, 2024, to City Council:

**APPROVE** the proposed zone change from Manufacturing General – Transportation Corridor (MG-T) to Commercial General-Auto Oriented – Transportation Corridor (CG-A-T) at 4710-4722 Madison Road in Madisonville.

Motion to Approve: Mr. Samad  
Seconded: Ms. Sesler

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

THE CITY PLANNING COMMISSION

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

November 6, 2024

**TO:** Mayor and Members of City Council  
**FROM:** Sheryl M.M. Long, City Manager  
**SUBJECT:** Department of Finance Investment Policy update

202402318

The attached Treasury Investment Policy is a revision of the existing Investment Policy previously revised by City Council in 2016. After discussion with the City's Investment Advisor, policy changes are being recommended. These changes are consistent with the investment provisions included in the Ohio Revised Code.

The revisions to the Investment Policy are highlighted below.

- 1) Establishes separate benchmarks for the external investment manager's portfolio and the internal portfolio.
- 2) Removes Treasury Inflation Protected Securities as an eligible investment.
- 3) Requires all Federal Agency Securities be direct issuances of the federal government.
- 4) Increases the allowable investment allocation to the State Treasury Asset Reserve of Ohio (STAR Ohio).

The overall Investment Policy establishes the policy and procedures by which the City Treasurer will invest funds not needed for daily cash flow. It defines three primary investment objectives which include, safety of principal, liquidity, and return of investments.

Upon approval by City Council, this revised Investment Policy will be filed with the State Auditor and submitted to the Association of Public Treasurers of the United States and Canada for certification.

The Treasury Investment Policy is recommended for City Council approval.

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

**CITY OF CINCINNATI, OHIO  
TREASURY INVESTMENT POLICY**

**A. POLICY**

The policy of the City of Cincinnati (City) is to invest public funds in a manner which emphasizes maximum security of principal while meeting the daily cash flow needs of the City. Within these two parameters, the goal is to earn the highest investment return possible.

**B. SCOPE**

This investment policy applies to all funds that are pooled and deposited into the General Bank Depository Account and other accounts authorized by the City Treasurer. The investment pool will consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation established by the Cincinnati Municipal Code Section 301-15. All such funds are reported in the City's Annual Comprehensive Financial Report and include the General Fund, Special Revenue Funds, Capital Project Funds, Debt Service Funds, Enterprise Funds, Internal Service Funds, and Agency Funds.

Excluded from this policy are the City of Cincinnati Retirement System accounts and other restricted funds that are maintained in escrow accounts, trustee accounts, and accounts controlled by Boards and Commissions.

**C. PRUDENCE**

Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs. Investment securities shall be purchased not for speculation but for investment considering the probable safety of capital as well as the probable income to be earned.

The standard of prudence to be used by Investment Officials (those engaged in investment transactions, the Finance Director, City Treasurer, and the City Investment Committee members) shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. Investment officials acting in accordance with written procedures, this investment policy, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion, the liquidity and sale of the securities are carried out in accordance with the terms of this policy, and appropriate action is taken to control adverse developments.

Nothing in this policy shall be construed to relieve any investment official from the legal requirements established by the Ohio Revised Code (O.R.C. 135) or the Cincinnati Municipal Code (C.M.C. 301).

**D. OBJECTIVES**

The primary objectives, in priority order, of the City's investment activities are as follows:

**Safety**

Safety of principal is the foremost objective of the investment program. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital in the entire portfolio. The objective is to mitigate credit risk and interest rate risk.

- a. **Credit Risk** - The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
  - Limiting investments to the safest types of securities;
  - Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the City will do business;
  - Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
  
- b. **Interest Rate Risk** - The City will minimize interest risk, the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:
  - Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity;
  - Investing funds needed to meet operating expenses and capital project needs primarily in shorter-term securities, money market mutual funds, or similar investment pools.

### **Liquidity**

The City's investment portfolio will remain sufficiently liquid to meet all operating requirements, which might be reasonably anticipated. The City will primarily meet disbursement requirements using current receipts. Furthermore, because all possible cash demands cannot be anticipated, the portfolio should consist primarily of securities with active secondary or resale markets. A portion of the portfolio may be placed in money market mutual funds or the STAR Ohio investment pool that offer same-day liquidity for short-term funds.

### **Return on Investment**

The investment portfolio shall be designed to achieve the performance standard rate of return (see Section N) throughout budgetary and economic cycles, taking into account the investment risk constraint and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities may be sold prior to maturity for the following reasons:

- A security with declining credit to minimize loss of principal;
- To improve the quality, yield, or target duration in the portfolio;
- Meet liquidity needs of the portfolio.

## **E. DELEGATION OF AUTHORITY**

As a home-rule City, authority to manage the City's investment program is derived from Section 301-11(A), C.M.C. The Finance Director has created an Investment Committee to provide advice concerning the development and implementation of this policy and to select authorized security broker/dealers. The Finance Director has delegated the management responsibility of the investment program and the responsibility for establishing a system of controls to regulate the activities of subordinate officials to the City Treasurer.

The City Treasurer is authorized to engage in investment transactions. No other person, other than the Finance Director or Assistant Finance Director, may engage in an investment transaction unless recommended in writing by the City Treasurer and approved in writing by the Finance Director.

The Finance Director has created the City Investment Committee that will provide guidance to the City Treasurer and periodically review the City's investment program and strategy. The members of this Investment Committee include the Finance Director, Assistant Finance Director, Accounts and Audits Finance Manager, and any other individual(s) as designated by the Finance Director. The Assistant Finance Director will chair the Committee, and the City Treasurer will staff the committee.

As authorized by Ohio Revised Code (Chapter 135.14(N)), the City may utilize the services of a professional investment management firm(s) to manage a portion of the investment portfolio. These investment management firm(s) will be selected through a Request for Proposals (RFP) process, and their contract terms shall not exceed five years. The Investment Committee shall have the discretion to hire or terminate investment management firms.

Investments purchased by these firms for the City investment portfolio must comply with Ohio Revised Code Section 135, Cincinnati Municipal Code Chapter 301, as well as the requirements of this Investment Policy Statement. This Investment Policy Statement will be included as an addendum to all investment firm contracts. These investment management firms shall have the authority to purchase and sell securities on behalf of the City without obtaining prior approval of the City Treasurer.

All securities purchased for the City by these investment management firms will be held in City of Cincinnati custodial accounts. The custodian shall provide the City Treasurer with a monthly report that must include, but not be limited to, a list of all securities held in the portfolio, all transactions which occurred during the month, and the market value of each security.

These investment firms will be required to provide investment reports, performance reports and trade reports to the City Treasurer on a weekly basis.

## **F. ETHICS AND CONFLICT OF INTEREST**

Investment Officials shall refrain from personal business activity that could conflict with proper execution and management of the policy and the investment program, or which could impair their ability to make impartial investment decisions. Investment officials must provide a public disclosure document by February 1 each year or when material interest in financial institutions or personal investment positions require it. The public disclosure document must contain any material interests in financial institutions with which they conduct business and shall further disclose any personal or financial investment positions that could be related to the performance of the investment portfolio. Furthermore, Investment Officials must refrain from undertaking personal investment transactions with the same individual(s) employed by the financial institution with whom business is conducted on behalf of the City.

## **G. AUTHORIZED FINANCIAL INSTITUTIONS AND BROKER/DEALERS**

### **1. DEPOSITORIES**

Each of the following criteria must be met in order for a financial institution to be considered an eligible depository:

- A) The financial institution must be approved by the Committee on Reinvestment as specified in Section 301-3, C.M.C.;
- B) The financial institution must meet the collateral requirements of this investment policy;
- C) In accordance with Section 135.03, Ohio Revised Code, the financial institution must also be, among other things:
  - 1.) A national bank located within the State of Ohio, or

- 2.) A bank subject to inspection by the Superintendent of Financial Institutions, or
- 3.) A domestic savings and loan association organized under the laws of this state and whose home office is located within the State of Ohio.

Requests for Proposals will be forwarded to eligible depositories in order to evaluate the best provider of banking services. The bank contracts will be evaluated on both a cost basis as well as the financial institution's ability to provide excellent banking services to the City of Cincinnati. In accordance with Section 301-5 C.M.C., the bank contracts for depository services will be awarded for periods not exceeding five years.

## **2. AUTHORIZED SECURITY BROKERS AND DEALERS**

The Finance Director authorizes the Investment Committee to designate security broker/dealers for the purpose of purchasing and selling but not safekeeping or holding securities on behalf of the City. Only primary or regional broker/dealers that qualify under Securities and Exchange Commission Rule 15C3-1 shall be eligible to purchase and sell securities on behalf of the City. In addition, a list will be maintained of approved security broker/dealers selected by creditworthiness (e.g., a minimum capital requirement of \$10,000,000 and at least five years of operation). These may include primary broker/dealers or regional broker/dealers that qualify under Securities and Exchange Commission (SEC) Rule 15C3-1 (uniform net capital rule). Furthermore, the following criteria shall apply to broker/dealers:

- A) Must be licensed and registered with the State of Ohio, Commerce Department,
- B) Must be a member of the Financial Industry Regulatory Authority (FINRA), or
- C) Must be a bank or savings and loan association regulated by the Superintendent of Financial Institutions, or
- D) Must be an institution regulated by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or Board of Governors of the Federal Reserve System.

These broker/dealers will be selected through a Request for Qualifications (RFQ) process, and the term of list shall not exceed five years. The Investment Committee shall have the discretion to add or eliminate broker/dealers from the eligible broker/dealer list.

All broker/dealers will be provided with a copy of this Investment Policy Statement. As required by Section 135.14(O)(1) of the O.R.C., these broker/dealers will be required to submit a signed copy of this document to the City Treasurer in order to acknowledge the receipt and comprehension of the Investment Policy Statement.

In addition to the criteria mentioned above, an authorized broker/dealer through which securities will be purchased must provide to the City Treasurer, a completed and certified "Broker/Dealer Questionnaire and Certification" and audited financial statements.

From time to time, the Finance Director may choose to invest in instruments offered by economically disadvantaged financial institutions and community financial institutions. In such situations, a waiver to the criteria in this section may be granted. All terms and relationships will be fully disclosed prior to purchase and will be consistent with state and local law.

The City Treasurer will maintain the list of broker/dealers authorized by the Investment Committee to provide investment services. The Investment Committee will review the list at least annually to determine which broker/dealers shall be added to or deleted from the list. Whenever possible, investments will be purchased through a competitive bidding process using the broker/dealers on the approved list.

Investment management firms that manage an investment portfolio on behalf of the City are authorized to select the broker/dealers that will execute the trades on behalf of the City of Cincinnati. This authority is granted with the understanding that the investment managers will utilize the broker/dealers that are able to provide best execution when trading securities on behalf of the City of Cincinnati adhering to the criteria set above.

## H. ELIGIBLE INVESTMENTS

In accordance with, and subject to, Section 301-11 of the C.M.C. and 135.14 of the O.R.C., monies in the Treasury of the City of Cincinnati may be invested in:

- 1) United States Treasury Bills, Notes, Bonds, or any other obligation guaranteed as to principal and interest by the United States.

Nothing in this classification of eligible obligations set forth in this section or in the classification of eligible obligations set forth in divisions (2) to (7) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible obligations.

- 2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, or government sponsored enterprise. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities. These include, but are not limited to:

- Federal National Mortgage Association
- Federal Home Loan Bank
- Federal Farm Credit Bank
- Federal Home Loan Mortgage Corporation
- Government National Mortgage Association

- 3) Time certificates of deposit of eligible institutions as provided in Section 135.08 of the O.R.C., the payment of the principal and accrued interest thereon for which eligible securities are pledged and deposited with the City Treasurer or qualified trustee.

Eligible securities and qualified trustee for the purposes of this section shall have the same meaning as eligible securities and qualified trustee for the purpose of Section 135.18 of the O.R.C.

Up to \$25,000,000 of time certificates of deposit may be invested as linked deposits at less than market rates of return as negotiated by the Director of Finance or his designee. This is authorized by Section 301-11(3) of the Cincinnati Municipal Code.

- 4) No-load money market mutual funds (consisting exclusively of obligations described in (1) of this section) or repurchase agreements secured by such obligations (consisting exclusively of obligations described in (1) of this section) provided that investments in these securities are made only through eligible institutions mentioned in Section 135.03 of the O.R.C.
- 5) The Ohio subdivision's fund (STAR Ohio) as provided in Section 135.45 of the O.R.C. Standard and Poor's has assigned its highest rating (AAA) to the Star Ohio investment pool, and thus, it is considered to have superior capacity to maintain principal and limit exposure to loss. In addition to the eligible investments in this section, Star Ohio may invest in accordance with its policy, which includes commercial paper and banker's acceptances.
- 6) The State of Ohio endorsed cash management programs, including but not limited to GDP.

- 7) Repurchase Agreements in accordance with Section 135.14(E), O.R.C. The City Treasurer and the broker/dealer engaging in any repurchase agreement investment transactions with the City must sign a master repurchase agreement.
- 8) Municipal bonds or other obligations of the State of Ohio, or any political subdivision of the State of Ohio and any other state or political subdivision with at least a AA rating or better at the time of purchase. In the event a security is rated by three rating agencies, the middle rating will apply. If the security is rated by two rating agencies, the lowest rating will apply. In the event a security falls below an AA rating subsequent to purchase, the investment manager will notify the City Treasurer within 30 days of the downgrade. The manager may continue to hold the security if directed by the City. The Treasurer cannot be the sole purchaser of the bonds or other obligations at original issuance. Any investment must mature within five years from the date of settlement unless the investment is specifically matched to a specific obligation or debt of this city.

No investments in municipal bonds can be made until the City Treasurer has satisfied the additional training requirements mandated by the Ohio State Treasurer's Office.

- 9) Commercial Paper that meets the requirements of state law and that has assets exceeding \$500 million, to which notes all the following apply:
  - a) The notes are rated at the time of purchase in the highest classification established by at least two nationally recognized standard rating services.
  - b) The aggregate value of the notes does not exceed 10 percent of the aggregate value of the outstanding commercial paper of the issuing corporation.
  - c) The notes mature not later than 270 days after purchase

Nothing in this classification of eligible investments set forth in Section 301-11 C.M.C. shall be construed to authorize any investment in a derivative pursuant to Section 135.14 (C) of the O.R.C.

## **I. COLLATERAL**

Certificate of deposit investments must be backed by either a collateral or surety bond with an aggregate market value of at least one hundred two percent (102%) of the City's deposits and investments including accrued interest. Collateral must be pledged in the name of the City of Cincinnati to the City's joint custody account at the Federal Reserve Bank, Cleveland, Ohio, or can be pledged at a different third-party depository within the State of Ohio upon written agreement between the pledging institution, the third party depository, and the City Treasurer. Collateral will be released upon the written authority of the City Treasurer.

Repurchase agreements must be backed by collateral as defined in the master repurchase agreement. The City will accept delivery of collateral at its custodian bank or bank as approved by the Finance Director. Collateral will be released only upon the authority of the City Treasurer.

## **J. SAFEKEEPING AND CUSTODY**

All security transactions, entered by the City, shall be conducted on a delivery versus payment (DVP) basis. The DVP basis shall mean the broker/dealer will not be paid until the securities purchased are delivered to the City or the City's designated third-party safekeeping account.

The City Treasurer is responsible for the custody and safekeeping of all documents evidencing a deposit or investment per section 134.14(K), O.R.C. Investment in U.S. Treasury securities shall be held in the City's third-party safekeeping accounts at the City's custodian bank. All other investment securities shall be held in the custody of the City Treasurer. The Finance Director must approve any exceptions to this safekeeping and custody policy in writing.

All security third party safekeeping shall be performed by the City's custodian bank.

**K. DIVERSIFICATION**

Chapter 301-CMC does not set limits on the amount of funds which may be held in the eligible investment securities. However, the following guidelines are established in order to avoid overconcentration in securities from a specific issuer or sector

<u>Type</u>	<u>Not to exceed</u>
• U.S. Government Obligations	100%
• U.S. Federal Agency Securities	100%
• Non-negotiable Certificates of Deposits	60%
• Municipal Bonds/Notes	20%
• Repurchase Agreements	25%
• STAR Ohio (State of Ohio Investment Pool)	75%
• Commercial Paper	40%
• Overnight excess cash deposit	100%

**L. MATURITIES**

Any investment must mature within five years from the date of settlement, unless the investment is matched to a specific obligation or debt of the City.

The City's investments will generally follow a laddered strategy, which distributes assets not needed for anticipated disbursements evenly over a five-year period as determined by the Investment Committee.

**M. INTERNAL CONTROLS**

The City Treasurer, in consultation with the Division of Accounts & Audits, is responsible for establishing an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The Investment Committee shall approve the internal control structure. The internal control structure shall be designed to provide reasonable assurance that assets are protected, recognizing that (1) the cost of a control should not exceed the benefits likely to be derived, and (2) the valuation of costs and benefits requires estimates and judgments by management.

The City will hire an external certified public accounting firm to conduct an independent audit on an annual basis. The annual audit requires a review and test of the internal controls established by investment policies and procedures.

The internal controls address control of collusion, separation of transaction authority from accounting and recordkeeping, custodial safekeeping, avoidance of physical delivery securities, clear delegation of authority to subordinate staff members, written confirmation of transactions for investments and wire transfers, and development of wire transfer agreements with custodian banks and lead banks for transactions.

## **N. PERFORMANCE STANDARDS**

The City has implemented a multidisciplined performance standard.

For funds managed internally by the City's staff the benchmark to be used will be the 24-month trailing average yield of the 2-year Constant Maturity Treasury (CMT).

In the event an investment management firm is selected to work with the City, the benchmark to be used will be the 1–5-year Treasury Index.

## **O. REPORTING**

The Treasurer will report each investment to the Finance Manager of Accounts and Audits by the same business day. The information provided will include the type and issuer of the investment, date of purchase and maturity, the principal amount, the interest rate, and the amount paid for the investment.

The custodian bank shall generate a monthly report that provides the current market valuation of each security owned by the City. CUSIP numbers for each security are to be included in the report.

The City Treasurer will meet with the Finance Director and the Investment Committee on a quarterly basis to discuss investment strategies. Information provided to the Investment Committee will include a review of all securities purchased in the previous quarter, data on all securities held in the City portfolio, current yield curve environment, overall portfolio allocation, and quarterly reports provided by investment management firms.

## **P. TRAINING AND EDUCATION**

The City Treasurer must maintain sufficient education and training as deemed necessary by the Finance Director. On an annual basis, the City Treasurer and Investment Officials must complete the continuing education programs prescribed by the State Treasurer in Section 135.22, O.R.C.

No investment shall be made under division (B)(4) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(4) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.

## **Q. REVIEW**

This policy shall be reviewed at least annually but revisions may be made as frequently as deemed necessary. The Investment Committee and the Finance Director must approve any changes to the policy before submission to City Council for approval.

As required by Ohio Revised Code Chapter 135.14, this Investment Policy Statement must be filed with the Auditor of State after it has been approved by City Council.

## **R. INVESTMENT POLICY ADOPTION**

This investment policy and subsequent revisions shall be presented to and approved by City Council.

## **INVESTMENT TERM GLOSSARY**

### **Accrued Interest**

The accumulated interest due on a bond as of the last Interest payment made by the issuer.

### **Agency**

Debt security issued by a federal or federally sponsored agency. Federal agencies are backed by the full faith and credit of the U.S. Government. Federally sponsored agencies (FSAs) are backed by each particular agency with a market perception that there is an implicit government guarantee. An example of a federal agency is the Government National Mortgage Association (GNMA). An example of a FSA is the Federal National Mortgage Association (FNMA).

### **Amortization**

The systematic reduction of the amount owed on a debt issue through periodic payments of principal.

### **Average Life**

The average length of time that an issue of serial bonds and/or term bonds with a mandatory sinking fund feature is expected to be outstanding.

### **Basis Point**

A unit of measurement used in the valuation of fixed-income securities equal to 1/100 of 1 percent of yield, e.g., "1/4" of 1 percent is equal to 25 basis points.

### **Bid**

The indicated price at which a buyer is willing to purchase a security or commodity.

### **Book Value**

The value at which a security is carried on the inventory lists or other financial records of an investor. The book value may differ significantly from the security's current value in the market.

### **Callable Bond**

A bond issue in which all or part of its outstanding principal amount may be redeemed before maturity by the issuer under specified conditions.

### **Call Price**

The price at which an issuer may redeem a bond prior to maturity. The price is usually at a slight premium to the bond's original issue price to compensate the holder for loss of income and ownership.

### **Call Risk**

The risk to a bondholder that a bond may be redeemed prior to maturity.

### **Cash Sale/Purchase**

A transaction which calls for delivery and payment of securities on the same day that the transaction is initiated.

### **Collateralization**

Process by which a borrower pledges securities, property, or other deposits for the purpose of securing the repayment of a loan and/or security.

**Commercial Paper**

An unsecured short-term promissory note issued by Corporations, with maturities ranging from 2 to 270 days.

**Convexity**

A measure of a bond's price sensitivity to changing interest rates. A high convexity indicates greater sensitivity of a bond's price to interest rate changes.

**Coupon Rate**

The annual rate of interest received by an investor from the issuer of certain types of fixed-income securities. Also known as the "interest rate."

**Credit Quality**

The measurement of the financial strength of a bond issuer. This measurement helps an investor to understand an issuer's ability to make timely interest payments and repay the loan principal upon maturity. Generally, the higher the credit quality of a bond issuer, the lower the interest rate paid by the issuer because the risk of default is lower. Credit quality ratings are provided by nationally recognized rating agencies.

**Credit Risk**

The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

**Current Yield (Current Return)**

A yield calculation determined by dividing the annual interest received on a security by the current market price of that security.

**Delivery versus Payment (DVP)**

A type of securities transaction in which the purchaser pays for the securities when they are delivered either to the purchaser or his/her custodian.

**Derivative Security**

Financial instrument created from, or whose value depends upon, one or more underlying assets or indexes of asset values.

**Discount**

The amount by which the par value of a security exceeds the price paid for the security.

**Diversification**

A process of investing assets among a range of security types by sector, maturity, and quality rating.

**Duration**

A measure of the timing of the cash flows, such as the interest payments and the principal repayment, to be received from a given fixed-income security. This calculation is based on three variables: term to maturity, coupon rate, and yield to maturity. The duration of a security is a useful indicator of its price volatility for given changes in interest rates.

**Fair Value**

The amount at which an investment could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

**Federal Funds (Fed Funds)**

Funds placed in Federal Reserve banks by depository institutions in excess of current reserve requirements. These depository institutions may lend fed funds to each other overnight or on a longer basis. They may also transfer funds among each other on a same-day basis through the Federal Reserve banking system. Fed funds are considered to be immediately available funds.

### **Federal Funds Rate**

Interest rate charged by one institution lending federal funds to the other.

### **Government Securities**

An obligation of the U.S. government, backed by the full faith and credit of the government. These securities are regarded as the highest quality of investment securities available in the U.S. Securities market. See "Treasury Bills, Notes, and Bonds."

**Interest Rate** - See "Coupon Rate."

### **Interest Rate Risk**

The risk associated with declines or rises in interest rates, which cause an investment in a fixed-income security to increase or decrease in value.

### **Internal Controls**

An internal control structure designed to ensure that the assets of the entity are protected from loss, theft, or misuse. The internal control structure is designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that 1) the cost of a control should not exceed the benefits likely to be derived and 2) the valuation of costs and benefits require estimates and judgments by management. Internal controls should address the following points:

1. Control of collusion - Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
2. Separation of transaction authority from accounting and record keeping. By separating the person who authorizes or performs the transaction from the people who record or otherwise account for the transaction, a separation of duties is achieved.
3. Custodial safekeeping - Securities purchased from any bank or dealer including appropriate collateral (as defined by state law) shall be placed with an independent third party for custodial safekeeping.
4. Avoidance of physical delivery securities - Book-entry securities are much easier to transfer and account for since actual delivery of a document never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physically delivered securities.
5. Clear delegation of authority to subordinate staff members. Subordinate staff members must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure that is contingent on the various staff positions and their respective responsibilities.
6. Written confirmation of transactions for investments and wire transfers. Due to the potential or error and improprieties arising from telephone and electronic transactions, all transactions should be supported by written communications and approved by the appropriate person. Written communications may be via fax if on letterhead and if the safekeeping institution has a list of authorized signatures.
7. Development of a wire transfer agreement with the lead bank and third party custodian. The designated official should ensure that an agreement will be entered into and will address the following points: controls, security provisions, and responsibilities of each party making and receiving wire transfers.

### **Inverted Yield Curve**

A chart formation that illustrates long-term securities having lower yields than short-term securities. This configuration usually occurs during periods of high inflation coupled with low levels of confidence in the economy and a restrictive monetary policy.

**Investment Company Act of 1940**

Federal legislation which sets the standards by which investment companies, such as mutual funds, are regulated in the areas of advertising, promotion, performance reporting requirements, and securities valuations.

**Investment Officials**

The Finance Director, the City Treasurer, those engaged in investment transactions, and the Investment Committee members.

**Investment Policy**

A concise and clear statement of the objectives and parameters formulated by an investor or investment manager for a portfolio of investment securities.

**Investment-grade Obligations**

An investment instrument suitable for purchase by institutional investors under the prudent person rule. Investment-grade is restricted to those obligations rated BBB or higher by a rating agency.

**Laddered Investments**

The laddered investment strategy distributes assets not needed for anticipated disbursements and will be distributed evenly over a three year period.

**Liquidity**

An asset that can be converted easily and quickly into cash.

**Local Government Investment Pool (LGIP)**

An investment by local governments in which their money is pooled as a method for managing local funds.

**Mark-to-market**

The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

**Market Risk**

The risk that the value of a security will rise or decline as a result of changes in market conditions.

**Market Value**

Current market price of a security.

**Maturity**

The date on which payment of a financial obligation is due. The final stated maturity is the date on which the issuer must retire a bond and pay the face value to the bondholder. See "Weighted Average Maturity."

**Money Market Mutual Fund**

Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repos and federal funds).

**Mutual Fund**

An investment company that pools money and can invest in a variety of securities, including fixed-income securities and money market instruments. Mutual funds are regulated by the Investment Company Act of 1940 and must abide by the following Securities and Exchange Commission (SEC) disclosure guidelines:

1. Report standardized performance calculations.
2. Disseminate timely and accurate information regarding the fund's holdings, performance, management and general investment policy.
3. Have the fund's investment policies and activities supervised by a board of trustees, which are independent of the adviser, administrator or other vendor of the fund.
4. Maintain the daily liquidity of the fund's shares.
5. Value their portfolios on a daily basis.
6. Have all individuals who sells SEC-registered products licensed with a self-regulating organization (SRO) such as the National Association of Securities Dealers (NASD).
7. Have an investment policy governed by a prospectus which is updated and filed by the SEC annually.

### **Mutual Fund Statistical Services**

Companies that track and rate mutual funds, e.g., IBC/Donoghue, Lipper Analytical Services, and Morningstar.

### **National Association of Securities Dealers (NASD)**

A self-regulatory organization (SRO) of brokers and dealers in the over-the-counter securities business. Its regulatory mandate includes authority over firms that distribute mutual fund shares as well as other securities.

### **Net Asset Value**

The market value of one share of an investment company, such as a mutual fund. This figure is calculated by totaling a fund's assets which includes securities, cash, and any accrued earnings, subtracting this from the fund's liabilities and dividing this total by the number of shares outstanding. This is calculated once a day based on the closing price for each security in the fund's portfolio. (See below.)  $[(\text{Total assets}) - (\text{Liabilities})] / (\text{Number of shares outstanding})$

### **No Load Fund**

A mutual fund which does not levy a sales charge on the purchase of its shares.

### **Nominal Yield**

The stated rate of interest that a bond pays its current owner, based on par value of the security. It is also known as the "coupon," "coupon rate," or "interest rate."

### **Offer**

An indicated price at which market participants are willing to sell a security or commodity. Also referred to as the "Ask price."

### **Par**

Face value or principal value of a bond, typically \$1,000 per bond.

### **Passive Investment Strategy**

The practice of holding investments to maturity rather than actively trading the investment portfolio

### **Positive Yield Curve**

A chart formation that illustrates short-term securities have lower yields than long-term securities.

### **Premium**

The amount by which the price paid for a security exceeds the security's par value.

### **Prime Rate**

A preferred interest rate charged by commercial banks to their most creditworthy customers. Many interest rates are keyed to this rate.

**Principal**

The face value or par value of a debt instrument. Also may refer to the amount of capital invested in a given security.

**Prospectus**

A legal document that must be provided to any prospective purchaser of new securities offering registered with the SEC. This can include information on the issuer, the issuer's business, the proposed use of proceeds, the experience of the issuer's management, and certain certified financial statements.

**Prudent Person Rule**

An investment standard outlining the fiduciary responsibilities of public funds investors relating to investment practices.

**Regular Way Delivery**

Securities settlement that calls for delivery and payment on the third business day following the trade date (T+3); payment on a T+1 basis is currently under consideration. Mutual funds are settled on a same day basis; government securities are settled on the next business day.

**Reinvestment Risk**

The risk that a fixed-income investor will be unable to reinvest income proceeds from a security holding at the same rate of return currently generated by that holding.

**Repurchase Agreement (repo or RP)**

An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price or at a specified later date.

**Reverse Repurchase Agreement (Reverse Repo)**

An agreement of one party to purchase securities at a specified price from a second party and a simultaneous agreement by the first party to resell the securities at a specified price to the second party on demand or at a specified date.

**Rule 2a-7 of the Investment Company Act**

Applies to all money market mutual funds and mandates such funds to maintain certain standards, including a 13-month maturity limit and a 90-day average maturity on investments, to help maintain a constant net asset value of one dollar (\$1.00).

**Safekeeping**

Holding of assets (e.g., securities) by a financial institution.

**Serial Bond**

A bond issue, usually of a municipality, with various maturity dates scheduled at regular intervals until the entire issue is retired.

**Sinking Fund**

Money accumulated on a regular basis in a separate custodial account that is used to redeem debt securities or preferred stock issues.

**Swap** - Trading one asset for another.

**Term Bond**

Bonds comprising a large part or all of a particular issue which come due in a single maturity. The issuer usually agrees to make periodic payments into a sinking fund for mandatory redemption of term bonds before maturity.

### **Total Return**

The sum of all investment income plus changes in the capital value of the portfolio. For mutual funds, return on an investment is composed of share price appreciation plus any realized dividends or capital gains. This is calculated by taking the following components during a certain time period. (Price Appreciation) + (Dividends paid) + (Capital gains) = Total Return

### **Treasury Bills**

Short-term U.S. government non-interest bearing debt securities with maturities of no longer than one year and issued in minimum denominations of \$10,000. Auctions of three- and six-month bills are weekly, while auctions of one-year bills are monthly. The yields on these bills are monitored closely in the money markets for signs of interest rate trends.

### **Treasury Notes**

Intermediate U.S. government debt securities with maturities of one to 10 years and issued in denominations ranging from \$1,000 to \$1 million or more.

### **Treasury Bonds**

Long-term U.S. government debt securities with maturities of ten years or longer and issued in minimum denominations of \$1,000. Currently, the longest outstanding maturity for such securities is 30 years.

### **Uniform Net Capital Rule**

SEC Rule 15C3-1 outlining capital requirements for broker/dealers.

### **Volatility**

A degree of fluctuation in the price and valuation of securities.

### **"Volatility Risk" Rating**

A rating system to clearly indicate the level of volatility and other non-credit risks associated with securities and certain bond funds. The ratings for bond funds range from those that have extremely low sensitivity to changing market conditions and offer the greatest stability of the returns ("aaa" by S&P; "V-1" by Fitch) to those that are highly sensitive with currently identifiable market volatility risk ("ccc-" by S&P, "V-10" by Fitch).

### **Weighted Average Maturity (WAM)**

The average maturity of all the securities that comprise a portfolio. According to SEC rule 2a-7, the WAM for SEC registered money market mutual funds may not exceed 90 days and no one security may have a maturity that exceeds 397 days.

### **When Issued (WI)**

A conditional transaction in which an authorized new security has not been issued. All "when issued" transactions are settled when the actual security is issued.

### **Yield**

The current rate of return on an investment security generally expressed as a percentage of the security's current price.

### **Yield-to-call (YTC)**

The rate of return an investor earns from a bond assuming the bond is redeemed (called) prior to its nominal maturity date.

**Yield Curve**

A graphic representation that depicts the relationship at a given point in time between yields and maturity for bonds that are identical in every way except maturity. A normal yield curve may be alternatively referred to as a positive yield curve.

**Yield-to-maturity**

The rate of return yielded by a debt security held to maturity when both interest payments and the investor's potential capital gain or loss are included in the calculation of return.

**Zero-coupon Securities**

Security that is issued at a discount and makes no periodic interest payments. The rate of return consists of a gradual accretion of the principal of the security and is payable at par upon maturity.

November 6, 2024

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

**202402319**

Subject: RESIDENTIAL SIDEWALK REPAIR ASSISTANCE

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**Reference Document #202401457**

The Council at its session on May 30, 2024, referred the following item for review and report:

MOTION, dated May 14, 2024, submitted by Councilmember Albi, Vice Mayor Kearney and Councilmembers Jeffreys, Walsh, Johnson, and Owens, WE MOVE that the City Administration provide a report within ninety (90) days on the feasibility of setting up a fund to support residential sidewalk repair. This report should include the current financial burden that homeowners face with repairing their sidewalks and potential sources of funding, including from the sale of the Cincinnati Southern Railway, that could support residents.

The following report by the Department of Transportation and Engineering (DOTE) provides the current financial burden to homeowners and options for existing funding to support residential sidewalk repair.

**BACKGROUND**

There are approximately 1,800 miles of total sidewalks located in the city rights of way, estimated to be around 50 million square feet. The total sidewalk replacement value at current pricing is estimated at nearly 1 billion dollars.

DOTE has a program in place for sidewalk repair which follows C.M.C. Chapter 721 and Ohio Revised Code Chapter 729. The C.M.C. Sec. 721-147 requires the abutting property owner to maintain the adjacent sidewalk in good condition and free from nuisance.

Currently, due to existing resources, the DOTE Sidewalk Safety Program is a complaint-driven program. DOTE has received 2,028 customer service requests for sidewalk repairs from citizens in 2021-2023. City staff inspect the sidewalks noted in each request for condition or hazards. If repairs are necessary, a notification is sent to property owners to begin the sidewalk repair process.

## **CURRENT COST**

The current financial burden homeowners face for repairing their sidewalks include the physical demolition, removal and construction of new concrete sidewalks and sidewalks through driveways, including associated contractor and permit fees. Once necessary sidewalk repairs are confirmed, the homeowner is notified that they have two (2) options to repair the sidewalk:

- A homeowner can hire their own general contractor to replace the defective walk and drive aprons.
- A homeowner can elect to have the City's general contractor replace the defective walks and drive aprons. If this option is selected, the homeowner is then given the option to "pay in full" or make payments through an assessment that is included in their property taxes over a three-year, five-year, or ten-year term period.

Current 2024 pricing using the City's general contractor is \$19.50 per square foot for removal and replacement of standard 5-inch-thick concrete sidewalk.

Based on DOTE's previous three years of data, the financial burden on residential property owners ranged from a few hundred dollars to over several thousand dollars with the average costs to a property owner being around \$2,500. For example, the current costs of replacing one sidewalk block (5 ft x 5 ft) is approximately \$500, a \$2,500 price tag would equate to replacing five (5) sidewalk blocks. The actual costs to a property owner are site specific as the condemnable sidewalk block widths and lengths differ for each property.

The City maintains the sidewalk around public transit stops and corner curb ramps that benefit users in residential neighborhoods. Also, the City maintains one frontage of residential corner properties with the property owner maintaining the other frontage.

## **FUNDING SOURCE(S)**

Current funding sources available to support residential sidewalk repairs could include the following:

1. **General Capital Funds** that may come from multiple sources.
2. **Tax Increment Finance (TIF)** funds support public infrastructure improvements within the boundary of the TIF District.
3. **Cincinnati Southern Railway** trust disbursements for existing infrastructure, which may include sidewalks within the public right of way.

## **SUMMARY**

DOTe will continue to provide pedestrian safety and accessibility on city sidewalks utilizing the Sidewalk Safety Program. More information can be seen at <https://www.cincinnati-oh.gov/dote/street-sidewalk-rehab/sidewalk-safety-program/>

## **RECENT ACTIONS**

DOTe has acted on steps to make the Sidewalk Safety Program more efficient and effective and include the following:

1. **Pilot Project** being performed in Hartwell and Carthage neighborhoods utilizing a third-party vendor to inventory existing sidewalk conditions. Scheduled completion by the end of 2024. Should the Pilot Project be successful, DOTe will prepare a strategic plan and cost estimate to inventory all sidewalks.
2. **Public Safety Strategic Initiative Team** participation for Sidewalk Walkability. The Sidewalk Safety Program objective is to reduce the time it takes to repair sidewalks along with reducing the financial burden on property owners. To transition the program from complaint-driven to a more proactive approach for sidewalk maintenance.
3. **Update City Council** on the success of the pilot program and successful initiative tasks.

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

Date: November 6, 2024

To: Mayor and Members of City Council

202402341

From: Sheryl M. M. Long, City Manager

Subject: EMERGENCY LEGISLATIVE RESOLUTION - HARRISON AVENUE SAFETY  
IMPROVEMENT PROJECTS

---

Attached is an emergency legislative resolution captioned as follows:

**DECLARING** the intent to appropriate to public use certain real-property interests necessary to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto.

The Harrison Avenue Safety Improvements Project (ODOT PID 118053) will include an improved lane configuration along Harrison Avenue, installation of various pedestrian safety initiatives and traffic calming techniques, roadway surface improvements, construction of sidewalks, and construction of retaining walls. This acquisition is necessary for construction and maintenance of the retaining walls that will be installed with the project.

The reason for the emergency is the immediate need to acquire all real property interests necessary to construct the Project without delay to ensure safe, dependable, and uninterrupted provision and protection of the public right of way and ancillary structures.

The Administration recommends passage of the attached legislative resolution.

Attachment A – Harrison Avenue Safety Improvement Projects

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

**EMERGENCY**

**Legislative Resolution**

**DMZ**

**RESOLUTION NO. \_\_\_\_\_ - 2024**

**DECLARING** the intent to appropriate to public use certain real-property interests necessary to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto.

WHEREAS, the City, through its Department of Transportation and Engineering desires to repair, improve, or replace a portion of Harrison Avenue and a retaining wall and length of the sidewalk along the south side of said Harrison Avenue between Everglade Place and Tremont Street, and to retain a portion of the real property through such area for the protection and security of the retaining wall, sidewalk, and roadway to provide for the safe travel of vehicles and pedestrians.

WHEREAS, Council deems it necessary at this time to proceed with acquisition of certain real-property interests for the described Harrison Avenue safety improvements.

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

Section 1. That it is hereby declared to be the intent of Council to appropriate to public use fee simple title to and temporary easements in, on, under, and across portions of the real property described on Attachment A (collectively, "Property"), to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto ("Project"), which interests in portions of the Property are hereby deemed necessary to ensure the completion of the Project and the undisturbed protection, improvement and maintenance of the roadway, the sidewalk, and the retaining wall. The portions of the Property and relative interests thereto to be appropriated are more particularly described and depicted in Attachment B. The owners of the Property are as follows:

<b><u>Owner</u></b>	<b><u>Hamilton Co. Auditor Parcel No.</u></b>
Casey Kinane	203-0027-0138-00
Casey Kinane	203-0027-0140-00
Casey Kinane	203-0027-0141-00
Casey Kinane	203-0027-0142-00
Westside Blue Jay, LLC	203-0027-0139-00
Martin Media	203-0029-0104-00

{00410574-2}

Section 2. That at any time after the effective date of this Resolution and before the passage of an ordinance to appropriate, the City Manager is hereby authorized, with the advice and assistance of the City Solicitor, to acquire by purchase any and all interests in the Property necessary to carry out the Project and, in accordance with such acquisition, to enter into special contracts for necessary services, expert or otherwise, as the City Manager deems necessary or appropriate.

Section 3. That this Resolution shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to acquire all real property interests necessary to construct the Project without delay to ensure the safe, dependable, and uninterrupted provision and protection of the public right of way and ancillary structures.

Passed: \_\_\_\_\_, 2024

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

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

**ATTACHMENT A**

**ATTACHMENT A**

**Tract I**

Parcel: 203-0027-0138-00

Owner: Casey Kinane

**SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON AND STATE OF OHIO AND BOUND AND DESCRIBED AS FOLLOWS:**

**FROM THE NORTHWESTERLY CORNER OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE SOUTH 88°34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF 60.18 FEET TO A POINT FOR THE PLACE OF BEGINNING THENCE SOUTH 1°25'30" WEST A DISTANCE OF 150.70 FEET TO A POINT IN THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE NORTH 89°38'10" WEST ALONG THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581, A DISTANCE OF 51.73 FEET TO A POINT; THENCE NORTH 1°45'30" WEST A DISTANCE OF 151.89 FEET TO A POINT; THENCE SOUTH 88°34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND THE SOUTHERLY LINE OF HARRISON AVENUE A DISTANCE OF 60.18 FEET TO THE PLACE OF BEGINNING.**

**SUBJECT TO THE EXCEPTIONS MENTIONED IN SECTION TWENTY-FIVE OF THE ACT OF MAY 6, 1913, 103 O. L. 914 AS AMENDED, PROVIDING FOR THE REGISTRATION OF LAND TITLES, AND SUBJECT TO THE LESSER ESTATES AND INTERESTS, LIENS, CHARGES AND ENCUMBRANCES MENTIONED AND DESCRIBED IN THE MEMORIALS ENDORSED HEREON OR ON THE SHEET OF MEMORIALS ATTACHED HERETO.**

**Tract II**

Parcel: 203-0027-0140-00

Owner Casey Kinane

**SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, AND STATE OF OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:**

**FROM THE NORTHWESTERLY CORNER OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE SOUTH 88 DEGREES 34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF SIXTY AND 18/100 (60.18) FEET TO A POINT FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55619 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF FIFTY FIVE AND 62/100 (55.62) FEET TO A POINT; THENCE SOUTH 1 DEGREE 25'30" WEST, A DISTANCE OF ONE HUNDRED FORTY NINE AND 67/100 (149.67) FEET TO A POINT IN THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55619; THENCE NORTH 89 DEGREES 38'10" WEST ALONG THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55619, A DISTANCE OF FIFTY FIVE AND 63/100 (55.63) FEET TO A POINT; THENCE NORTH 1 DEGREE 25'30" EAST A DISTANCE OF ONE HUNDRED FIFTY AND 70/100 (150.70) FEET TO A POINT FOR THE PLACE OF BEGINNING.**

**SUBJECT TO THE EXCEPTIONS MENTIONED IN SECTION TWENTY-FIVE OF THE ACT OF MAY 6, 1913, 103 O.L. 914 AS AMENDED, PROVIDING FOR THE REGISTRATION OF LAND TITLES, AND SUBJECT TO THE LESSER ESTATES AND INTERESTS, LIENS, CHARGES AND ENCUMBRANCES MENTIONED AND DESCRIBED IN THE MEMORIALS ENDORSED HEREON OR ON THE SHEET OF MEMORIALS ATTACHED HERETO.**

**Tract III**

Parcel: 203-0027-0141-00 and 203-0027-0142-00

Owner Casey Kinane

BEING PART OF REGISTERED LAND CERTIFICATE NO. 55581 AND ALL OF REGISTERED LAND CERTIFICATE NO. 56290, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWESTERLY CORNER OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE SOUTH 88° 34' 30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND NO. 55619 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF 115.80 FEET TO A POINT FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 88° 34' 30" EAST ALONG THE SOUTHERLY LINE OF HARRISON AVENUE A DISTANCE OF 64.21 FEET TO A POINT AT THE SOUTHWESTERLY CORNER OF HARRISON AVENUE AND LIMA STREET; THENCE SOUTH 1° 48' 30" EAST ALONG THE WESTERLY LINE OF LIMA STREET, A DISTANCE OF 148.54 FEET TO A POINT IN THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE NORTH 89° 38' 10" WEST A DISTANCE OF 72.62 FEET TO A POINT; THENCE NORTH 1° 25' 30" EAST, A DISTANCE OF 149.67 FEET TO A POINT THE PLACE OF BEGINNING. TOGETHER WITH AN EASEMENT AS SET FORTH IN DEED FROM MARCELLA C. FESSEL TO HERMAN FESSEL, RECORDED IN DEED BOOK 3382, PAGE 759 OF THE REGISTERED LAND RECORDS OF HAMILTON COUNTY, OHIO.

SUBJECT TO THE EXCEPTIONS MENTIONED IN SECTION TWENTY-FIVE OF THE ACT OF MAY 6, 1913, 103 O.L. 914 AS AMENDED, PROVIDING FOR THE REGISTRATION OF LAND TITLES, AND SUBJECT TO THE LESSER ESTATES AND INTERESTS, LIENS, CHARGES AND ENCUMBRANCES MENTIONED AND DESCRIBED IN THE MEMORIALS ENDORSED HEREON OR ON THE SHEET OF MEMORIALS ATTACHED HERETO.

**Tract IV**

Parcel: 203-0027-0139-00

Owner: Westside Blue Jay, LLC

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, and being more particularly described as follows:

From a point in the westerly line of Rankin Street, said point being also the northeast corner of Registered Land Certificate No. 48432; thence North 8° 00' 25" West along said Westerly line, a distance of 122.56 feet to a point in the Southwesterly corner of Rankin Street and Harrison Avenue; thence South 77° 54' West along the Southerly line of Harrison Avenue, a distance of 388.77 feet to an angle point; thence continuing along said Southerly line of Harrison Avenue, South 86° 21' 30" West, a distance of 286.00 feet to an angle point; thence continuing along said Southerly line of Harrison Avenue, North 88° 34' 30" a distance of 287.82 feet to a point for the place of beginning; thence South 0° 18' West a distance of 144.75 feet to a point; thence North 89° 38' 10" West a distance of 174.48 feet to a point; thence North 1° 48' 30" West a distance of 148.18 feet to a point in the Southerly line of Harrison Avenue; thence South 88° 34' 30" East along the Southerly line of Harrison Avenue, a distance of 179.96 feet to a point, the place of Beginning.

{00410774-1}

Tract V

Parcel: 203-0029-0104-00

Owner: Martin Media et al

Situated in the City of Cincinnati, Hamilton County, Ohio, in Section Twenty-Five (25), Township Three (3), Fractional Range Two (2), Miami Purchase and being part of Lot Number Four Hundred and Forty-four (444) of the subdivision made by J.A. James, recorded in Plat Book 1, page 173 and known as Fairmount College and more particularly described as follows: Beginning at a point in the southerly line of Harrison Avenue which point is also the northeast corner of Lot Four Hundred and Forty-four (444); thence in a southerly direction one hundred and nine and 12/100 (109.12) feet which point is also the center of the east line of said lot; thence from said center point of original lot running in a westerly direction to the center of said lot on the west line of said lot; thence in a northerly direction from said point to the southerly side of Harrison Avenue, which point is also the northwest corner of said Lot Number Four Hundred and Forty-four (444); thence in an easterly direction along the southerly line of Harrison Avenue ninety-six and 50/100 (96.50) feet to the place of beginning, and being the northerly one half of said Lot Number Four Hundred and Forty-four (444).

*Handwritten:* 51/6

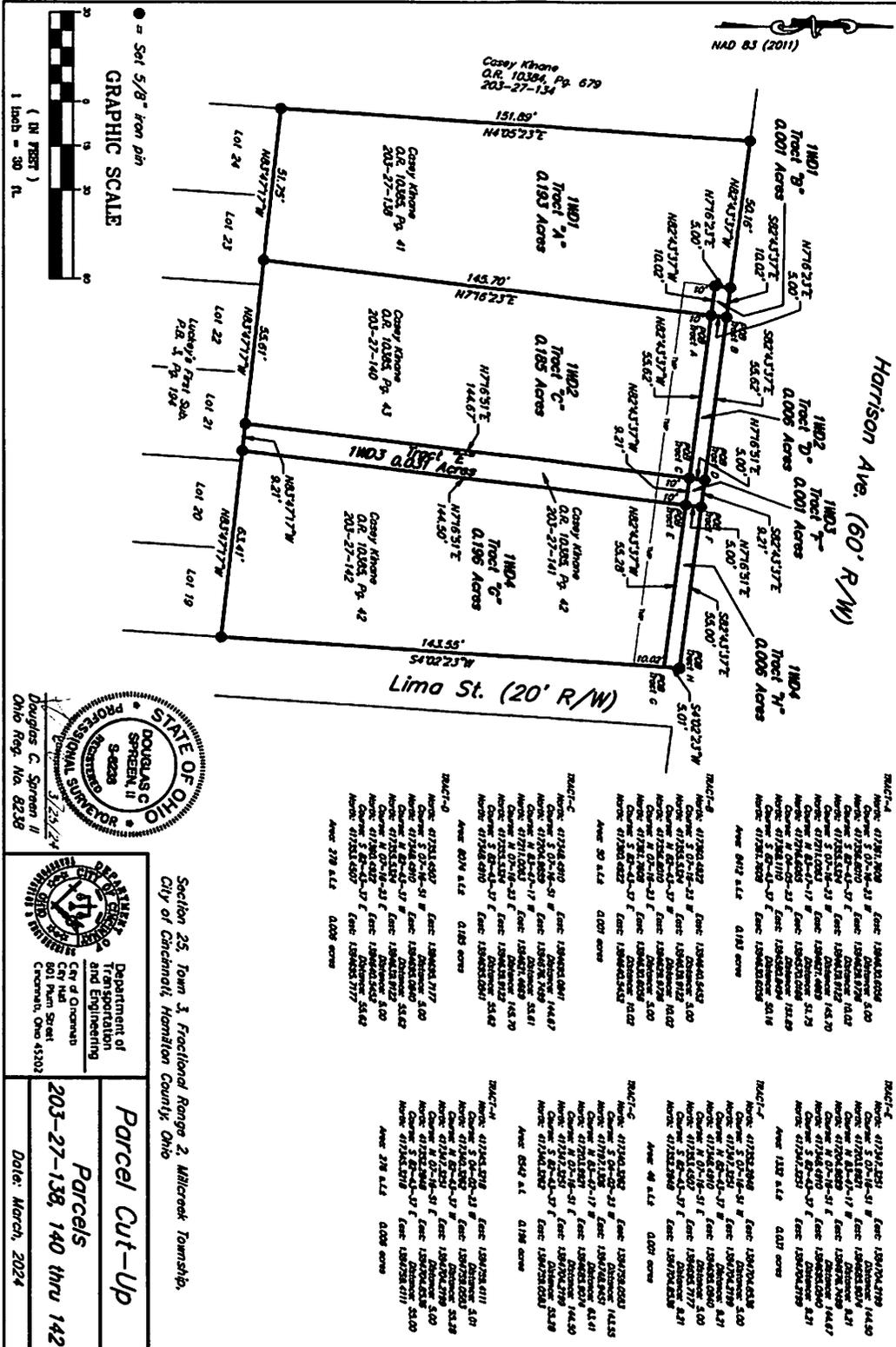
Situate in the City of Cincinnati, Hamilton County, Ohio, and being the north one-half of Lot Four Hundred and Forty-one (441) of James Subdivision of Faircount as shown on plat recorded in Plat Book 1, page 173 of the Hamilton County Ohio Records; said north one-half of said Lot Four Hundred and Forty-one (441) fronts three hundred and ninety-five (395) feet, more or less, on the south side of Harrison Avenue, and extends back southwardly one-half the distance to Montrose Street and lies between Rankin and Elizabeth Streets.

Being property conveyed to the said Grantor by deed recorded at Volume 1990, page 536 of Hamilton County Records.

**ATTACHMENT B**

# ATTACHMENT B

## Casey Kinane Appropriation Cut-up

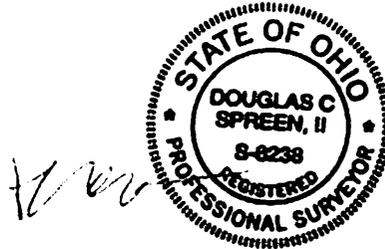


{00410759-1}

**Casey Kinane Appropriation – Tract B – All interest in fee simple**  
Out of Parcel: 203-0027-0138-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 41 and being more particularly described as follows:

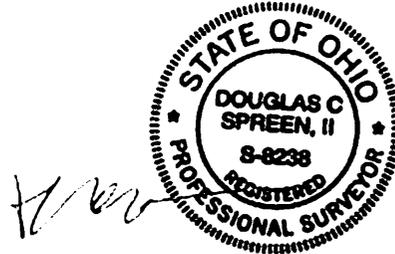
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 119.83 feet to a set 5/8" iron pin being the Point of Beginning; thence South 07°16'23" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 10.02 feet to a set 5/8" iron pin; thence North 07°16'23" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 10.02 feet to the Point of Beginning. Containing 0.001 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – Tract D – All interest in fee simple**  
Out of Parcel: 203-0027-0140-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 43 and being more particularly described as follows:

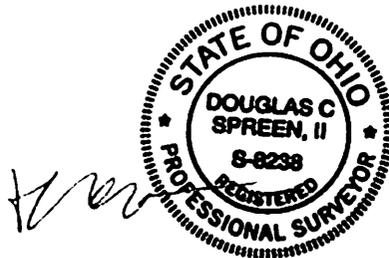
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 64.21 feet to a set 5/8" iron pin being the Point of Beginning; thence South 07°16'51" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 55.62 feet to a set 5/8" iron pin; thence North 07°16'23" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 55.62 feet to the Point of Beginning. Containing 0.006 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – Tract F – All interest in fee simple**  
Out of Parcel: 203-0027-0141-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 42 and being more particularly described as follows:

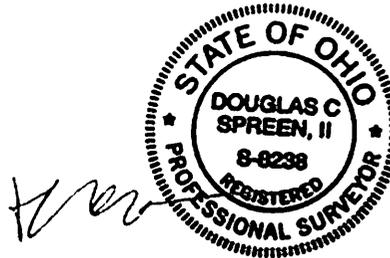
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 55.00 feet to a set 5/8" iron pin being the Point of Beginning; thence South 07°16'51" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 9.21 feet to a set 5/8" iron pin; thence North 07°16'51" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 9.21 feet to the Point of Beginning. Containing 0.001 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – Tract H – All interest in fee simple**  
Out of Parcel: 203-0027-0142-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 42 and being more particularly described as follows:

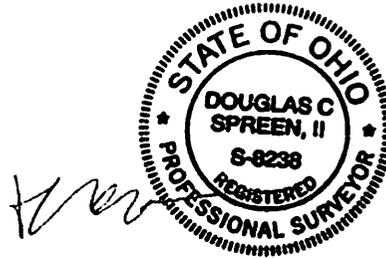
Beginning at a set 5/8" iron pin at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the west line of said Lima Street, South 04°02'23" West, 5.01 feet to a set 5/8" iron pin; thence North 82°43'37" West, 55.28 feet to a set 5/8" iron pin; thence North 07°16'51" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 55.00 feet to the Point of Beginning. Containing 0.006 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T1 – Temporary Easement for Construction and Work  
Upon Parcel: 203-0027-0138-00**

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 41 and being more particularly described as follows:

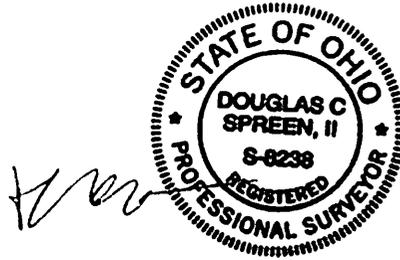
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 119.83 feet to a point; thence South 07°16'23" West, 5.00 feet to the Point of Beginning; thence South 07°16'23" West, 10.00 feet to a point; thence North 82°43'37" West, 10.02 feet to a point; thence North 07°16'23" East, 10.00 feet to a point; thence South 82°43'37" East, 10.02 feet to the Point of Beginning. Containing 100 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T2 – Temporary Easement for Construction and Work  
Upon Parcel: 203-0027-0140-00**

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 43 and being more particularly described as follows:

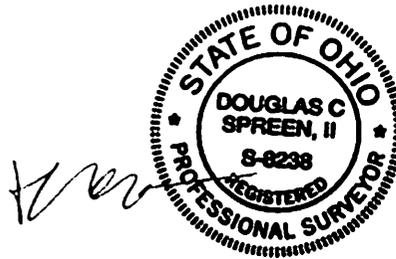
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 64.21 feet to a point; thence South 07°16'51" West, 5.00 feet to the Point of Beginning; thence South 07°16'51" West, 10.00 feet to a point; thence North 82°43'37" West, 55.62 feet to a point; thence North 07°16'23" East, 10.00 feet to a point; thence South 82°43'37" East, 55.62 feet to the Point of Beginning. Containing 556 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T3 – Temporary Easement for Construction and Work  
Upon Parcel: 203-0027-0141-00**

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 41 and being more particularly described as follows:

Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 55.00 feet to a point; thence South 07°16'51" West, 5.00 feet to the Point of Beginning; thence South 07°16'51" West, 10.00 feet to a point; thence North 82°43'37" West, 9.21 feet to a point; thence North 07°16'51" East, 10.00 feet to a point; thence South 82°43'37" East, 9.21 feet to the Point of Beginning. Containing 92 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T4 – Temporary Easement for Construction and Work  
Upon Parcel: 203-0027-0142-00**

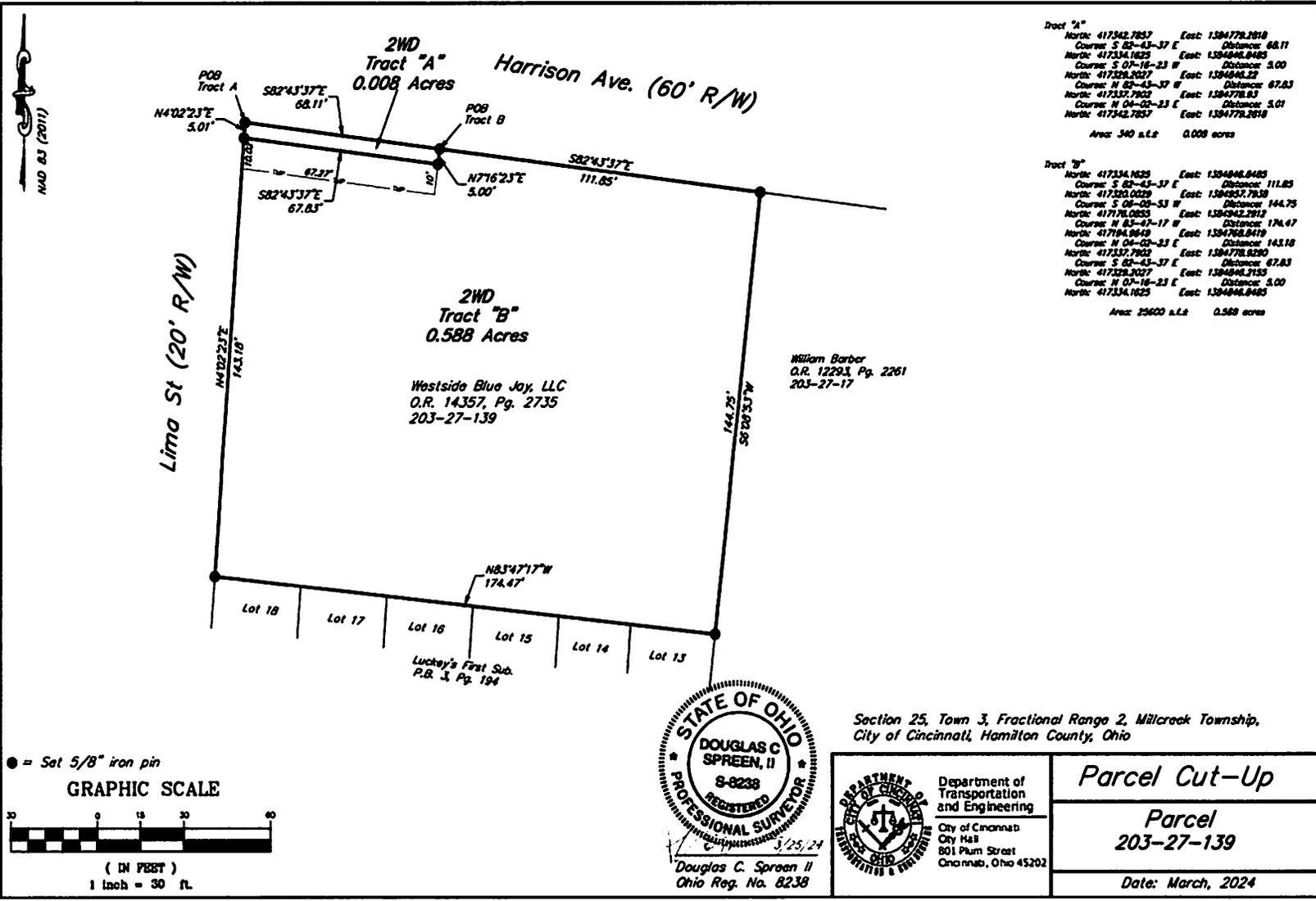
Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 42 and being more particularly described as follows:

Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the west line of said Lima Street, South 04°02'23" West, 5.01 feet to the Point of Beginning; thence South 04°02'23" West, 10.02 feet to a point; thence North 82°43'37" West, 55.85 feet to a point; thence North 07°16'51" East, 10.00 feet to a point; thence South 82°43'37" East, 55.28 feet to the Point of Beginning. Containing 556 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



A handwritten signature in black ink, appearing to be "D. Spreen II", written below the professional seal.

Westside Blue Jay, LLC Appropriation Cut-up

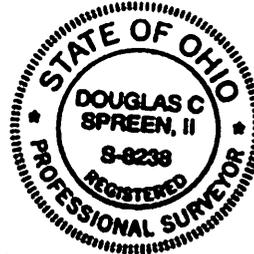


[00410759-1]

**West Side Blue Jay, LLC Appropriation – Tract A – All interest in fee simple**  
Out of Parcel: 0203-0027-0139-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Westside Blue Jay, LLC in O.R. 14357, Pg. 2735 and being more particularly described as follows:

Beginning at a set 5/8" iron pin at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, South 82°43'37" East, 68.11 feet to a set 5/8" iron pin; thence South 07°16'23" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 67.83 feet to a set 5/8" iron pin; thence with the east line of said Lima Street, North 04°02'23" East, 5.01 feet to the Point of Beginning. Containing 0.008 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



*Handwritten signature of Douglas C. Spreen, II*

**West Side Blue Jay, LLC Appropriation – 2T – Temporary easement for construction and work**

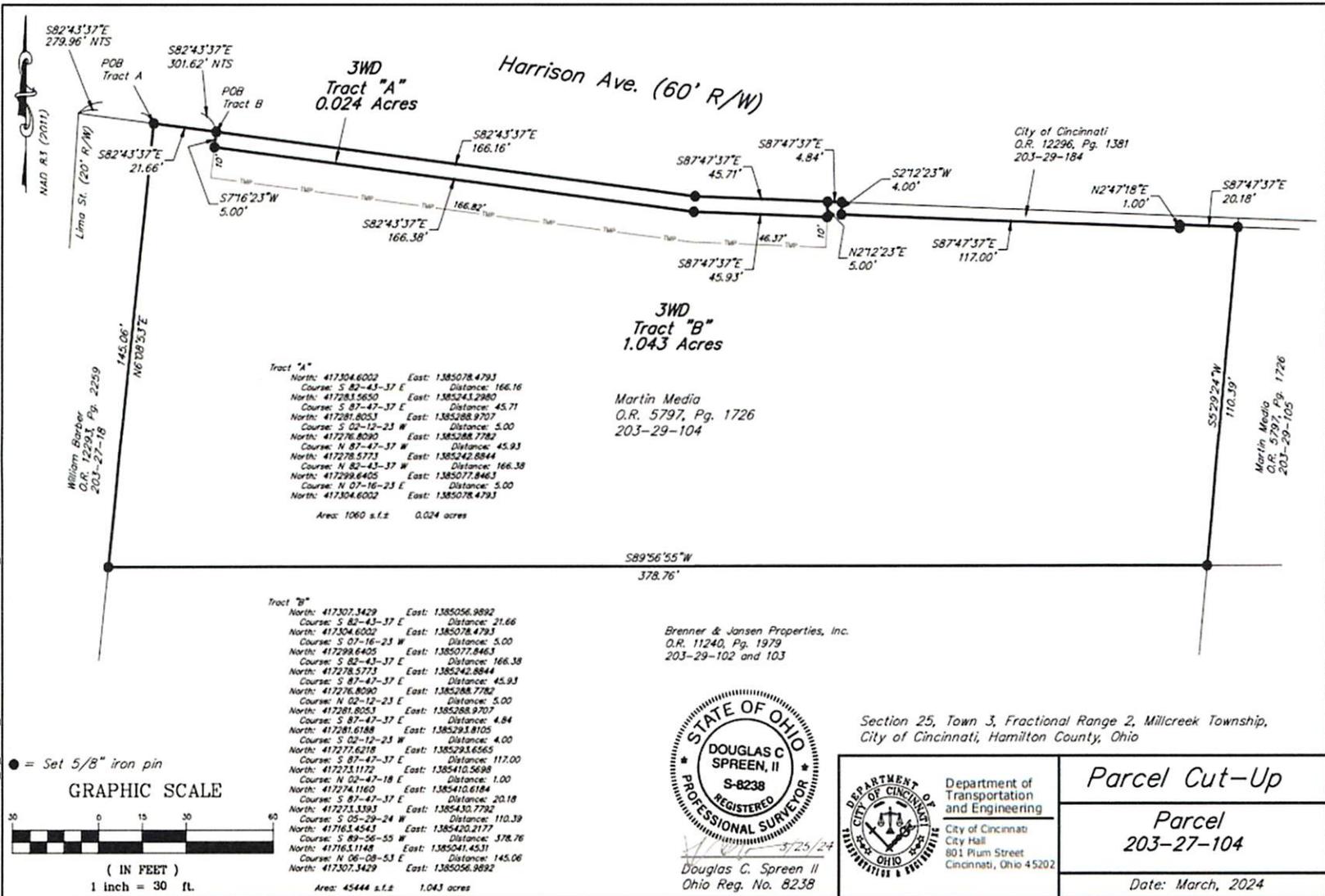
Upon Parcel: 0203-0027-0139-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Westside Blue Jay, LLC in O.R. 14357, Pg. 2735 and being more particularly described as follows:

Commencing at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the east line of said Lima Street, South 04°02'23" West, 5.01 feet to the Point of Beginning; thence South 82°43'37" East, 67.83 feet to a point; thence South 07°16'23" West, 10.00 feet to a point; thence North 82°43'37" West, 67.27 feet to a point; thence with the east line of said Lima Street, North 04°02'23" East, 10.02 feet to the Point of Beginning. Containing 676 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



Martin Media Appropriation Cut-up



Section 25, Town 3, Fractional Range 2, Milcreek Township, City of Cincinnati, Hamilton County, Ohio

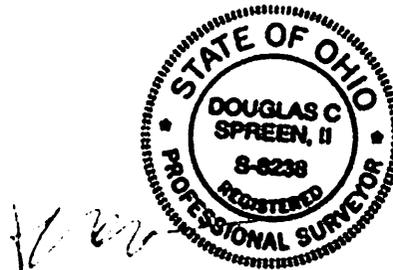
<p>Department of Transportation and Engineering City of Cincinnati City Hall 801 Plum Street Cincinnati, Ohio 45202</p>	<p><b>Parcel Cut-Up</b></p>
	<p><b>Parcel</b> 203-27-104</p>
	<p>Date: March, 2024</p>

[00410759-1]

**Martin Media Appropriation – Tract A – All interest in fee simple**  
Out of Parcel: 0203-0029-0104-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Martin Media in O.R. 5797, Pg. 1726 and being more particularly described as follows:

Commencing at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, South 82°43'37" East, 301.62 feet to a set 5/8" iron pin being the Point of Beginning; thence continuing with the south line of said Harrison Avenue the following two courses; South 82°43'37" East, 166.16 feet to a set 5/8" iron pin; thence South 87°47'37" East, 45.71 feet to a set 5/8" iron pin; thence South 02°12'23" West, 5.00 feet to a set 5/8" iron pin; thence North 87°47'37" West, 45.93 feet to a set 5/8" iron pin; thence North 82°43'37" West, 166.38 feet to a set 5/8" iron pin; thence North 07°16'23" East, 5.00 feet to the Point of Beginning. Containing 0.024 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Martin Media Appropriation – 3T – Temporary easement for construction and work**  
Upon Parcel: 0203-0029-0104-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Martin Media in O.R. 5797, Pg. 1726 and being more particularly described as follows:

Commencing at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, South 82°43'37" East, 301.62 feet to a point; thence South 07°16'23" West, 5.00 feet to the Point of Beginning; thence South 82°43'37" East, 166.38 feet to a point; thence South 87°47'37" East, 45.93 feet to a point; thence South 02°12'23" West, 10.00 feet to a point; thence North 87°47'37" West, 46.37 feet to a point; thence North 82°43'37" West, 166.82 feet to a point; thence North 07°16'23" East, 10.00 feet to the Point of Beginning. Containing 2,127 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



Date: November 6, 2024

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: EMERGENCY ORDINANCE - HARRISON AVENUE SAFETY IMPROVEMENT PROJECTS

202402342

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Attached is an emergency ordinance captioned as follows:

**APPROPRIATING** to public use certain real property interests necessary to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto.

The Harrison Avenue Safety Improvements Project (ODOT PID 118053) will include an improved lane configuration along Harrison Avenue, installation of various pedestrian safety initiatives and traffic calming techniques, roadway surface improvements, construction of sidewalks, and construction of retaining walls. This acquisition is necessary for construction and maintenance of the retaining walls that will be installed with the project.

The reason for the emergency ordinance is the immediate need to acquire all real property interests necessary to construct the Project without delay to ensure safe, dependable, and uninterrupted provision and protection of the public right of way and ancillary structures.

The Administration recommends passage of the attached ordinance.

Attachment A – Harrison Avenue Safety Improvement Project

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

**EMERGENCY**

**DMZ**

**- 2024**

**APPROPRIATING** to public use certain real property interests necessary to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto.

WHEREAS, on \_\_\_\_\_, 2024, City Council of the City of Cincinnati passed Resolution No. \_\_\_\_\_, captioned, “**DECLARING** the intent to appropriate to public use certain real-property interests necessary to secure, stabilize, repair, improve, and protect a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto.”; and

WHEREAS, notice of the passage of said Resolution No. \_\_\_\_\_ has been served according to law; now, therefore,

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

Section 1. That the Council hereby appropriates the following real property interests for the public purpose of securing, stabilizing, repairing, improving, and protecting a portion of the public roadway known as Harrison Avenue, and the sidewalk and retaining wall adjacent thereto (“Project”), fee simple interest and temporary easement interests in portions of the real property described in Attachment A attached hereto, whereas such interests to be appropriated are more particularly described and depicted on Attachment B, attached hereto and incorporated herein by reference (collectively, “Property”):

<b><u>Owner</u></b>	<b><u>Hamilton Co. Auditor Parcel No.</u></b>
Casey Kinane	203-0027-0138-00
Casey Kinane	203-0027-0140-00
Casey Kinane	203-0027-0141-00
Casey Kinane	203-0027-0142-00
Westside Blue Jay, LLC	203-0027-0139-00
Martin Media, et al	203-0029-0104-00

Section 2. That the City Solicitor is hereby authorized to commence proceedings in a proper court by filing a complaint for appropriation of the foregoing parcels at such time as the City has met the requirements of Ohio Revised Code Section 163.04.

Section 3. That at any time prior or subsequent to the filing of a complaint or complaints for appropriation, the City Manager is hereby authorized, with the approval of the City Solicitor, to acquire by purchase the real property interests described in Section 1 hereof, and in connection with such acquisition, or for the preparation of court proceedings, to enter into special contracts for necessary services, expert or otherwise, as the same may be required.

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 acquire all real property interests necessary to construct the Project without delay to ensure the safe, dependable, and uninterrupted provision and protection of the public right-of-way and ancillary structures.

Passed: \_\_\_\_\_, 2024

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

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

**ATTACHMENT A**

**ATTACHMENT A**

**Tract I**

Parcel: 203-0027-0138-00

Owner: Casey Kinane

**SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON AND STATE OF OHIO AND BOUND AND DESCRIBED AS FOLLOWS:**

**FROM THE NORTHWESTERLY CORNER OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE SOUTH 88°34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF 60.18 FEET TO A POINT FOR THE PLACE OF BEGINNING THENCE SOUTH 1°25'30" WEST A DISTANCE OF 150.70 FEET TO A POINT IN THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE NORTH 89°38'10" WEST ALONG THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581, A DISTANCE OF 51.73 FEET TO A POINT; THENCE NORTH 1°45'30" WEST A DISTANCE OF 151.89 FEET TO A POINT; THENCE SOUTH 88°34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND THE SOUTHERLY LINE OF HARRISON AVENUE A DISTANCE OF 60.18 FEET TO THE PLACE OF BEGINNING.**

**SUBJECT TO THE EXCEPTIONS MENTIONED IN SECTION TWENTY-FIVE OF THE ACT OF MAY 6, 1913, 103 O. L. 914 AS AMENDED, PROVIDING FOR THE REGISTRATION OF LAND TITLES, AND SUBJECT TO THE LESSER ESTATES AND INTERESTS, LIENS, CHARGES AND ENCUMBRANCES MENTIONED AND DESCRIBED IN THE MEMORIALS ENDORSED HEREON OR ON THE SHEET OF MEMORIALS ATTACHED HERETO.**

**Tract II**

Parcel: 203-0027-0140-00

Owner Casey Kinane

**SITUATE IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON, AND STATE OF OHIO, AND BOUNDED AND DESCRIBED AS FOLLOWS:**

**FROM THE NORTHWESTERLY CORNER OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE SOUTH 88 DEGREES 34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF SIXTY AND 18/100 (60.18) FEET TO A POINT FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES 34'30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55619 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF FIFTY FIVE AND 62/100 (55.62) FEET TO A POINT; THENCE SOUTH 1 DEGREE 25'30" WEST, A DISTANCE OF ONE HUNDRED FORTY NINE AND 67/100 (149.67) FEET TO A POINT IN THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55619; THENCE NORTH 89 DEGREES 38'10" WEST ALONG THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55619, A DISTANCE OF FIFTY FIVE AND 63/100 (55.63) FEET TO A POINT; THENCE NORTH 1 DEGREE 25'30" EAST A DISTANCE OF ONE HUNDRED FIFTY AND 70/100 (150.70) FEET TO A POINT FOR THE PLACE OF BEGINNING.**

**SUBJECT TO THE EXCEPTIONS MENTIONED IN SECTION TWENTY-FIVE OF THE ACT OF MAY 6, 1913, 103 O.L. 914 AS AMENDED, PROVIDING FOR THE REGISTRATION OF LAND TITLES, AND SUBJECT TO THE LESSER ESTATES AND INTERESTS, LIENS, CHARGES AND ENCUMBRANCES MENTIONED AND DESCRIBED IN THE MEMORIALS ENDORSED HEREON OR ON THE SHEET OF MEMORIALS ATTACHED HERETO.**

**Tract III**

Parcel: 203-0027-0141-00 and 203-0027-0142-00

Owner Casey Kinane

BEING PART OF REGISTERED LAND CERTIFICATE NO. 55581 AND ALL OF REGISTERED LAND CERTIFICATE NO. 56290, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM THE NORTHWESTERLY CORNER OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE SOUTH 88° 34' 30" EAST ALONG THE NORTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581 AND NO. 55619 AND THE SOUTHERLY LINE OF HARRISON AVENUE, A DISTANCE OF 115.80 FEET TO A POINT FOR THE PLACE OF BEGINNING; THENCE CONTINUING SOUTH 88° 34' 30" EAST ALONG THE SOUTHERLY LINE OF HARRISON AVENUE A DISTANCE OF 64.21 FEET TO A POINT AT THE SOUTHWESTERLY CORNER OF HARRISON AVENUE AND LIMA STREET; THENCE SOUTH 1° 48' 30" EAST ALONG THE WESTERLY LINE OF LIMA STREET, A DISTANCE OF 148.54 FEET TO A POINT IN THE SOUTHERLY LINE OF REGISTERED LAND CERTIFICATE NO. 55581; THENCE NORTH 89° 38' 10" WEST A DISTANCE OF 72.62 FEET TO A POINT; THENCE NORTH 1° 25' 30" EAST, A DISTANCE OF 149.67 FEET TO A POINT THE PLACE OF BEGINNING. TOGETHER WITH AN EASEMENT AS SET FORTH IN DEED FROM MARCELLA C. FESSEL TO HERMAN FESSEL, RECORDED IN DEED BOOK 3382, PAGE 759 OF THE REGISTERED LAND RECORDS OF HAMILTON COUNTY, OHIO.

SUBJECT TO THE EXCEPTIONS MENTIONED IN SECTION TWENTY-FIVE OF THE ACT OF MAY 6, 1913, 103 O.L. 914 AS AMENDED, PROVIDING FOR THE REGISTRATION OF LAND TITLES, AND SUBJECT TO THE LESSER ESTATES AND INTERESTS, LIENS, CHARGES AND ENCUMBRANCES MENTIONED AND DESCRIBED IN THE MEMORIALS ENDORSED HEREON OR ON THE SHEET OF MEMORIALS ATTACHED HERETO.

**Tract IV**

Parcel: 203-0027-0139-00

Owner: Westside Blue Jay, LLC

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, and being more particularly described as follows:

From a point in the westerly line of Rankin Street, said point being also the northeast corner of Registered Land Certificate No. 48432; thence North 8° 00' 25" West along said Westerly line, a distance of 122.56 feet to a point in the Southwesterly corner of Rankin Street and Harrison Avenue; thence South 77° 54' West along the Southerly line of Harrison Avenue, a distance of 388.77 feet to an angle point; thence continuing along said Southerly line of Harrison Avenue, South 86° 21' 30" West, a distance of 286.00 feet to an angle point; thence continuing along said Southerly line of Harrison Avenue, North 88° 34' 30" a distance of 287.82 feet to a point for the place of beginning; thence South 0° 18' West a distance of 144.75 feet to a point; thence North 89° 38' 10" West a distance of 174.48 feet to a point; thence North 1° 48' 30" West a distance of 148.18 feet to a point in the Southerly line of Harrison Avenue; thence South 88° 34' 30" East along the Southerly line of Harrison Avenue, a distance of 179.96 feet to a point, the place of Beginning.

{00410774-1}

Tract V

Parcel: 203-0029-0104-00

Owner: Martin Media et al

Situated in the City of Cincinnati, Hamilton County, Ohio, in Section Twenty-Five (25), Township Three (3), Fractional Range Two (2), Miami Purchase and being part of Lot Number Four Hundred and Forty-four (444) of the subdivision made by J.A. James, recorded in Plat Book 1, page 173 and known as Fairmount College and more particularly described as follows: Beginning at a point in the southerly line of Harrison Avenue which point is also the northeast corner of Lot Four Hundred and Forty-four (444); thence in a southerly direction one hundred and nine and 12/100 (109.12) feet which point is also the center of the east line of said lot; thence from said center point of original lot running in a westerly direction to the center of said lot on the west line of said lot; thence in a northerly direction from said point to the southerly side of Harrison Avenue, which point is also the northwest corner of said Lot Number Four Hundred and Forty-four (444); thence in an easterly direction along the southerly line of Harrison Avenue ninety-six and 50/100 (96.50) feet to the place of beginning, and being the northerly one half of said Lot Number Four Hundred and Forty-four (444).

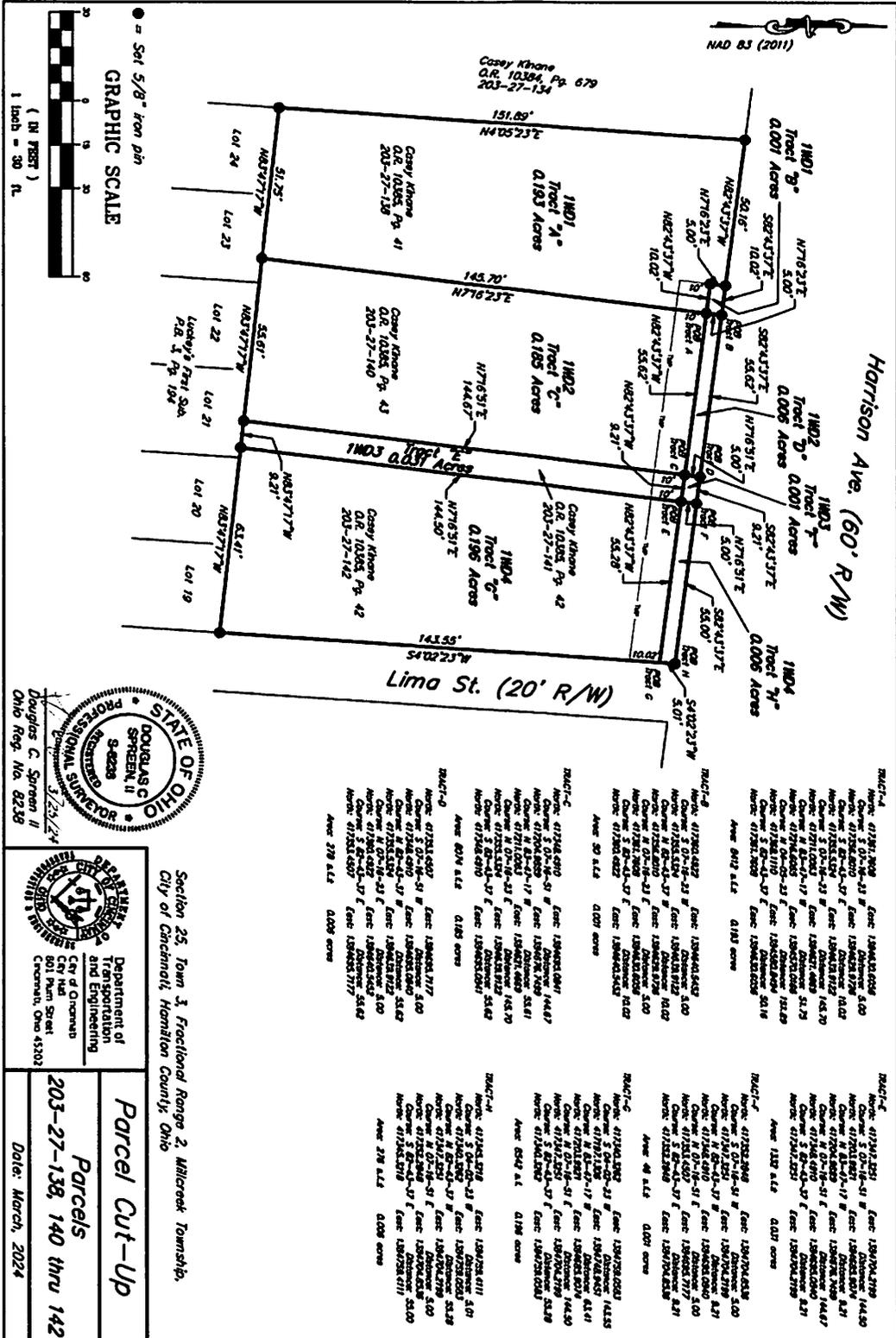
Situate in the City of Cincinnati, Hamilton County, Ohio, and being the north one-half of Lot Four Hundred and Forty-one (441) of James Subdivision of Faircount as shown on plat recorded in Plat Book 1, page 173 of the Hamilton County Ohio Records; said north one-half of said Lot Four Hundred and Forty-one (441) fronts three hundred and ninety-five (395) feet, more or less, on the south side of Harrison Avenue, and extends back southwardly one-half the distance to Montrose Street and lies between Rankin and Elizabeth Streets.

Being property conveyed to the said Grantor by deed recorded at Volume 1990, page 536 of Hamilton County Records.

**ATTACHMENT B**

# ATTACHMENT B

## Casey Kinane Appropriation Cut-up



● = Set 5/8" from pin  
**GRAPHIC SCALE**  
 ( IN FEET )  
 1 Inch = 30 Ft.



Section 25, Town 3, Fractional Range 2, Millcreek Township,  
 City of Cincinnati, Hamilton County, Ohio

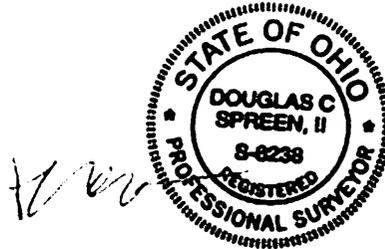
Department of  
 Transportation  
 and Engineering  
 City of Cincinnati  
 501 Main Street  
 Cincinnati, Ohio 45202

**Parcel Cut-Up**  
**Parcels**  
 203-27-138, 140 thru 142  
 Date: March, 2024

**Casey Kinane Appropriation – Tract B – All interest in fee simple**  
Out of Parcel: 203-0027-0138-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 41 and being more particularly described as follows:

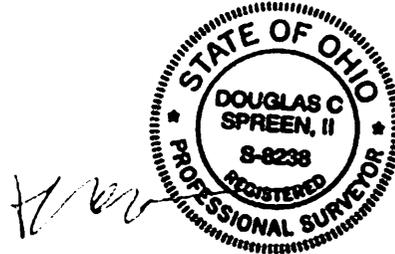
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 119.83 feet to a set 5/8" iron pin being the Point of Beginning; thence South 07°16'23" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 10.02 feet to a set 5/8" iron pin; thence North 07°16'23" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 10.02 feet to the Point of Beginning. Containing 0.001 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – Tract D – All interest in fee simple**  
Out of Parcel: 203-0027-0140-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 43 and being more particularly described as follows:

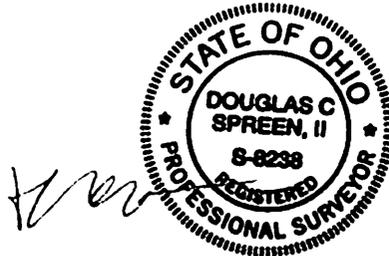
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 64.21 feet to a set 5/8" iron pin being the Point of Beginning; thence South 07°16'51" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 55.62 feet to a set 5/8" iron pin; thence North 07°16'23" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 55.62 feet to the Point of Beginning. Containing 0.006 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – Tract F – All interest in fee simple**  
Out of Parcel: 203-0027-0141-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 42 and being more particularly described as follows:

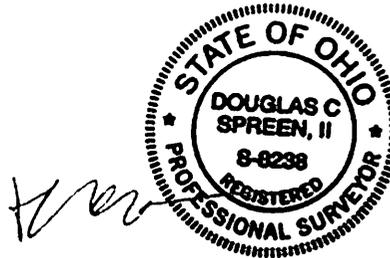
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 55.00 feet to a set 5/8" iron pin being the Point of Beginning; thence South 07°16'51" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 9.21 feet to a set 5/8" iron pin; thence North 07°16'51" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 9.21 feet to the Point of Beginning. Containing 0.001 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – Tract H – All interest in fee simple**  
Out of Parcel: 203-0027-0142-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 42 and being more particularly described as follows:

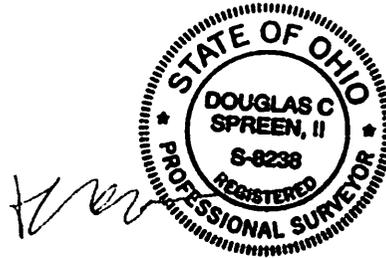
Beginning at a set 5/8" iron pin at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the west line of said Lima Street, South 04°02'23" West, 5.01 feet to a set 5/8" iron pin; thence North 82°43'37" West, 55.28 feet to a set 5/8" iron pin; thence North 07°16'51" East, 5.00 feet to a set 5/8" iron pin in the south line of said Harrison Avenue; thence with the south line of said Harrison Avenue, South 82°43'37" East, 55.00 feet to the Point of Beginning. Containing 0.006 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T1 – Temporary Easement for Construction and Work  
Upon Parcel: 203-0027-0138-00**

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 41 and being more particularly described as follows:

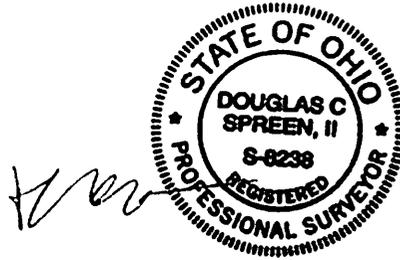
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 119.83 feet to a point; thence South 07°16'23" West, 5.00 feet to the Point of Beginning; thence South 07°16'23" West, 10.00 feet to a point; thence North 82°43'37" West, 10.02 feet to a point; thence North 07°16'23" East, 10.00 feet to a point; thence South 82°43'37" East, 10.02 feet to the Point of Beginning. Containing 100 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T2 – Temporary Easement for Construction and Work Upon Parcel: 203-0027-0140-00**

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 43 and being more particularly described as follows:

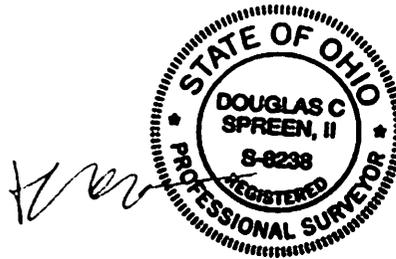
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 64.21 feet to a point; thence South 07°16'51" West, 5.00 feet to the Point of Beginning; thence South 07°16'51" West, 10.00 feet to a point; thence North 82°43'37" West, 55.62 feet to a point; thence North 07°16'23" East, 10.00 feet to a point; thence South 82°43'37" East, 55.62 feet to the Point of Beginning. Containing 556 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T3 – Temporary Easement for Construction and Work  
Upon Parcel: 203-0027-0141-00**

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 41 and being more particularly described as follows:

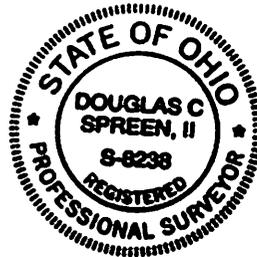
Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, North 82°43'37" West, 55.00 feet to a point; thence South 07°16'51" West, 5.00 feet to the Point of Beginning; thence South 07°16'51" West, 10.00 feet to a point; thence North 82°43'37" West, 9.21 feet to a point; thence North 07°16'51" East, 10.00 feet to a point; thence South 82°43'37" East, 9.21 feet to the Point of Beginning. Containing 92 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Casey Kinane Appropriation – 1T4 – Temporary Easement for Construction and Work  
Upon Parcel: 203-0027-0142-00**

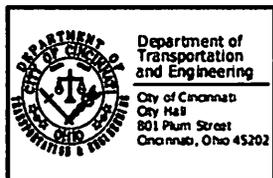
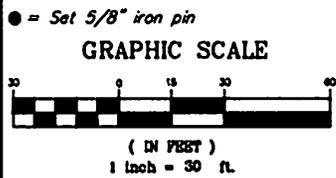
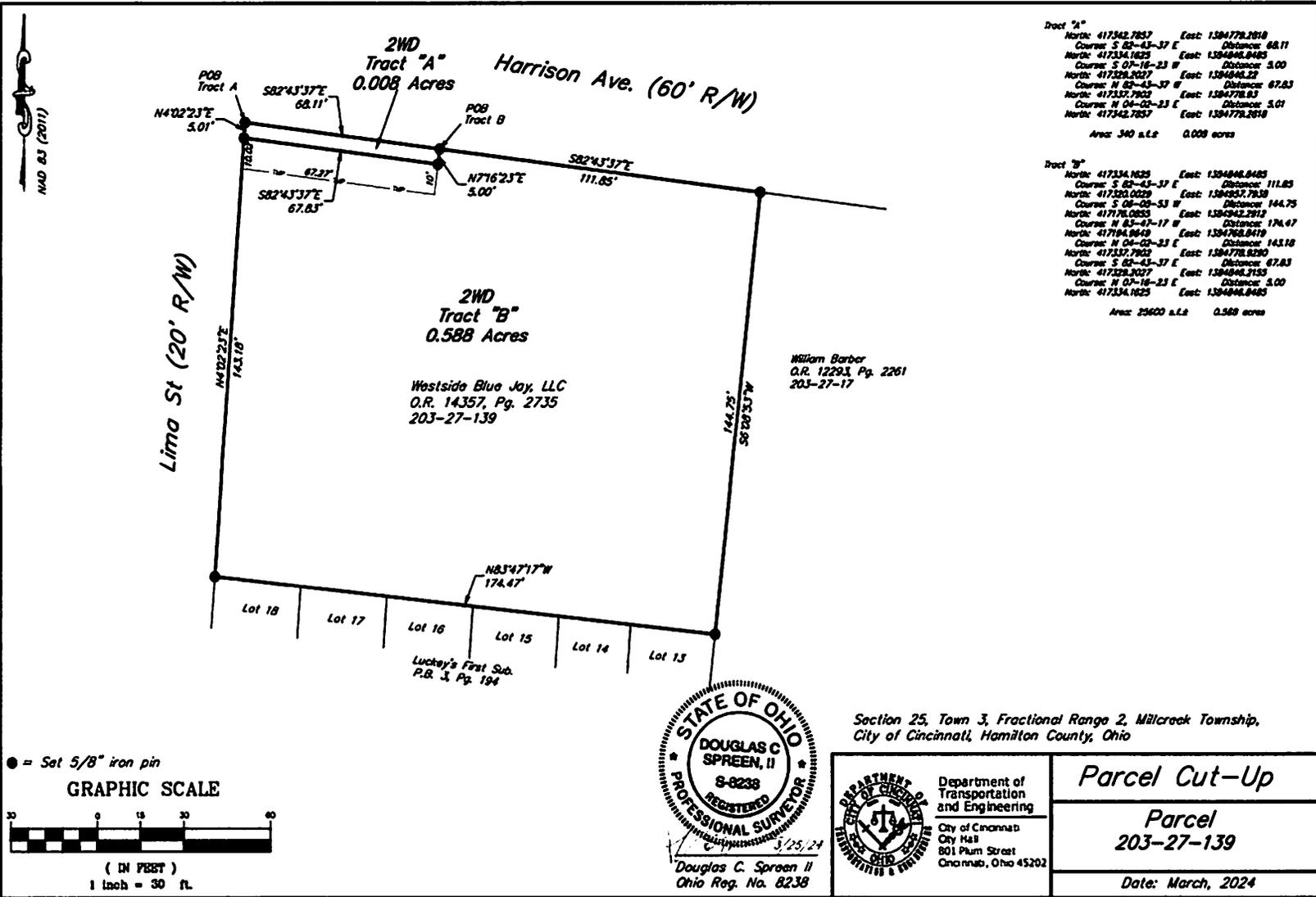
Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Casey Kinane in O.R. 10385, Pg. 42 and being more particularly described as follows:

Commencing at the intersection of the west line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the west line of said Lima Street, South 04°02'23" West, 5.01 feet to the Point of Beginning; thence South 04°02'23" West, 10.02 feet to a point; thence North 82°43'37" West, 55.85 feet to a point; thence North 07°16'51" East, 10.00 feet to a point; thence South 82°43'37" East, 55.28 feet to the Point of Beginning. Containing 556 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



A handwritten signature in black ink, appearing to read "Douglas C. Spreen, II", located below the professional seal.

Westside Blue Jay, LLC Appropriation Cut-up



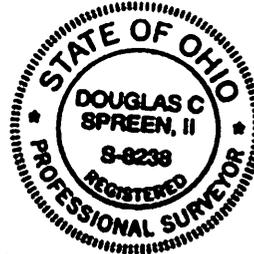
<b>Parcel Cut-Up</b>	
<b>Parcel</b> 203-27-139	
Date: March, 2024	

[00410759-1]

**West Side Blue Jay, LLC Appropriation – Tract A – All interest in fee simple**  
Out of Parcel: 0203-0027-0139-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Westside Blue Jay, LLC in O.R. 14357, Pg. 2735 and being more particularly described as follows:

Beginning at a set 5/8" iron pin at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, South 82°43'37" East, 68.11 feet to a set 5/8" iron pin; thence South 07°16'23" West, 5.00 feet to a set 5/8" iron pin; thence North 82°43'37" West, 67.83 feet to a set 5/8" iron pin; thence with the east line of said Lima Street, North 04°02'23" East, 5.01 feet to the Point of Beginning. Containing 0.008 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



*Handwritten signature of Douglas C. Spreen, II*

**West Side Blue Jay, LLC Appropriation – 2T – Temporary easement for construction and work**

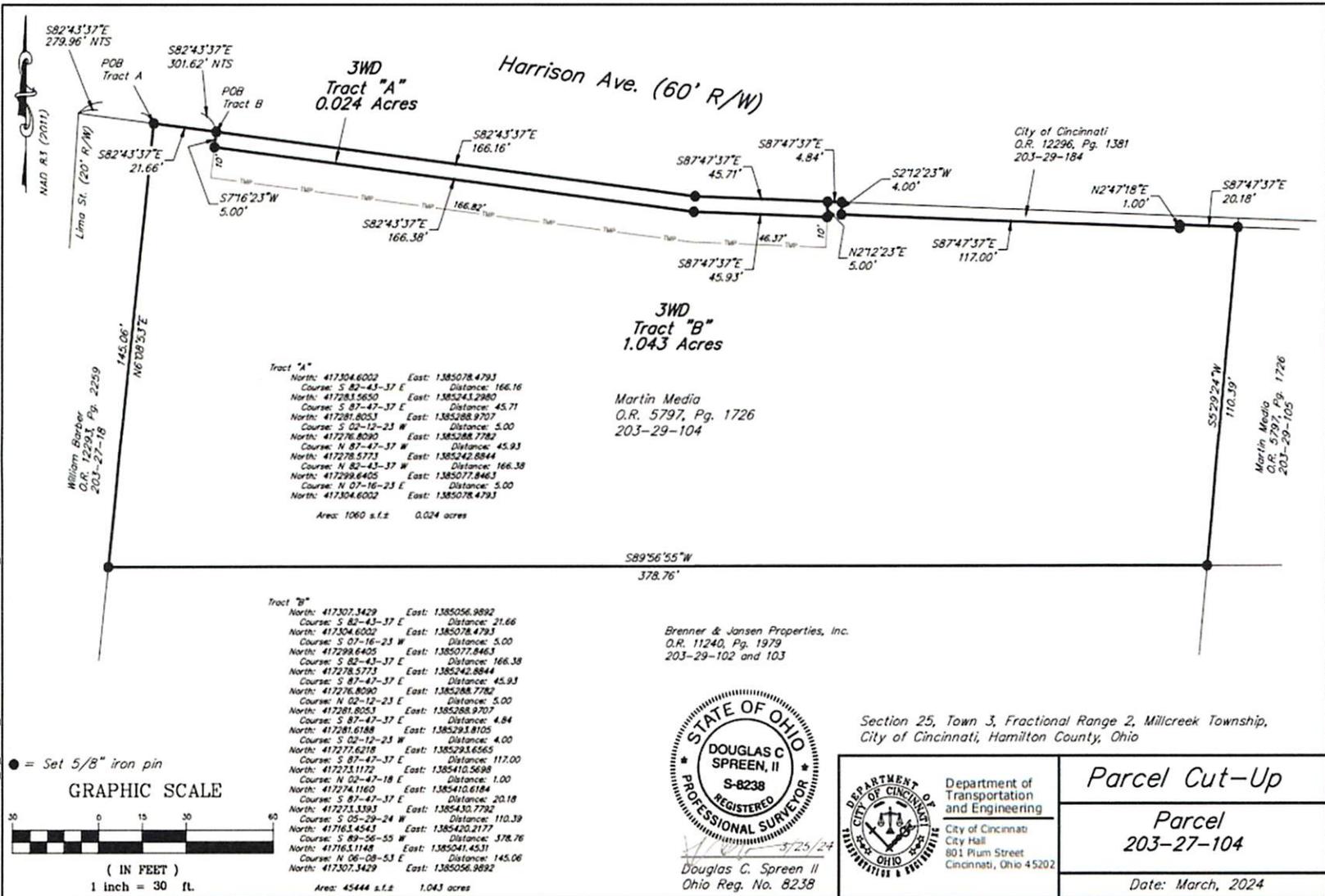
Upon Parcel: 0203-0027-0139-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Westside Blue Jay, LLC in O.R. 14357, Pg. 2735 and being more particularly described as follows:

Commencing at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the east line of said Lima Street, South 04°02'23" West, 5.01 feet to the Point of Beginning; thence South 82°43'37" East, 67.83 feet to a point; thence South 07°16'23" West, 10.00 feet to a point; thence North 82°43'37" West, 67.27 feet to a point; thence with the east line of said Lima Street, North 04°02'23" East, 10.02 feet to the Point of Beginning. Containing 676 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



Martin Media Appropriation Cut-up

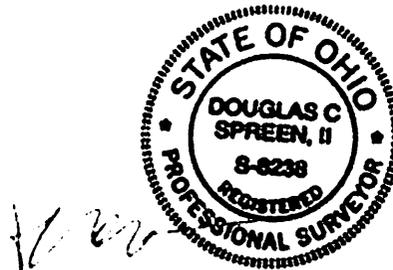


[00410759-1]

**Martin Media Appropriation – Tract A – All interest in fee simple**  
Out of Parcel: 0203-0029-0104-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Martin Media in O.R. 5797, Pg. 1726 and being more particularly described as follows:

Commencing at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, South 82°43'37" East, 301.62 feet to a set 5/8" iron pin being the Point of Beginning; thence continuing with the south line of said Harrison Avenue the following two courses; South 82°43'37" East, 166.16 feet to a set 5/8" iron pin; thence South 87°47'37" East, 45.71 feet to a set 5/8" iron pin; thence South 02°12'23" West, 5.00 feet to a set 5/8" iron pin; thence North 87°47'37" West, 45.93 feet to a set 5/8" iron pin; thence North 82°43'37" West, 166.38 feet to a set 5/8" iron pin; thence North 07°16'23" East, 5.00 feet to the Point of Beginning. Containing 0.024 acres of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



**Martin Media Appropriation – 3T – Temporary easement for construction and work**  
Upon Parcel: 0203-0029-0104-00

Situate in Section 25, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of a tract conveyed to Martin Media in O.R. 5797, Pg. 1726 and being more particularly described as follows:

Commencing at the intersection of the east line of Lima Street, 20' R/W and the south line of Harrison Avenue, 60' R/W; thence with the south line of said Harrison Avenue, South 82°43'37" East, 301.62 feet to a point; thence South 07°16'23" West, 5.00 feet to the Point of Beginning; thence South 82°43'37" East, 166.38 feet to a point; thence South 87°47'37" East, 45.93 feet to a point; thence South 02°12'23" West, 10.00 feet to a point; thence North 87°47'37" West, 46.37 feet to a point; thence North 82°43'37" West, 166.82 feet to a point; thence North 07°16'23" East, 10.00 feet to the Point of Beginning. Containing 2,127 square feet of land more or less. Bearings based on NAD 83 (2011). Subject to all legal highways, easements and restrictions of record. Based on a survey performed under the direction of Douglas C. Spreen II, Ohio Registration Number 8238.



202402371  
**Date:** November 13, 2024

**To:** Mayor Aftab Pureval  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Ordinance - Transfer Hamilton County Auditor Real Estate Assessment (REA) Funds to Deferred Appropriations Reserve Account**

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Transmitted herewith is an ordinance captioned as follows:

**RENAMING** General Fund balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to “Discretionary Reserve”; and **AUTHORIZING** the transfer of \$1,782,421 from the General Fund unappropriated surplus to renamed General Fund balance sheet reserve account no. 050x3422, “Discretionary Reserve,” to reserve resources to be used for one-time FY 2026 General Fund Operating Budget priorities.

EESW/CMZ(dmm)  
Attachment  
411056

**EMERGENCY**

**City of Cincinnati**

CMZ

EESW

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

2024

**RENAMING** General Fund balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to “Discretionary Reserve”; and **AUTHORIZING** the transfer of \$1,782,421 from the General Fund unappropriated surplus to renamed General Fund balance sheet reserve account no. 050x3422, “Discretionary Reserve,” to reserve resources to be used for one-time FY 2026 General Fund Operating Budget priorities.

WHEREAS, every six years since 1994, the Hamilton County Auditor’s Office has returned the unspent balance from the Auditor’s Real Estate Assessment Fund to local governments, school districts, and other taxing authorities in Hamilton County; and

WHEREAS, on October 29, 2024, the Hamilton County Auditor’s Office notified the City that the distribution to the City of Cincinnati in 2024 is \$1,782,421; and

WHEREAS, the \$1,782,421 received by the City from the Hamilton County Auditor’s Office will be set aside to reserve resources to be used for one-time FY 2026 General Fund Operating Budget priorities during FY 2026 operating budget development; now, therefore,

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

Section 1. General Fund balance sheet reserve account no. 050x3422, “Deferred Appropriations,” is hereby renamed “Discretionary Reserve.”

Section 2. That \$1,782,421 is transferred from the unappropriated surplus of the General Fund to balance sheet reserve account no. 050x3422, “Discretionary Reserve,” to reserve resources to be used for one-time FY 2026 General Fund Operating Budget priorities.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to reserve resources to be used for one-time FY 2026 General Fund Operating Budget priorities.

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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

November 6, 2024

**To:** Mayor and Members of City Council 202402335

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

**Subject:** **Ordinance – DOTE: Accept City of Norwood Resources for Edwards Road Rehabilitation**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate up to \$25,000 from the City of Norwood to capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” to rehabilitate the section of Edwards Road from Wasson Road to Madison Road, a portion of which is located within the City of Norwood; and **AUTHORIZING** the Director of Finance to deposit the resources into capital improvement program project account no. 980x233x242308, “Street Rehabilitation.”

This Ordinance authorizes the City Manager to accept and appropriate up to \$25,000 from the City of Norwood to existing capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” to provide resources to rehabilitate the section of Edwards Road from Wasson Road to Madison Road, a portion of which is located within the City of Norwood.

Ordinance No. 0271-2023 authorized the City Manager to accept and appropriate a Federal Highway Administration (“FHWA”) grant to rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (the “Edwards Road Rehabilitation Project”).

The southbound side of Edwards Road is located within the City of Norwood, while the northbound side of Edwards Road is located within the City of Cincinnati. It is mutually beneficial for one jurisdiction to complete the Edwards Road Rehabilitation Project and for the other jurisdiction to provide reimbursement for its share of the work.

Accepting resources from the City of Norwood to complete this portion of the Edwards Road Rehabilitation Project satisfies the local match required by the FHWA grant when combined with resources available in capital improvement program project account no. 980x233x242308, “Street Rehabilitation.” No new FTEs/full time equivalents are required.

The Edwards Road Rehabilitation Project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood vitality” and strategy to “[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 accept and appropriate up to \$25,000 from the City of Norwood to capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” to rehabilitate the section of Edwards Road from Wasson Road to Madison Road, a portion of which is located within the City of Norwood; and **AUTHORIZING** the Director of Finance to deposit the resources into capital improvement program project account no. 980x233x242308, “Street Rehabilitation.”

WHEREAS, Ordinance No. 271-2023 authorized the City Manager to accept and appropriate a Federal Highway Administration (“FHWA”) grant (ALN 20.205) to rehabilitate Edwards Road from Madison Avenue to Observatory Avenue (HAM-561-1.83 PID 115742) (the “Edwards Road Rehabilitation Project”); and

WHEREAS, the Edwards Road Rehabilitation Project is a joint project among the City of Cincinnati, the City of Norwood, and the Ohio Department of Transportation, with the City of Cincinnati acting as the primary recipient of the FHWA grant; and

WHEREAS, between Wasson Road and Madison Road, the southbound side of Edwards Road is located within the City of Norwood, while the northbound side of Edwards Road is located within the City of Cincinnati; and

WHEREAS, it is mutually beneficial for one jurisdiction to complete the Edwards Road Rehabilitation Project between Wasson Road and Madison Road, and for the other jurisdiction to provide reimbursement for its share of the work; and

WHEREAS, these resources from the City of Norwood, when combined with resources currently available in capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” satisfy the local match resources required by the FHWA grant previously accepted by Council in Ordinance No. 271-2023; and

WHEREAS, the Edwards Road Rehabilitation Project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood vitality” and strategy to “[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 accept and appropriate up to \$25,000 from the City of Norwood to capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” to rehabilitate the section of Edwards Road from Wasson Road to Madison Road, a portion of which is located within the City of Norwood.

Section 2. That the Director of Finance is authorized to deposit the resources from the City of Norwood into capital improvement program project account no. 980x233x242308, “Street Rehabilitation.”

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

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

Passed: \_\_\_\_\_, 2024

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

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

November 6, 2024

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

202402338

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

**Subject: Ordinance – DOTE: Accept Hamilton County Resources for West Galbraith Road Rehabilitation**

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate up to \$180,000 from Hamilton County to capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” to provide resources for rehabilitating the section of West Galbraith Road from Vine Street to the corporation line, a portion of which is located in Springfield Township; and **AUTHORIZING** the Director of Finance to deposit the resources from Hamilton County into capital improvement program project account no. 980x233x242308, “Street Rehabilitation.”

This Ordinance authorizes the City Manager to accept and appropriate up to \$180,000 from Hamilton County to existing capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” to provide resources to rehabilitate the section of West Galbraith Road from Vine Street to the corporation line, a portion of which is in Springfield Township.

Ordinance No. 0005-2021 authorized the City Manager to accept and appropriate a grant from the Ohio Public Works Commission (OPWC) to rehabilitate several roads, including West Galbraith Road. A section of West Galbraith Road from Vine Street to the corporation line is in Springfield Township. Hamilton County is responsible for the maintenance of roads in Springfield Township. The City is completing the rehabilitation work, and Hamilton County is reimbursing the City for rehabilitating that portion of West Galbraith Road for which it has financial responsibility.

These resources from Hamilton County, when combined with existing resources in various “Street Rehabilitation” capital improvement program project accounts, will satisfy the matching resources requirement for the OPWC grant. No new FTEs/full time equivalents are required.

The West Galbraith Road Rehabilitation project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood vitality” and strategy to “[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 accept and appropriate up to \$180,000 from Hamilton County to capital improvement program project account no. 980x233x242308, “Street Rehabilitation,” to provide resources for rehabilitating the section of West Galbraith Road from Vine Street to the corporation line, a portion of which is located in Springfield Township; and **AUTHORIZING** the Director of Finance to deposit the resources from Hamilton County into capital improvement program project account no. 980x233x242308, “Street Rehabilitation.”

WHEREAS, Ordinance No. 5-2021 authorized the City Manager to accept and appropriate a grant from the Ohio Public Works Commission (“OPWC”) to rehabilitate several roads, including West Galbraith Road; and

WHEREAS, a section of West Galbraith Road from Vine Street to the corporation line is located in Springfield Township; and

WHEREAS, Hamilton County is responsible for the maintenance of roads in Springfield Township; and

WHEREAS, rehabilitating this section of road is part of a joint project between the City and Hamilton County, for which the City is designated as the primary grant recipient; and

WHEREAS, the City is completing the rehabilitation work, and Hamilton County is reimbursing the City for rehabilitating that portion of West Galbraith Road for which it has financial responsibility; and

WHEREAS, this project is within the scope of the existing Street Rehabilitation OPWC Grants capital improvement program project established by Ordinance No. 5-2021; and

WHEREAS, these resources, when combined with existing resources in various “Street Rehabilitation” capital improvement program project accounts, will satisfy the matching resources requirement for the OPWC grant previously accepted by Council in Ordinance No. 5-2021; and

WHEREAS, there are no new FTEs/full time equivalents associated with acceptance of these resources; and

WHEREAS, the West Galbraith Road Rehabilitation project is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood vitality” and strategy to “[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 accept and appropriate up to \$180,000 from Hamilton County to existing capital improvement program project account no. 980x233x242308, "Street Rehabilitation," to provide resources for the rehabilitation of the section of West Galbraith Road from Vine Street to the corporation line, a portion of which is in Springfield Township and the responsibility of Hamilton County to maintain.

Section 2. That the Director of Finance is authorized to deposit the resources from Hamilton County into capital improvement program project account no. 980x233x242308, "Street Rehabilitation."

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

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

Passed: \_\_\_\_\_, 2024

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

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

November 6, 2024

**To:** Mayor and Members of City Council 202402332  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – Parks: W. W. Grainger, Inc. Moral Obligation**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$2,257.14 from Parks Department capital improvement program project account 980x203x242000, “Park Infrastructure Rehabilitation,” as a moral obligation to W. W. Grainger, Inc. for charges related to the purchase of shop supplies for the Parks Department Division of Natural Resources building.

Approval of this Emergency Ordinance will authorize the payment of \$2,257.14 to W. W. Grainger, Inc. as a moral obligation from capital improvement program project account no. 980x203x242000, “Park Infrastructure Rehabilitation” for outstanding charges related to shop supplies needed for the Parks Department Division of Natural Resources (DNR) building.

Sufficient resources are available in “Park Infrastructure Rehabilitation” capital improvement program project account no. 980x203x242000 to cover the amount of the moral obligation.

The reason for the emergency is the immediate need to pay W. W. Grainger, Inc. for the outstanding charges in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

**EMERGENCY**

**KKF**

**- 2024**

**AUTHORIZING** the payment of \$2,257.14 from Parks Department capital improvement program project account 980x203x242000, “Park Infrastructure Rehabilitation,” as a moral obligation to W. W. Grainger, Inc. for charges related to the purchase of shop supplies for the Parks Department Division of Natural Resources building.

WHEREAS, the Parks Department ordered \$2,257.14 of supplies from vendor W. W. Grainger, Inc. under Master Agreement No. 137 191R025077 and pursuant to Delivery Order (“DO”) No. 200 2024003000; and

WHEREAS, DO 200 2024003000 had already been fulfilled and closed out, and the new order was unrelated to the scope of work for that DO; and

WHEREAS, because there was no DO for this order, there was no contract against which the Director of Finance could certify funds for the purchase of these supplies; and

WHEREAS, Council desires to provide payment of \$2,257.14 to W. W. Grainger, Inc.; now, therefore,

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

Section 1. That the Director of Finance is authorized to make a payment of \$2,257.14 from Parks Department capital improvement program project account 980x203x242000, “Park Infrastructure Rehabilitation,” as a moral obligation to W. W. Grainger, Inc. for charges related to the purchase of shop supplies for the Parks Department Division of Natural Resources building.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay W. W. Grainger, Inc. for the outstanding charges in a timely manner.

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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

November 14, 2024

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

202402366

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

**Subject: Emergency Ordinance – Parks: Moral Obligation Payment to CDW Government LLC**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$2,288.01 from Parks Department General Fund non-personnel operating budget account no. 050x202x1000x7316 to CDW Government LLC as a moral obligation for outstanding charges related to the purchase of telephones and headsets for use in City parks.

The Parks Department ordered and obtained some of the equipment required for use by the Division of Natural Resources without encumbering funds to the Master Agreement (MA) with CDW Government LLC (“CDW”) for that equipment. Parks later purchased the remainder of the required equipment with properly encumbered funds. CDW submitted invoices totaling \$2,288.01 for the initial equipment order, for which funds had not been encumbered prior to the order.

This Emergency Ordinance further authorizes the Finance Director to make a payment of \$2,288.01 from Parks Department General Fund non-personnel operating budget account no. 050x202x1000x7316 as a moral obligation for outstanding charges related to the purchase of telephones and headsets for use by the Division of Natural Resources in City parks.

The reason for the emergency is the immediate need to pay CDW for the outstanding charges in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

**EMERGENCY**

MSS

- 2024

**AUTHORIZING** the payment of \$2,288.01 from Parks Department General Fund non-personnel operating budget account no. 050x202x1000x7316 to CDW Government LLC as a moral obligation for outstanding charges related to the purchase of telephones and headsets for use in City parks.

WHEREAS, the Parks Department (“Parks”) required telephones and headsets for use by the new Division of Natural Resources in City parks; and

WHEREAS, Parks ordered and obtained some of the required equipment without encumbering funds to the City’s master agreement with CDW Government LLC (“CDW”) for that equipment; and

WHEREAS, Parks later purchased the remainder of the required equipment with properly encumbered funds; and

WHEREAS, CDW submitted invoices totaling \$2,288.01 for the initial equipment order, for which funds had not been encumbered prior to the order; and

WHEREAS, Parks has implemented training and changes to its policies and procedures to address the issue that caused this error; and

WHEREAS, Council desires to pay \$2,288.01 to CDW as a moral obligation for the outstanding charges related to the purchase of telephones and headsets for use in City parks; now, therefore,

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

Section 1. That the Director of Finance is authorized to pay \$2,288.01 to CDW Government LLC from Parks Department General Fund non-personnel operating budget account no. 050x202x1000x7316 as a moral obligation for charges related to the purchase of telephones and headsets for use in City parks.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay CDW for the outstanding charges in a timely manner.

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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



November 14, 2024

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

202402367

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

**Subject: Emergency Ordinance – Parks: Moral Obligation Payment to W. W. Grainger, Inc.**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$999.99 to W. W. Grainger, Inc. from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x1059x7379 as a moral obligation for outstanding charges related to the purchase of a workbench for the new Division of Natural Resources building.

The City entered into a Master Agreement (contract no. MA 191R025077) with W.W. Grainger, Inc. (“Contractor”), effective June 27, 2019, for electrical and industrial supplies and equipment. The Cincinnati Parks Department (“Parks”) submitted an order to the Contractor to purchase a workbench for the new Division of Natural Resources building and received an invoice from the Contractor dated April 18, 2024, however a Delivery Order (D.O.) was inadvertently not created in the Cincinnati Financial System (CFS). Before the creation of a D.O., and pursuant to the terms of the Agreement, the Contractor provided Parks with a workbench at a cost of \$999.99. Administrative Regulation (AR) 14 stipulates that purchases made against a contract, inclusive of purchases below the no-certification limit, require the creation of a D.O. and approval by a Purchasing Agent in advance of the purchase. Sufficient resources are available in Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x1059x7379 to pay the Contractor for the workbench.

This Emergency Ordinance further authorizes the Finance Director to make a payment of \$999.99 from the Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x1059x7379 as a moral obligation for outstanding charges related to the purchase of goods from W. W. Grainger, Inc.

The reason for the emergency is the immediate need to pay W.W. Grainger, Inc. for the outstanding charges in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

**EMERGENCY**

CNS

- 2024

**AUTHORIZING** the payment of \$999.99 to W. W. Grainger, Inc. from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x1059x7379 as a moral obligation for outstanding charges related to the purchase of a workbench for the new Division of Natural Resources building.

WHEREAS, the City entered into a Master Agreement (contract no. MA 191R025077) with W.W. Grainger, Inc. (“Contractor”), effective June 27, 2019, for electrical and industrial supplies and equipment; and

WHEREAS, the Cincinnati Parks Department (“Parks”) submitted an order to Contractor to purchase a workbench for the new Division of Natural Resources building and received an invoice from Contractor dated April 18, 2024, however a delivery order was inadvertently not created in the Cincinnati Financial System; and

WHEREAS, before the creation of a delivery order, and pursuant to the terms of the Master Agreement, Contractor provided Parks with a workbench at a cost of \$999.99; and

WHEREAS, Administrative Regulation 14 stipulates purchases made against a contract, inclusive of purchases below the no-certification limit, require creation of a delivery order and approval by the Purchasing Agent in advance of purchase; and

WHEREAS, Parks has committed to closely monitoring and addressing this procedural issue with staff to ensure this issue is avoided in the future; and

WHEREAS, sufficient resources are available in Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x1059x7379 to pay Contractor for the goods; and

WHEREAS, Council desires to provide payment to Contractor for the City’s outstanding obligation of \$999.99 for charges related to the purchase of a workbench; now, therefore,

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

Section 1. That the Director of Finance is authorized to pay \$999.99 to W. W. Grainger, Inc. from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x1059x7379 as a moral obligation for outstanding charges related to the purchase of a workbench for the new Division of Natural Resources building.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay W. W. Grainger, Inc. for the outstanding charges in a timely manner.

Passed: \_\_\_\_\_, 2024

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

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

**November 6, 2024**

**To:** Mayor and Members of City Council 202402334  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – Parks Department: Then and Now Payment to Forevergreen Complete Ground Care**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$5,487.50 from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x3137x7373 to Forevergreen Complete Ground Care for charges related to the clearing of the Fort Washington Way planter irrigation systems, pursuant to the attached then and now certificate from the Director of Finance.

This Emergency Ordinance authorizes the Director of Finance to make the payment of \$5,487.50 from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x3137x7373 to Forevergreen Complete Ground Care for charges related to the clearing of the Fort Washington Way planter irrigation systems, pursuant to the attached then and now certificate from the Director of Finance.

Pursuant to Ohio Revised Code (ORC) Section 5705.41(D)(1), the Director of Finance has issued a certificate, attached to this Emergency Ordinance, verifying that a sufficient sum was appropriated and in the City Treasury for the purpose of paying such charges under the contract both at the time the quote was issued and at the time the attached certificate was issued.

The reason for the emergency is the immediate need to pay Forevergreen Complete Ground Care for the outstanding charges in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

**EMERGENCY**

CNS

- 2024

**AUTHORIZING** the payment of \$5,487.50 from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x3137x7373 to Forevergreen Complete Ground Care for charges related to the clearing of the Fort Washington Way planter irrigation systems, pursuant to the attached then and now certificate from the Director of Finance.

WHEREAS, the City entered into a contract (contract no. MA 107 24R005467) with Forevergreen Complete Ground Care (“Contractor”) effective May 6, 2024, for landscape maintenance in City parks; and

WHEREAS, Contractor completed various landscaping and greenspace maintenance services for the Cincinnati Parks Department (“Parks”) under the contract, and Contractor sent the City periodic invoices for the services; and

WHEREAS, Contractor completed services for Parks under the contract related to the clearing of the Fort Washington Way planter irrigation systems, and Parks received an invoice from Contractor totaling \$5,487.50 dated June 17, 2024; and

WHEREAS, the City certified \$10,219.50 for landscaping and greenspace maintenance charges (delivery order (DO) 200 2024003505) but did not certify enough resources in the Cincinnati Financial System to provide for all charges related to the clearing of the Fort Washington Way planter irrigation systems; and

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the Director of Finance has issued a certificate, attached to this ordinance, verifying that a sufficient sum was appropriated and in the City Treasury for the purpose of paying such charges under the contract both at the time the quote was issued and at the time the attached certificate was issued; and

WHEREAS, Council desires to provide payment to Contractor for the City’s outstanding obligation of \$5,487.50 for charges related to the clearing of the Fort Washington Way planter irrigation systems; now, therefore,

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

Section 1. That the Director of Finance is authorized to pay \$5,487.50 from Parks Department Private Endowment and Donations Fund 430 non-personnel operating budget account no. 430x202x3137x7373 to Forevergreen Complete Ground Care for charges related to the clearing of the Fort Washington Way planter irrigation systems.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay Forevergreen Complete Ground Care for the outstanding charges in a timely manner.

Passed: \_\_\_\_\_, 2024

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

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

**CITY OF CINCINNATI**  
**DIRECTOR OF FINANCE**  
**THEN AND NOW CERTIFICATE**

I, Karen Alder, Director of Finance for the City of Cincinnati, state the following:

WHEREAS, the City of Cincinnati (“City”) and Forevergreen Complete Ground Care (“Contractor”) entered into an agreement (“Agreement”) (contract no. MA 211R005467) effective April 22, 2021 for landscape maintenance in City parks; and

WHEREAS, Contractor completed various landscaping and greenspace maintenance services for the Cincinnati Parks Department (“Parks”) under the Agreement and Contractor sent the City periodic invoices for the services; and

WHEREAS, Contractor completed services for Parks under the Agreement related to the clearing of the Fort Washington Way planter irrigation systems and Parks received an invoice from Contractor totaling \$5,487.50 dated June 17, 2024; and

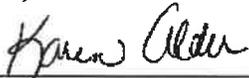
WHEREAS, on April 3, 2024, the City certified \$10,219.50 for landscaping and greenspace maintenance charges (delivery order (DO) 200 2024003505) but did not certify enough resources in the Cincinnati Financial System to provide for all charges related to the clearing of the Fort Washington Way planter irrigation systems; and

WHEREAS, Contractor has therefore not been compensated for the services it provided related to the clearing of the Fort Washington Way planter irrigation systems in an amount of \$5,487.50;

NOW, THEREFORE,

1. As of April 3, 2024, and as of the date this certificate was executed, I hereby verify that the City Treasury held a sufficient sum that was appropriated and available for the purpose of paying for goods and services delivered under the delivery order contract and all orders thereunder, including but not limited to the delivery and order reflected in the final invoice of June 17, 2024. This verification is conditioned upon and subject to Council’s approval of an ordinance authorizing the drawing of a warrant in payment of the amount due to Forevergreen Complete Ground Care under the Agreement and delivery order.

Signed,

  
\_\_\_\_\_  
Karen Alder, Director of Finance  
City of Cincinnati

Date: 10/30/24

{00410394-3}

**November 6, 2024**

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

202402337

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

**Subject: Emergency Ordinance – Parks Department: Then and Now  
Payment to Southwestern Ohio Services**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$3,000 from Parks Department capital improvement program project account 980x203x242000, “Park Infrastructure Rehabilitation,” to Southwestern Ohio Services pursuant to the attached certificate from the Director of Finance to repair the pickleball courts at Sawyer Point.

This Emergency Ordinance authorizes the payment of \$3,000 from the Parks Department capital improvement program project account 980x203x242000, “Park Infrastructure Rehabilitation,” to Southwestern Ohio Services pursuant to the attached certificate from the Director of Finance, to repair the pickleball courts at Sawyer Point.

Pursuant to Ohio Revised Code (ORC) Section 5705.41(D)(1), the Director of Finance has issued a certificate, attached to this Emergency Ordinance, verifying that a sufficient sum was appropriated and in the City Treasury for the purpose of paying such charges under the contract both at the time the quote was issued and at the time the attached certificate was issued.

The reason for the emergency is the immediate need to pay Southwestern Ohio Services for the outstanding charges in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

**EMERGENCY**

**KKF**

**- 2024**

**AUTHORIZING** the payment of \$3,000 from Parks Department capital improvement program project account 980x203x242000, “Park Infrastructure Rehabilitation,” to Southwestern Ohio Services pursuant to the attached certificate from the Director of Finance to repair the pickleball courts at Sawyer Point.

WHEREAS, on January 10, 2024, Southwestern Ohio Services (“Southwestern”) provided a quote for \$3,000 to the Parks Department to repair several damaged spots on the Sawyer Point pickleball courts under Master Agreement No. 107 221W006043 and Delivery Order No. 200 2024002769; and

WHEREAS, the encumbered funds were mistakenly used to pay for similar work performed in 2023 by the same company also in the amount of \$3,000, so the work performed in 2024 was not paid; and

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the Director of Finance has issued a certificate, attached to this ordinance, verifying that a sufficient sum was appropriated and in the City Treasury for the purpose of paying such charges under the contract both at the time the quote was issued and at the time the attached certificate was issued; and

WHEREAS, Council desires to provide payment to Southwestern for its outstanding obligation of \$3,000; now, therefore,

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

Section 1. That the Director of Finance is authorized to pay \$3,000 from Parks Department capital improvement program project account 980x203x242000, “Park Infrastructure Rehabilitation,” to Southwestern Ohio Services pursuant to the attached certificate from the Director of Finance for repairs to the pickleball courts at Sawyer Point.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay Southwestern Ohio Services for the outstanding charges in a timely manner.

Passed: \_\_\_\_\_, 2024

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

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

**CITY OF CINCINNATI**  
**DIRECTOR OF FINANCE**  
**THEN AND NOW CERTIFICATE**

I, Karen Alder, Director of Finance for the City of Cincinnati, state the following:

WHEREAS, on January 10, 2024, Southwestern Ohio Services (“Southwestern”) provided a quote for \$3,000 to the Parks Department to repair several damaged spots on the Sawyer Point pickleball courts under Master Agreement No. 107 221 W006043 and Delivery Order (“DO”) No. 200 2024002769 issued February 4, 2024; and

WHEREAS, the encumbered funds were mistakenly used to pay for similar work performed by the same company in 2023 also in the amount of \$3,000, so that the work performed in 2024 was not paid; and

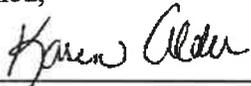
WHEREAS, during the period preceding the encumbrance, and pursuant to the terms of the contract, Southwestern Ohio Services provided the Parks Department with services amounting to \$3,000; and

WHEREAS, Southwestern Ohio Services therefore has not been compensated for the services it provided pursuant to the contract, in an amount of \$3,000;

NOW, THEREFORE,

1. As of February 4, 2024, and as of the date this certificate was executed, I hereby verify that the City Treasury held a sufficient sum that was appropriated and available for the purpose of paying for goods and services rendered under the City’s contract with Southwestern Ohio Services. This verification is conditioned upon and subject to Council’s approval of an ordinance authorizing the drawing of a warrant in payment of amount due to Southwestern Ohio Services during this time period.

Signed,



\_\_\_\_\_  
Karen Alder, Director of Finance  
City of Cincinnati

Date: 10/29/24

November 6, 2024

**To:** Mayor and Members of City Council 202402336  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – OES: FHWA Grant for EV Infrastructure**

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Attached is an Emergency Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant,” to provide grant resources for public-facing electric vehicle charging infrastructure at City-owned properties that are in or adjacent to disadvantaged communities; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$854,547 from the U.S. Department of Transportation Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to newly established capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant”; and **AUTHORIZING** the Director of Finance to deposit grant resources into capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant.”

This Emergency Ordinance establishes capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant,” to provide grant resources for public-facing electric vehicle (EV) charging infrastructure at City-owned properties that are in or adjacent to disadvantaged communities. This Emergency Ordinance also authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$854,547 from the U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA) Charging and Fueling Infrastructure Discretionary Grant Program to the newly established capital improvement program project account.

The EV Grant does not require matching funds from the City, but the private entity contracted by the City to complete the EV Grant projects is required to provide a 20 percent match. No new FTEs/full time equivalents are associated with acceptance of the EV grant. Grant resources may be used to support a contracted position.

The installation of electric vehicle charging infrastructure is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept grant resources to meet established grant deadlines.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

## EMERGENCY

IMD

- 2024

**ESTABLISHING** new capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant,” to provide grant resources for public-facing electric vehicle charging infrastructure at City-owned properties that are in or adjacent to disadvantaged communities; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$854,547 from the U.S. Department of Transportation Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) to newly established capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant”; and **AUTHORIZING** the Director of Finance to deposit grant resources into capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant.”

WHEREAS, the U.S. Department of Transportation Federal Highway Administration is offering grant resources through the Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) (the “EV Grant”) to fund the deployment of publicly accessible electric vehicle charging and alternative fueling infrastructure in communities and along designated Alternative Fuel Corridors to reduce greenhouse gas emissions, expand infrastructure access, and support national environmental and sustainability goals; and

WHEREAS, the EV Grant requires the City to contract with a private entity for the acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle; and

WHEREAS, acceptance of the EV Grant requires no local matching funds from the City, but instead requires the private entity contracted by the City to cover twenty percent of the total cost of each project undertaken through the EV Grant; and

WHEREAS, no new FTEs/full time equivalents are associated with acceptance of the EV Grant, but grant resources may be utilized to support a contracted position; and

WHEREAS, the City already applied for the EV Grant in order to meet the application deadline, but no grant funds will be accepted without approval by Council; and

WHEREAS, the installation of electric vehicle charging infrastructure is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” as described on pages 181-186 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is authorized to establish capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant,” to provide grant resources for public-facing electric vehicle charging infrastructure at City-owned properties that are in or adjacent to disadvantaged communities.

Section 2. That the City Manager is authorized to apply for, accept, and appropriate grant resources of up to \$854,547 from the U.S. Department of Transportation Federal Highway Administration Charging and Fueling Infrastructure Discretionary Grant Program (ALN 20.205) (the “EV Grant”) to newly established capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant.”

Section 3. That the Director of Finance is authorized to deposit grant resources into capital improvement program project account no. 980x104x251056, “Public Access EV Charging Ports – Grant.”

Section 4. That the City Manager is authorized to enter into any agreements necessary for the administration of the EV Grant funds and that proper City officials are authorized to do all things necessary and proper to carry out the terms of the EV Grant and Sections 1 through 3.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept grant resources to meet established grant deadlines.

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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

**November 6, 2024**

**To:** Mayor and Members of City Council 202402340  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – DOTE: Ohio Public Works Commission (OPWC) Grants**

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Attached is an Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” to provide Ohio Public Works Commission (“OPWC”) grant resources for landslide stabilization work along Columbia Parkway and new capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant,” to provide OPWC grant resources for the Warsaw Avenue rehabilitation project; **AUTHORIZING** the City Manager to accept and appropriate grant resources of up to \$2,438,518 from OPWC Funding Round 38 to provide OPWC grant resources of up to \$1,166,000 to newly established capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” for landslide stabilization work along Columbia Parkway and up to \$1,272,518 to newly established capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant,” for the Warsaw Avenue rehabilitation project; **AUTHORIZING** the Director of Finance to deposit OPWC grant resources of up to \$1,166,000 into capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” and up to \$1,272,518 into capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant”; and **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

This Ordinance establishes new capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” to provide Ohio Public Works Commission (OPWC) grant resources for landslide stabilization work along Columbia Parkway and new capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant,” to provide OPWC grant resources for the Warsaw Avenue rehabilitation project. This Ordinance also authorizes the City Manager to accept and appropriate grant resources of up to \$2,438,518 from OPWC Funding Round 38 to provide resources of up to \$1,166,000 to newly established capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” and up to \$1,272,518 to newly established capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant.”

On May 24, 2023, Council passed Ordinance No. 0171-2023, which authorized the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund (MRF) Program and the Ohio Public Works Commission State Capital Improvement Program (SCIP), the Local Transportation Improvement Program (LTIP), and the Revolving Loan Program (Funding Round 38) to ensure the timely completion of various road and bridge construction projects throughout the City. The City was awarded up to \$2,438,518 from OPWC Funding Round 38 to provide landslide stabilization along Columbia Parkway and to rehabilitate Warsaw Avenue.

The OPWC grant requires matching resources of up to \$291,500 for the Columbia Parkway Landslide Stabilization project, which will be provided from capital improvement program project account no. 980x233x242312, "Wall Stab. & Landslide Correction," and other anticipated grant resources and up to \$4,852,482 for the Warsaw Avenue Rehabilitation project, which will be provided from capital improvement program project account no. 980x233x222393, "Warsaw Avenue Transit Grant," and capital improvement program project account no. 980x233x252308, "Street Rehabilitation." There are no new FTE/full time equivalents associated with this grant funding.

The capital improvement projects enabled by this ordinance are in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and strategy to "[p]lan, design, and implement a safe and sustainable transportation system" as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

**ESTABLISHING** new capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” to provide Ohio Public Works Commission (“OPWC”) grant resources for landslide stabilization work along Columbia Parkway and new capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant,” to provide OPWC grant resources for the Warsaw Avenue rehabilitation project; **AUTHORIZING** the City Manager to accept and appropriate grant resources of up to \$2,438,518 from OPWC Funding Round 38 to provide OPWC grant resources of up to \$1,166,000 to newly established capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” for landslide stabilization work along Columbia Parkway and up to \$1,272,518 to newly established capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant,” for the Warsaw Avenue rehabilitation project; **AUTHORIZING** the Director of Finance to deposit OPWC grant resources of up to \$1,166,000 into capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” and up to \$1,272,518 into capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant”; and **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

WHEREAS, on May 24, 2023, Council passed Ordinance No. 171-2023, which authorized the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission (“OPWC”) State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (“Funding Round 38”) to ensure the timely completion of various road and bridge construction projects throughout the City; and

WHEREAS, the City was awarded up to \$2,438,518 from OPWC Funding Round 38 to provide landslide stabilization along Columbia Parkway and to rehabilitate Warsaw Avenue; and

WHEREAS, the OPWC grant requires matching resources of up to \$291,500 for the Columbia Parkway Landslide Stabilization project, which will be provided from capital improvement program project account no. 980x233x242312, “Wall Stab. & Landslide Correction,” and other anticipated grant resources and up to \$4,852,482 for the Warsaw Avenue Rehabilitation project, which will be provided from capital improvement program project account no. 980x233x222393, “Warsaw Avenue Transit Grant,” and capital improvement program project account no. 980x233x252308, “Street Rehabilitation”; and

WHEREAS, there are no new FTE/full time equivalents associated with this grant; and

WHEREAS, the capital improvement projects enabled by this ordinance are in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system” as described on pages 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 Council authorizes the establishment of new capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” to provide Ohio Public Works Commission (“OPWC”) grant resources for landslide stabilization work along Columbia Parkway and new capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant,” to provide OPWC grant resources for the Warsaw Avenue rehabilitation project.

Section 2. That the City Manager is authorized to accept and appropriate grant resources of up to \$2,438,518 from OPWC Funding Round 38 to provide OPWC grant resources of up to \$1,166,000 to newly established capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” for landslide stabilization work along Columbia Parkway and up to \$1,272,518 to newly established capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant,” for the Warsaw Avenue rehabilitation project.

Section 3. That the Director of Finance is authorized to deposit OPWC grant resources of up to \$1,166,000 into capital improvement program project account no. 980x233x252321, “Columbia Parkway Landslide OPWC Grant,” and up to \$1,272,518 into capital improvement program project account no. 980x233x252322, “Warsaw Avenue OPWC Grant.”

Section 4. That the City Manager is authorized to enter into any agreements necessary for the receipt and administration of these grant resources.

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

Section 6. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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

November 14, 2024

**To:** Mayor and Members of City Council 202402365  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – DOTE: Ohio Airport Improvement Program (AIP) Grant for Lunken Runway Decommissioning**

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Attached is an Emergency Ordinance captioned:

**ESTABLISHING** new capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” to provide grant matching resources for the decommissioning of runway 3L-21R at Lunken Airport; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$76,265 from the 2025 Ohio Airport Improvement Program awarded by the Ohio Department of Transportation to newly established capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant.”

This Emergency Ordinance establishes new capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” to provide grant matching resources for the decommissioning of runway 3L-21R at Lunken Airport. This Emergency Ordinance also authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$76,265 from the 2025 Ohio Airport Improvement Program awarded by the Ohio Department of Transportation (ODOT) to newly established capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport.

On January 31, 2024, the City Council passed Ordinance No. 0031-2024, which authorized the City Manager to apply for, accept, and appropriate a grant of up to \$1,400,000 from the Federal Aviation Administration Airport Improvement Program (the “FAA/AIP Grant”) for the purpose of decommissioning runway 3L-21R at Lunken Airport.

The FAA/AIP Grant requires a 10% local match of up to \$152,528, approximately half of which will be provided from existing capital improvement program project account no. 980x234x222352, “FAA/ODOT Local Match,” and the remainder of which will be provided from the OH AIP Grant. There are no matching resources or new FTEs/full-time equivalents associated with the OH AIP Grant.

Decommissioning Runway 3L-21R at Lunken Airport is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” as described on page 139 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to apply for and accept the grant by the applicable deadlines.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

## EMERGENCY

IMD

-2024

**ESTABLISHING** new capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” to provide grant matching resources for the decommissioning of runway 3L-21R at Lunken Airport; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$76,265 from the 2025 Ohio Airport Improvement Program awarded by the Ohio Department of Transportation to newly established capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant.”

WHEREAS, a grant of up to \$76,265 is available from the 2025 Ohio Airport Improvement Program awarded by the Ohio Department of Transportation (the “OH AIP Grant”) to provide resources to decommission Runway 3L-21R at Lunken Airport; and

WHEREAS, on January 31, 2024, Council passed Ordinance No. 31-2024, which authorized the City Manager to apply for, accept, and appropriate a grant of up to \$1,400,000 from the Federal Aviation Administration Airport Improvement Program (the “FAA/AIP Grant”) for the purpose of decommissioning runway 3L-21R at Lunken Airport; and

WHEREAS, the FAA/AIP Grant requires a ten percent local match of the cost of the project, which match amount is up to \$152,528, and Ordinance 31-2024 misstated that the amount of the local match was up to \$140,000; and

WHEREAS, approximately half of the local match will be provided from existing capital improvement program project account no. 980x234x222352, “FAA/ODOT Local Match,” and the remainder will be provided from the OH AIP Grant; and

WHEREAS, there are no matching resources or new FTEs/full-time equivalents associated with the OH AIP Grant; and

WHEREAS, the City intends to apply for the OH AIP Grant by the deadline of December 31, 2024, and the OH AIP Grant application requires an approved ordinance authorizing the City Manager to apply for, accept, and appropriate the grant funds; and

WHEREAS, decommissioning Runway 3L-21R at Lunken Airport is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality” as described on page 139 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” is established to provide grant matching resources for the decommissioning of runway 3L-21R at Lunken Airport.

Section 2. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$76,265 from the 2025 Ohio Airport Improvement Program awarded by the Ohio Department of Transportation to newly established capital improvement program project account no. 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport.

Section 3. That the Director of Finance is authorized to deposit the grant resources into capital improvement program project account 980x234x252352, “Lunken Runway 3L-21R 2025 OH AIP Grant.”

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

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to apply for and accept the grant by the applicable deadlines.

Passed: \_\_\_\_\_, 2024

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

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

November 6, 2024

**To:** Mayor and Members of City Council 202402333

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

**Subject:** **Emergency Ordinance – Police: Acceptance of Monetary Donation from Paul M. Jurgensen**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept a donation of \$4,999 from Paul M. Jurgensen to be used for Cincinnati Police Department members’ special weapons and tactics (SWAT) training; **AUTHORIZING** the Director of Finance to deposit the donation into General Fund revenue account no. 050x8571; and **AUTHORIZING** the transfer and appropriation of \$4,999 from the unappropriated surplus of the General Fund to Cincinnati Police Department General Fund non-personnel operating budget account no. 050x222x7200.

This Emergency Ordinance authorizes the City Manager to accept a donation of \$4,999 from Paul M. Jurgensen to be used for Cincinnati Police Department members’ special weapons and tactics (SWAT) training. This Emergency Ordinance also authorizes the Director of Finance to deposit the donation into General Fund revenue account no. 050x8571. This Emergency Ordinance further authorizes the transfer and appropriation of \$4,999 from the unappropriated surplus of the General Fund to Cincinnati Police Department General Fund non-personnel operating budget account no. 050x222x7200.

Paul M. Jurgensen has graciously offered to donate \$4,999 to support special weapons and tactics (SWAT) training for members of the Cincinnati Police Department. The SWAT training will consist of exercises such as close quarters tactics, mechanical breaching, and vehicle interdiction.

This donation does not require additional FTEs/full time equivalents or matching funds.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 209-211 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure timely acceptance of the donation from Paul M. Jurgensen.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

## EMERGENCY

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- 2024

**AUTHORIZING** the City Manager to accept a donation of \$4,999 from Paul M. Jurgensen to be used for Cincinnati Police Department members' special weapons and tactics (SWAT) training; **AUTHORIZING** the Director of Finance to deposit the donation into General Fund revenue account no. 050x8571; and **AUTHORIZING** the transfer and appropriation of \$4,999 from the unappropriated surplus of the General Fund to Cincinnati Police Department General Fund non-personnel operating budget account no. 050x222x7200.

WHEREAS, Paul M. Jurgensen has graciously offered to donate \$4,999 to support special weapons and tactics ("SWAT") training for members of the Cincinnati Police Department; and

WHEREAS, the SWAT training will consist of exercises such as close quarters tactics, mechanical breaching, and vehicle interdiction; and

WHEREAS, acceptance of this donation requires no matching funds, and no FTEs/full time equivalents are associated with acceptance of this donation; and

WHEREAS, acceptance of this donation is in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" as described on pages 209-211 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 a donation of \$4,999 from Paul M. Jurgensen to be used for Cincinnati Police Department members' special weapons and tactics (SWAT) training.

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

Section 3. That Council authorizes the transfer and appropriation of \$4,999 from the unappropriated surplus of the General Fund to Cincinnati Police Department General Fund non-personnel operating budget account no. 050x222x7200.

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

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the need to ensure timely acceptance of the donation from Paul M. Jurgensen.

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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

November 6, 2024

**To:** Mayor and Members of City Council 202402339

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

**Subject:** **Emergency Ordinance – Police: Solicit and Accept Donations for Victims Assistance Liaison Unit (VALU) / Cincinnati Citizens Respect Our Witnesses (CCROW)**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager and employees of the Cincinnati Police Department to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, entertainment industries, and other available sources for the Victims Assistance Liaison Unit/Cincinnati Citizens Respect Our Witnesses to provide food and gift cards to the surviving families of homicide victims during the upcoming holiday season; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City of Cincinnati into Public Safety Special Projects Fund 456.

This Emergency Ordinance authorizes the City Manager and employees of the Cincinnati Police Department to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, entertainment industries, and other available sources for the Victims Assistance Liaison Unit (VALU) / Cincinnati Citizens Respect Our Witnesses (CCROW) to provide food and gift cards to the surviving families of homicide victims during the upcoming holiday season. This Emergency Ordinance also authorizes the Director of Finance to deposit funds donated to the City of Cincinnati into Public Safety Special Projects Fund 456.

The Victims Assistance Liaison Unit/Cincinnati Citizens Respect Our Witnesses (VALU/CCROW) offers support and resources to the surviving families of homicide victims, helping them to navigate emotional and practical challenges. VALU/CCROW will provide resources for holiday meals to promote peace and comfort for the families during the upcoming winter holiday season.

Providing holiday meals to the families supported by VALU/CCROW 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 immediate need to solicit and accept donations for the winter holiday season.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

**EMERGENCY**

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- 2024

**AUTHORIZING** the City Manager and employees of the Cincinnati Police Department to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, entertainment industries, and other available sources for the Victims Assistance Liaison Unit/Cincinnati Citizens Respect Our Witnesses to provide food and gift cards to the surviving families of homicide victims during the upcoming holiday season; and **AUTHORIZING** the Director of Finance to deposit funds donated to the City of Cincinnati into Public Safety Special Projects Fund 456.

WHEREAS, the Victims Assistance Liaison Unit/Cincinnati Citizens Respect Our Witnesses (“VALU/CCROW”) offers support and resources to the surviving families of homicide victims, helping them to navigate emotional and practical challenges; and

WHEREAS, VALU/CCROW will provide resources for holiday meals to promote peace and comfort for the families during the upcoming winter holiday season; and

WHEREAS, donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, entertainment industries, and other available sources will be used to provide food and gift cards for holiday meals for the families supported by VALU/CCROW; and

WHEREAS, providing holiday meals to the families supported by VALU/CCROW 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 and employees of the Cincinnati Police Department are authorized to solicit and accept donations of money, in-kind contributions, and other things of value from the Cincinnati business community, individual benefactors, entertainment industries, and other available sources for the Victims Assistance Liaison Unit/Cincinnati Citizens Respect Our Witnesses to provide food and gift cards to the surviving families of homicide victims during the upcoming holiday season.

Section 2. That the Director of Finance is authorized to deposit any donated funds into Public Safety Special Projects Fund 456.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to solicit and accept donations for the winter holiday season.

Passed: \_\_\_\_\_, 2024

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

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

202402308

**Date:** November 20, 2024

**To:** Mayor Aftab Pureval  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Ordinance – Donation for State of the City Address**

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Transmitted herewith is an ordinance captioned as follows:

**AUTHORIZING** the City Manager to accept an in-kind donation of event space valued at \$2,200 from the Cincinnati Center City Development Corporation for the purpose of holding the State of the City address at Memorial Hall on November 12, 2024.

EESW/CMZ(dmm)  
Attachment  
411539

EMERGENCY

City of Cincinnati

CMZ

EESW

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

- 2024

**AUTHORIZING** the City Manager to accept an in-kind donation of event space valued at \$2,200 from the Cincinnati Center City Development Corporation for the purpose of holding the State of the City address at Memorial Hall on November 12, 2024.

WHEREAS, the State of the City address was held at Memorial Hall on November 12, 2024; and

WHEREAS, the Cincinnati Center City Development Corporation ("3CDC") donated the Memorial Hall ballrooms and theatre to the City to utilize for the State of the City address; and

WHEREAS, the rental value of the Memorial Hall ballrooms and theatre totaled \$2,200; and

WHEREAS, Council authorization is required to accept the in-kind donation of event space from 3CDC to hold the State of the City address; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati:

Section 1. The City Manager is hereby authorized to accept an in-kind donation of event space valued at \$2,200 from the Cincinnati Center City Development Corporation for the purpose of holding the State of the City address at Memorial Hall.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is

the immediate need to accept the in-kind donation of event space from the Cincinnati Center City Development Corporation for the purpose of holding the State of the City address at Memorial Hall.

Passed: \_\_\_\_\_, 2024

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

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

November 14, 2024

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

202402370

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

**Subject: Emergency Ordinance – FY 2025 Capital Improvement Program (CIP)  
Sunset**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the establishment of capital improvement program project account nos. 980x203x252038, “Mt. Airy Trails Expansion - GF,” to provide resources for the expansion of trails in the Mt. Airy Park; 980x203x252037, “Park Trails Expansion - GF,” to provide resources for trail expansions in the Cincinnati Park network; 980x255x252501, “City Facility Renovation and Repairs - CSR,” to provide resources for the continuation of ongoing repairs, alterations, and upgrades to City facilities such as those used by the Police, Fire, and Public Services Departments; and 980x252x252533, “Brine Equipment,” to provide resources for the upgrade of the City’s salt brine system; **AUTHORIZING** the establishment of permanent improvement program project account no. 758x227x252226, “Records Management System Peripherals,” to provide resources for printers, scanners, and other peripherals to support the upgrade and conversion of the existing records management system; **AUTHORIZING** the redirection of \$11,797.82 in Cincinnati Board of Park Commissioners Private Endowment Funds from existing capital improvement program project account no. 980x203x182017, “Drabner-Funded Infrastructure Improvements,” to the unappropriated surplus of Parks Private Endowment and Donations Fund 430 to close out or decrease existing capital improvement program project account no. 980x203x182017, “Drabner-Funded Infrastructure Improvements”; **AUTHORIZING** the transfer and return to source of \$7,707,176.06 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,602,832.06 from the unappropriated surplus of various General Capital Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$716,344 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to new or existing permanent improvement project accounts to provide resources for certain permanent improvement project accounts

according to Section C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and return to source of \$3,281,585.40 from various Restricted and Special Revenue Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section D of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$1,180,973.23 from the unappropriated surplus of various Restricted and Special Revenue Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section E of the attached Schedule of Transfer; **AUTHORIZING** the transfer of \$17,000 from the unappropriated surplus of Parking System Facilities Fund 102 to Parking System Facilities Fund balance sheet reserve account no. 102x3441, “U-Square Garage – Reserve for Capital Projects”; **AUTHORIZING** the transfer and appropriation of \$308,000 from the unappropriated surplus of the General Fund to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for emergency rental assistance and audio-visual equipment contract support; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Approval of the annual Capital Sunset Ordinance would authorize the establishment of various new capital improvement program project and permanent improvement program project accounts as well as authorize various adjustments to the City’s Capital Improvement Program (CIP).

Section A of the attached Schedule of Transfer includes the return of \$7,707,176.06 to various General Capital Budget funding sources. Section B of the Schedule of Transfer authorizes the transfer of \$6,602,832.06 from various General Capital Budget funding sources to various new and existing capital improvement program project accounts. Section C of the Schedule of Transfer authorizes the transfer of \$716,344.00 from Income Tax Permanent Improvement Fund 758 and the General Fund to existing permanent improvement program project accounts.

Section D of the attached Schedule of Transfer includes the return of \$3,281,585.40 to various Restricted and Special Revenue Funds Capital Budget sources. Section E authorizes the transfer of \$1,180,973.23 from various Restricted and Special Revenue Funds to various existing capital improvement program project accounts.

### **Schedule of Transfer – Section A**

Section A of the attached Schedule of Transfer returns \$7,707,176.06 to various General Capital Budget sources. A significant portion of capital project resources returned to the various funding sources in Section A is no longer needed for the original intended purposes. Other project balances are returned to source to better align sources with uses.

1. The sum of \$6,602,832.06 will be reprogrammed to fulfill needs in other capital improvement program project accounts, as indicated in Section B of the Schedule of Transfer.
2. The sum of \$716,344.00 will be reprogrammed to fulfill needs in other permanent improvement program project accounts, as indicated in Section C of the Schedule of Transfer.
3. The sum of \$308,000.00 returned to the General Fund will be appropriated to the City Manager's Office non-personnel budget, as shown in Section 10 of the Emergency Ordinance. These resources will support operating needs related to emergency rental assistance and audio-visual equipment contract implementation.

## **Schedule of Transfer – Section B**

Section B of the Schedule of Transfer will transfer and appropriate \$6,602,832.06 from the unappropriated surplus of various General Capital Funds to new or existing capital improvement program project accounts.

### ***Enterprise Technology Solutions (ETS)***

1. Lifecycle Asset Acquisition and Replacement: A total of \$20,970.50 will be appropriated to the “Lifecycle Asset Acquisition and Replacement” capital improvement program project account. Project funding will support the procurement of information systems, personal computers, software, and related equipment.
2. 800 MHz Microwave Replacement: \$0.50 will be appropriated to the “800 MHz Microwave Replacement” capital improvement program project account. ETS will use these resources for the replacement of microwave dishes and related equipment within the City's Radio Communications System.

### ***Emergency Communications Center (ECC)***

1. 911 Facility Safety & Security Improvements: \$65,307.19 will be appropriated to the “911 Facility Safety & Security Improvements” capital improvement program project account. The ECC will use these resources for additional fencing, gates, and other security and safety enhancements needed at the shared 911, Police, and Fire Facility located at 2000 Radcliff Drive.

### ***Office of Environment and Sustainability (OES)***

1. Solar Panel Battery Backup Resiliency Hub: \$68,168.60 will be appropriated to the “Solar Panel Battery Backup Resiliency Hub” capital improvement program project account. OES will use these resources to install battery backups on Recreation Centers that currently have solar panels, enabling these facilities to serve as resiliency hubs for residents in the event of emergency or power loss.

### ***Parks***

1. Mt. Airy Trails Expansion – GF: \$800,000.00 will be appropriated to the “Mt. Airy Trails Expansion – GF” capital improvement program project. Resources will support the expansion of trails at the Mt. Airy Park.

2. Park Trails Expansion – GF: \$500,000.00 will be appropriated to the “Park Trails Expansion – GF” capital improvement program project account. Parks will use these resources for trail expansions in the Cincinnati Park network.
3. Sinton Facility Renovation: \$120,000.00 will be appropriated to the “Sinton Facility Renovation” project. This project will provide resources for improvements to the Sinton facility, which serves as the Cincinnati Parks headquarters of the Eastern Operations team. Major project components include the total renovation of the site for better workflow and material management, full-building renovation to include dedicated zoned conditioning, as well as working offices and upgraded restroom facilities. Improvements also include a mechanics area to replace the one that was vacated in the sale of the Reading Road property. Additional future funding may be needed to complete this project.
4. Park Infrastructure Rehabilitation: \$1,300,000.00 will be appropriated to the “Park Infrastructure Rehabilitation” project. These resources will be used for general upgrades at Park facilities, as well as infrastructure improvements to roadways, walks, retaining walls, and other structures.

### ***Department of Transportation and Engineering (DOT E)***

1. Streetcar System: \$61,308.30 will be appropriated to the “Streetcar System” capital improvement program project. Project funding will provide resources for the Cincinnati Streetcar system, including infrastructure improvements, major repairs, system enhancements, and replacement components. This sum is anticipated to be used for heating, ventilation, and air conditioning (HVAC) improvements at the streetcar operations facility.
2. Traffic Control Device Installation: \$72,914.82 will be appropriated to the “Traffic Control Device Installation & Renovation” capital improvement program project. This DOT E project will provide resources for approved traffic control devices, including raised pavement markers, reflective raised separators, rumble strips, attenuation devices or hazard markers typically installed in curves and other roadway areas where the visibility or normal painted markings is not sufficient. These traffic control devices are installed on areas with high crash rates and on streets that are not on the street rehabilitation six-year plan.
3. Traffic Signals Infrastructure – GFCO: \$30,000.00 will be appropriated to the “Traffic Signals Infrastructure – GFCO” capital improvement program project. DOT E will use these resources for the design, planning, installation, maintenance, rehabilitation, replacement, expansion, modernization, and inspection of traffic signal, overhead sign, and school flasher infrastructure. This sum is anticipated to be used for Mill Creek Bridge signal modifications.

### ***Department of Public Services (DPS)***

1. City Facility Renovation and Repairs: A total of \$3,563,952.15 will be appropriated to various “City Facility Renovation and Repairs” capital improvement program project accounts. This DPS project will provide resources for the continuation of ongoing repairs, alterations, and upgrades to City facilities such as those used by Police, Fire, and DPS.

### ***Fire***

1. Firefighter PPE: \$210.00 will be appropriated to the “Firefighter PPE” capital improvement program project. This project will provide resources for the replacement of firefighter turnout gear.

## Schedule of Transfer – Section C

Section C of the Schedule of Transfer will transfer and appropriate \$716,344.00 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 and the General Fund to various new or existing capital improvement program project accounts.

### ***Enterprise Technology Solutions (ETS)***

1. Data Center Infrastructure Replacement: \$16,961.99 will be appropriated to the “Data Center Infrastructure Replacement” permanent improvement program project. This ETS project will provide resources for the cyclic replacement or upgrade of infrastructure equipment and software related to the enterprise data center and to optimize capacity to meet business needs.
2. Enterprise Networks and Security Enhancements: \$181,728.91 will be appropriated to the “Enterprise Networks and Security Enhancements” permanent improvement program project. Project funding will provide resources for the upgrade and implementation of a multi-year strategy for upgrading the City’s communications network including, but not limited to, updating the Communications Master Plan, replacing obsolete and unsupported hardware, and upgrading the fiber network facilities to support voice, data, and video while maintaining information security.

### ***Emergency Communications Center (ECC)***

1. 911 Answering Position Replacement: \$79,000.00 will be appropriated to the “911 Answering Position Replacement” permanent improvement program project. The ECC will use project funding for the replacement of 911 answering positions at the ECC primary (Radcliff) and backup (Spinney) locations.

### ***Office of Environment and Sustainability (OES)***

1. Center Hill Gas & Leachate: \$75,123.36 will be appropriated to the “Center Hill Gas & Leachate” permanent improvement program project. This project will provide resources for continuing operations and maintenance of the methane gas and leachate collection systems at the former Center Hill Landfill to comply with State and Federal solid waste regulations.
2. Wheeled Recycling Cart Replacement: \$20,000.00 will be appropriated to the “Wheeled Recycling Cart Replacement” permanent improvement program project. Project funding will support the replacement of aging wheeled recycling carts for City residents.

### ***Law Department***

1. Prosecution Case Management System: \$150,000.00 will be appropriated from the General Fund to the “Prosecution Case Management System” permanent improvement program project. The Law Department will use these resources for the design, integration, production testing, and implementation of a Case Management Software System for the Prosecution Division of the City Solicitor’s Office. This sum is anticipated to be used for providing a direct connection between the City Solicitor’s Office and the Hamilton County Municipal Court.

***Department of Community and Economic Development (DCED)***

1. Neighborhood Business Property Holding: \$110,213.34 will be appropriated to the “Neighborhood Business Property Holding” permanent improvement program project. DCED will use these resources for the rehabilitation and maintenance of City-owned properties and properties acquired by the Hamilton County Land Bank on behalf of the City by providing necessary upkeep.

***Cincinnati Police Department (CPD)***

1. Records Management System Peripherals: \$83,316.40 will be appropriated to the “Records Management System Peripherals” permanent improvement program project. CPD will use these resources for printers, scanners, and other peripherals to support the upgrade and conversion of the existing Records Management System.

**Schedule of Transfer – Section D**

Section D of the Schedule of Transfer returns \$3,281,585.40 to various Restricted and Special Revenue Funds Capital Budget sources.

1. The combined sum of \$2,494,243.06 from Funds 104, 107, 481, and 493 will be returned to source and remain available in the unappropriated surplus of each fund.
2. The combined total \$101,822.11 from Fund 823 and Fund 846 will be returned to source and be used to pay debt service.
3. The amount of \$88,962.00 will be returned to source Fund 430 from the “Ault Park Improvements – Caretaker’s House and Ault Pavilion” and “Bettman Nature Center HVAC Upgrades” capital improvement program project accounts. This funding is appropriated to the “Burnet Woods Dog Park” capital improvement program project, as indicated in Schedule of Transfer – Section E.

This Emergency Ordinance will also authorize the sum of \$11,797.82 in donated resources from the Cincinnati Board of Park Commissioners Private Endowment Funds be redirected from the “Drabner-Funded Infrastructure Improvements” capital improvement program project to the unappropriated surplus of Parks Private Endowment and Donations Fund 430, as indicated in Section 3 of the Emergency Ordinance. This funding will be appropriated to the “Burnet Woods Dog Park” project, as shown in Section E of the Schedule of Transfer.

This Emergency Ordinance also returns the sum of \$17,000.00 from the “USquare Garage Lighting Replacement” capital improvement program project to source Fund 102. Section 9 of the Emergency Ordinance transfers \$17,000.00 from the unappropriated surplus of Fund 102 to Parking System Facilities Fund balance sheet reserve account no. 102x3441, “U-Square Garage – Reserve for Capital Projects.”

**Schedule of Transfer – Section E**

Section E of the Schedule of Transfer will transfer and appropriate \$1,180,973.23 from the unappropriated surplus of various Restricted and Special Revenue Funds to new or existing capital improvement program project accounts.

***Parks***

1. Burnet Woods Dog Park: \$101,415.00 will be appropriated from Parks Private Endowment and Donations Fund 430 to the “Burnet Woods Dog Park” capital improvement program project. Project funding will be used for the development of the Burnet Woods Dog Park.

***Department of Transportation and Engineering (DOTe)***

1. Airport Infrastructure Improvements: \$242,745.96 will be appropriated to the “Airport Infrastructure Improvements” capital improvement program project. DOTe will use these resources for improvements to Lunken Airport that are not typically funded by the Federal Aviation Administration (FAA) or Ohio Department of Transportation (ODOT).
2. General Aviation Motorized Equipment: \$200,000.00 will be appropriated to the “General Aviation Motorized Equipment” capital improvement program project. DOTe will use these resources for the acquisition of motorized vehicles and maintenance equipment for utilization at Lunken Airport.
3. Facility Improvements: \$79,041.82 will be appropriated to the “Facility Improvements” capital improvement program project. This project will provide resources for improvements to airport-owned facilities at Lunken Airport that will include roofing, plumbing, electrical, building code upgrades, and other improvements.

***Department of Public Services (DPS)***

1. Brine Equipment: \$500,000.00 will be appropriated to the “Brine Equipment” capital improvement program project. DPS will use this to upgrade the City’s salt brine system.

***Stormwater Management Utility (SMU)***

1. Stormwater Fleet and Equipment: \$57,770.45 will be appropriated from Stormwater Management Fund 107 to the “Stormwater Fleet and Equipment” capital improvement program project. Project funding will support the acquisition of fleet and equipment needed by SMU.

This Emergency Ordinance will declare certain projects to be for a public purpose.

Authorizing Capital Sunset activities is in accordance with the “Sustain” goal to “[m]anage our financial resources” as well as the strategies to “[b]etter coordinate our capital improvement spending” and “[s]pend public funds more strategically” as described on pages 199-205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide resources for the Capital Improvement Program.

The Administration recommends passage of this Emergency Ordinance.

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



Attachments

## EMERGENCY

LES

- 2024

**AUTHORIZING** the establishment of capital improvement program project account nos. 980x203x252038, “Mt. Airy Trails Expansion - GF,” to provide resources for the expansion of trails in the Mt. Airy Park; 980x203x252037, “Park Trails Expansion - GF,” to provide resources for trail expansions in the Cincinnati Park network; 980x255x252501, “City Facility Renovation and Repairs - CSR,” to provide resources for the continuation of ongoing repairs, alterations, and upgrades to City facilities such as those used by the Police, Fire, and Public Services Departments; and 980x252x252533, “Brine Equipment,” to provide resources for the upgrade of the City’s salt brine system; **AUTHORIZING** the establishment of permanent improvement program project account no. 758x227x252226, “Records Management System Peripherals,” to provide resources for printers, scanners, and other peripherals to support the upgrade and conversion of the existing records management system; **AUTHORIZING** the redirection of \$11,797.82 in Cincinnati Board of Park Commissioners Private Endowment Funds from existing capital improvement program project account no. 980x203x182017, “Drabner-Funded Infrastructure Improvements,” to the unappropriated surplus of Parks Private Endowment and Donations Fund 430 to close out or decrease existing capital improvement program project account no. 980x203x182017, “Drabner-Funded Infrastructure Improvements”; **AUTHORIZING** the transfer and return to source of \$7,707,176.06 from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,602,832.06 from the unappropriated surplus of various General Capital Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$716,344 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to new or existing permanent improvement project accounts to provide resources for certain permanent improvement project accounts according to Section C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and return to source of \$3,281,585.40 from various Restricted and Special Revenue Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section D of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$1,180,973.23 from the unappropriated surplus of various Restricted and Special Revenue Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section E of the attached Schedule of Transfer; **AUTHORIZING** the transfer of \$17,000 from the unappropriated surplus of Parking System Facilities Fund 102 to Parking System Facilities Fund balance sheet reserve account no. 102x3441, “U-Square Garage – Reserve for Capital Projects”; **AUTHORIZING** the transfer and appropriation of \$308,000 from the unappropriated surplus of the General Fund to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for emergency rental assistance and audio-visual equipment contract support; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, passage of this capital sunset ordinance will allow the Administration to provide resources for the Capital Improvement Program, to provide resources for certain capital improvement program projects, to close out or decrease certain existing capital improvement program project accounts, to transfer and return to source certain funds, and to transfer and appropriate certain funds; and

WHEREAS, authorizing Capital Sunset activities is in accordance with the “Sustain” goal to “[m]anage our financial resources” as well as the strategies to “[b]etter coordinate our capital improvement spending” and “[s]pend public funds more strategically” as described on pages 199-205 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the Director of Finance is authorized to establish capital improvement program project account nos. 980x203x252038, “Mt. Airy Trails Expansion - GF,” to provide resources for the expansion of trails in the Mt. Airy Park; 980x203x252037, “Park Trails Expansion - GF,” to provide resources for trail expansions in the Cincinnati Park network; 980x255x252501, “City Facility Renovation and Repairs - CSR,” to provide resources for the continuation of ongoing repairs, alterations, and upgrades to City facilities such as those used by the Police, Fire, and Public Services Departments; and 980x252x252533, “Brine Equipment,” to provide resources for the upgrade of the City’s salt brine system.

Section 2. That the Director of Finance is authorized to establish permanent improvement program project account no. 758x227x252226, “Records Management System Peripherals,” to provide resources for printers, scanners, and other peripherals to support the upgrade and conversion of the existing records management system.

Section 3. That the \$11,797.82 in donated resources from the Cincinnati Board of Park Commissioners Private Endowment Funds is redirected from existing capital improvement program project account no. 980x203x182017, “Drabner-Funded Infrastructure Improvements,” to the unappropriated surplus of Parks Private Endowment and Donations Fund 430 to close out or decrease existing capital improvement program project account no. 980x203x182017, “Drabner-Funded Infrastructure Improvements.”

Section 4. That \$7,707,176.06 is transferred and returned to source from various General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section A of the attached Schedule of Transfer.

Section 5. That \$6,602,832.06 is transferred to and appropriated from the unappropriated surplus of various General Capital Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section B of the attached Schedule of Transfer.

Section 6. That \$716,344 is transferred to and appropriated from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to new or existing permanent improvement project accounts to provide resources for certain permanent improvement project accounts according to Section C of the attached Schedule of Transfer.

Section 7. That \$3,281,585.40 is transferred and returned to source from various Restricted and Special Revenue Funds capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Section D of the attached Schedule of Transfer.

Section 8. That \$1,180,973.23 is transferred to and appropriated from the unappropriated surplus of various Restricted and Special Revenue Funds to new or existing capital improvement program project accounts to provide resources for certain capital improvement program project accounts according to Section E of the attached Schedule of Transfer.

Section 9. That \$17,000 is transferred from the unappropriated surplus of Parking System Facilities Fund 102 to Parking System Facilities Fund balance sheet reserve account no. 102x3441, "U-Square Garage – Reserve for Capital Projects."

Section 10. That \$308,000 is transferred to and appropriated from the unappropriated surplus of the General Fund to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for emergency rental assistance and audio-visual equipment contract support.

Section 11. That Council declares that the “Mt. Airy Trails Expansion – GF,” “Park Trails Expansion – GF,” and “Brine Equipment” capital improvement program projects and the “Records Management System Peripherals” permanent improvement project serve a public purpose because the projects will foster local improvements and investment and increase neighborhood vitality.

Section 12. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 11.

Section 13. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide resources for the Capital Improvement Program.

Passed: \_\_\_\_\_, 2024

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

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

Return to Source: \$7,707,176.06

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
ETS 091	220912 Data Center Infrastructure Replacement	758	Income Tax Permanent Improvement Fund	61,000.00	44,038.01	16,961.99
	200903 Enterprise Networks and Security Enhancements	758	Income Tax Permanent Improvement Fund	291,500.00	200,525.56	90,974.44
	210903 Enterprise Networks and Security Enhancements	758	Income Tax Permanent Improvement Fund	169,500.00	78,745.53	90,754.47
	170901 MAN-SONET System Replacement	758	Income Tax Permanent Improvement Fund	3,656,665.00	3,650,000.00	6,665.00
	170901 MAN-SONET System Replacement	864	Automotive and Other Equipment Bond Fund	3,650,000.00	3,649,694.50	305.50
	210910 Real Time Crime Center Camera Program	758	Income Tax Permanent Improvement Fund	150,000.00	149,620.08	379.92
	240926 Route Optimization Software	758	Income Tax Permanent Improvement Fund	250,000.00	245,698.20	4,301.80
	230915 Workflow Management System	758	Income Tax Permanent Improvement Fund	160,500.00	155,873.42	4,626.58
City Manager's Office 101	231036 Communication Equipment - GFCO	050	General Fund	225,000.00	117,000.00	108,000.00
Emergency Communications Center 103	231019 911 Dispatcher Radio Console	758	Income Tax Permanent Improvement Fund	81,000.00	35,000.00	46,000.00
	231033 Expand E911 Workstations	758	Income Tax Permanent Improvement Fund	79,000.00	0.00	79,000.00
	221027 NICE System Replacement and Upgrade	758	Income Tax Permanent Improvement Fund	450,500.00	431,192.81	19,307.19
City Manager Environment & Sustainability 104	221002 Center Hill Gas & Leachate	758	Income Tax Permanent Improvement Fund	85,000.00	9,876.64	75,123.36
	221012 Emergency Environmental Cleanup/UST	758	Income Tax Permanent Improvement Fund	20,000.00	0.00	20,000.00
	221001 Regulatory Compliance & Energy Conservation	758	Income Tax Permanent Improvement Fund	68,168.60	0.00	68,168.60
City Manager Performance & Data Analytics 108	231016 Enterprise Data Warehouse	758	Income Tax Permanent Improvement Fund	32,000.00	0.00	32,000.00
Community & Economic Dev. Economic Development 164	201608 Neighborhood Business Property Holding	758	Income Tax Permanent Improvement Fund	200,000.00	89,786.66	110,213.34
Parks Administration and Program Services 203	222008 Mt. Airy Trails Expansion	860	Park and Recreation Improvement	1,050,000.00	250,000.00	800,000.00
	222007 Park Trails Expansion	860	Park and Recreation Improvement	500,000.00	0.00	500,000.00
	232004 Park Infrastructure Rehabilitation - GF	050	General Fund	1,500,000.00	200,000.00	1,300,000.00
	232030 Daniel Drake Park Restoration - GF	050	General Fund	500,000.00	0.00	500,000.00
Buildings & Inspections 211	232104 Electronic Plan Review - ERP	758	Income Tax Permanent Improvement Fund	100,000.00	0.00	100,000.00
Police Investigations Bureau 225	222227 Latent Fingerprint Case Management and Training System	758	Income Tax Permanent Improvement Fund	50,000.00	49,995.00	5.00
Police Support Bureau 226	222200 NICE Recorder Upgrades	864	Automotive and Other Equipment Bond Fund	14,000.00	0.00	14,000.00
Police Administration Bureau 227	202218 Records Management System (RMS)	758	Income Tax Permanent Improvement Fund	500,000.00	499,878.84	121.16
	212218 Records Management System (RMS)	758	Income Tax Permanent Improvement Fund	115,000.00	31,809.76	83,190.24
Transportation & Engineering Traffic Engineering 239	222318 Gas Street Light Repair and Replacement	870	Street Improvement Bond Fund	168,000.00	95,085.18	72,914.82

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
Public Services Neighborhood Operations 253	232537 Trash Receptacles & Collection Carts	758 Income Tax Permanent Improvement Fund	301,000.00	183,047.85	117,952.15
Public Services CFM 255	232504 Community Facility Improvements - Art Museum	758 Income Tax Permanent Improvement Fund	200,000.00	0.00	200,000.00
	252500 City Facility Renovation and Repairs	712 Railway Trust Infrastructure Fund	8,306,000.00	5,060,000.00	3,246,000.00
Fire Response 271	202714 Self-Contained Breathing Apparatus Equipment	864 Automotive and Other Equipment Bond Fund	3,000,000.00	2,999,999.50	0.50
	212717 Fire Helmet Replacement	864 Automotive and Other Equipment Bond Fund	225,000.00	224,790.00	210.00

Transfer and Appropriation: \$6,602,832.06

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
ETS 091	758	Income Tax Permanent Improvement Fund	230918	Lifecycle Asset Acquisition and Replacement	495,000.00	501,665.00	6,665.00
	864	Automotive and Other Equipment Bond Fund	230918	Lifecycle Asset Acquisition and Replacement	501,665.00	515,970.50	14,305.50
	864	Automotive and Other Equipment Bond Fund	200907	800 MHz Microwave Replacement	844,905.70	844,906.20	0.50
Emergency Communications Center 103	758	Income Tax Permanent Improvement Fund	231010	911 Facility Safety & Security Improvements	70,000.00	135,307.19	65,307.19
Office of the City Manager Environment & Sustainability 104	758	Income Tax Permanent Improvement Fund	241040	Solar Panel Battery Backup Resiliency Hub	725,000.00	793,168.60	68,168.60
Parks Administration and Program 203	050	General Fund	252038	Mt. Airy Trails Expansion - GF	0.00	800,000.00	800,000.00
	050	General Fund	252037	Park Trails Expansion - GF	0.00	500,000.00	500,000.00
	050	General Fund	252034	Sinton Facility Renovation	1,580,000.00	1,700,000.00	120,000.00
	860	Park and Recreation Improvement	222000	Park Infrastructure Rehabilitation	2,055,000.00	3,355,000.00	1,300,000.00
Transportation & Engineering Streetcar Operations 236	758	Income Tax Permanent Improvement Fund	252351	Streetcar System	660,000.00	721,308.30	61,308.30
Transportation & Engineering Traffic Enginnering 239	870	Street Improvement Bond Fund	222300	Traffic Control Device Installation & Renovation	114,000.00	186,914.82	72,914.82
	050	General Fund	232347	Traffic Signals Infrastructure - GFCO	2,000,000.00	2,030,000.00	30,000.00
Public Services CFM 255	758	Income Tax Permanent Improvement Fund	242500	City Facility Renovation and Repairs	5,217,336.01	5,535,288.16	317,952.15
	712	Railway Trust Infrastructure Fund	252501	City Facility Renovation and Repairs - CSR	0.00	3,246,000.00	3,246,000.00
Fire Response 271	864	Automotive and Other Equipment Bond Fund	212700	Firefighter PPE	209,000.00	209,210.00	210.00

Transfer and Appropriation: \$716,344.00

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
ETS 091	758	Income Tax Permanent Improvement Fund	250912	Data Center Infrastructure Replacement	97,000.00	113,961.99	16,961.99
	758	Income Tax Permanent Improvement Fund	250903	Enterprise Networks and Security Enhancements	105,000.00	286,728.91	181,728.91
Emergency Communications Center 103	758	Income Tax Permanent Improvement Fund	251049	911 Answering Position Replacement	500,000.00	579,000.00	79,000.00
City Manager Environment & Sustainability 104	758	Income Tax Permanent Improvement Fund	251002	Center Hill Gas & Leachate	52,000.00	127,123.36	75,123.36
	758	Income Tax Permanent Improvement Fund	251005	Wheeled Recycling Cart Replacement	52,000.00	72,000.00	20,000.00
Law Administrative Hearings 112	050	General Fund	241109	Prosecution Case Management System	125,000.00	275,000.00	150,000.00
Community & Economic Dev. Economic Development 164	758	Income Tax Permanent Improvement Fund	251608	Neighborhood Business Property Holding	100,000.00	210,213.34	110,213.34
Police Administration Bureau 227	758	Income Tax Permanent Improvement Fund	252226	Records Management System Peripherals	0.00	83,316.40	83,316.40

Return to Source: \$3,281,585.40

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
Community & Economic Dev. Housing Development 162	181683 Reach Program	493 Price Hill Equivalent Fund	380,610.00	317,522.12	63,087.88
Community & Economic Dev. Economic Development 164	231637 Saks Acquisition-TIF	481 Downtown South/Riverfront Equivalent Fund	3,000,000.00	2,976,752.51	23,247.49
Recreation Golf 195	201919 Golf Equipment Replacements	823 Automotive and Other Equipment Bond Fund	3,000,000.00	2,998,238.03	1,761.97
Parks Administration and Program Services 203	222014 Ault Park Improvements - Caretaker's House and Ault Pavilion	430 Parks Private Endowment and Donations	87,500.00	28,538.00	58,962.00
	222015 Bettman Nature Center HVAC Upgrades	430 Parks Private Endowment and Donations	30,000.00	0.00	30,000.00
Transportation & Engineering Aviation 234	222332 Airport Infrastructure Improvements	104 General Aviation Fund	1,007,449.10	564,703.14	442,745.96
	232332 Airport Infrastructure Improvements	104 General Aviation Fund	70,000.00	0.00	70,000.00
	212333 Facility Improvements	104 General Aviation Fund	225,000.00	215,958.18	9,041.82
	232333 Facility Improvements	104 General Aviation Fund	70,000.00	0.00	70,000.00
Enterprise Services Parking Facilities 248	222404 USquare Garage Lighting Replacement	102 Parking System Facilities Fund	17,000.00	0.00	17,000.00
Stormwater Management 311	184124 Cincinnati Local Flood Protection	846 Stormwater Improvement Bond Fund	526,479.14	518,140.00	8,339.14
	204124 Cincinnati Local Flood Protection Project	846 Stormwater Improvement Bond Fund	2,904,854.60	2,813,133.60	91,721.00
	224101 Stormwater Fleet and Equipment	107 Stormwater Management Fund	500,000.00	442,229.55	57,770.45
	224143 Linear Asset Condition Assessment	107 Stormwater Management Fund	3,200,000.00	862,092.31	2,337,907.69

Transfer and Appropriation: \$1,180,973.23

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Parks Administration and Program 203	430	Parks Private Endowment and Donations	232035	Burnet Woods Dog Park	344,550.00	445,965.00	101,415.00
Transportation & Engineering Aviation 234	104	General Aviation Fund	252332	Airport Infrastructure Improvements	140,000.00	382,745.96	242,745.96
	104	General Aviation Fund	252330	General Aviation Motorized Equipment	61,000.00	261,000.00	200,000.00
	104	General Aviation Fund	252333	Facility Improvements	139,000.00	218,041.82	79,041.82
Public Services Traffic & Road 252	306	Municipal Motor Vehicle License Tax	252533	Brine Equipment	0.00	500,000.00	500,000.00
Stormwater Management 311	107	Stormwater Management	254101	Stormwater Fleet and Equipment	200,000.00	257,770.45	57,770.45

November 18, 2024

**To:** Members of the Budget and Finance Committee

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

202402394

**Subject: Emergency Ordinance – First Amendment to Three Oaks Development Agreement**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to execute a First Amendment to Development Agreement with Oakley Yards Land, LLC, an affiliate of Neyer Properties, Inc., pertaining to the redevelopment of property located at 2800 Robertson Avenue in the Oakley neighborhood of Cincinnati.

**STATEMENT**

**HOUSING:** The additional housing units this project will provide will go toward helping to alleviate Cincinnati’s strained housing market, which is currently experiencing increasing affordability issues due to lack of supply.

**BACKGROUND/CURRENT CONDITIONS**

In December of 2019, in anticipation of financing public infrastructure improvements to support the redevelopment of the former Kenner Toy Factory site located at 2800 Robertson Avenue in the Oakley neighborhood of Cincinnati, City Council passed Ordinance No. 493-2019, which created an ORC 5709.40(B) project-based TIF on the site for a period of 30 years.

In December 2021, pursuant to Ordinance Nos. 190-2021, 191-2021, and 192-2021, the City and Developer entered into a Development Agreement and other related agreements that outlined the scope of the site’s redevelopment as well as the City’s support. At that time, the Developer proposed a mixed-use development that included approximately 350 to 400 market-rate residential apartment units, 150 to 200 units of senior housing, 105 single-family homes, and necessary public infrastructure improvements to support the overall development. Additionally, the City executed two commercial CRA tax abatement agreements for the multi-family and senior housing projects, and authorized revenue from the project-based TIF to pay bond obligations issued by the Port to finance public infrastructure improvements. Since then, the Developer has completed \$15,150,000 in public infrastructure improvements, namely in acquisition of public right-of-way, site demolition/environmental remediation, roadways, utilities, landscaping, and the construction of the public park in the southeast corner of the project. The Developer has also built several single-family for-sale homes, with 19 on hold, sold, or under contract.

## **DEVELOPER INFORMATION**

The Developer, Oakley Yards Land, LLC, is an affiliate of Neyer Properties, Inc. of Cincinnati. Neyer Properties, formed in 1995, is a fully integrated real estate company headquartered in the Evanston neighborhood of Cincinnati. Projects completed by Neyer in Cincinnati include the Baldwin building renovation in Walnut Hills and the Keystone Parke development in Evanston. Neyer is partnering with WP Land Company, a custom homebuilder company in Montgomery, Ohio to construct the single-family project. Neyer will be partnering with CASTO Communities, a commercial real estate company in Columbus, Ohio to construct and operate the multi-family project. Neyer plans to select a senior housing partner in 2025.

## **PROJECT DESCRIPTION**

The Developer has requested that the Development Agreement be amended to reduce the number of single-family homes from 105 to 79. The Developer anticipates up to 15 of the 79 single-family lots will be part of the 2025 Homearama. In the area where the Developer previously anticipated constructing 26 homes, the Developer now desires to construct approximately 31 car condo units. The Developer has engaged the Oakley Community Council on this proposed change and the community council provided a letter of support for the Major Amendment to the Concept Plan and Development Program Statement in June 2024.

Regarding public subsidy, the Developer requested an additional \$5,000,000 (\$21,000,000 in total) in funding for environmental remediation, mass excavation, utilities and related soft costs on the multi-family and senior housing project sites due to price increases since the project commenced. The net proceeds from the bonds will not be used for the car condo project. To meet the Developer's request and increase the public infrastructure improvements, the principal bond proceeds need to be increased to \$30,600,000. It is anticipated that the Port will be issuing the bonds that are guaranteed by the Developer. The City will not provide or guarantee revenue for the bonds aside from the revenues created by the project. The Developer has also requested timelines for each component of the project, i.e., the multi-family, senior housing, single-family, public infrastructure improvements be extended to complete the project.

## **RECOMMENDATION**

The Administration recommends approval of this Emergency Ordinance. The reason for the emergency is to enable the parties to execute the Amendment as soon as possible so that Developer can immediately move forward with the amended project, thereby creating jobs, stimulating economic growth in the area, and enabling the project site to be put to its highest and best use, for the economic benefit of the City, at the earliest possible time.

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

Exhibit A: Amended Site Plan and 2024 Aerial Imagery

**Exhibit A: Amended Site Plan and 2024 Aerial Imagery**



## EMERGENCY

SSB

- 2024

**AUTHORIZING** the City Manager to execute a First Amendment to Development Agreement with Oakley Yards Land, LLC, an affiliate of Neyer Properties, Inc., pertaining to the redevelopment of property located at 2800 Robertson Avenue in the Oakley neighborhood of Cincinnati.

WHEREAS, pursuant to Ordinance No. 190-2021, passed on May 26, 2021, the City of Cincinnati (the “City”) entered into a certain Development Agreement (the “Agreement”), with Oakley Yards Land, LLC (“Developer”), an affiliate of Neyer Properties, Inc., dated December 15, 2021; and

WHEREAS, as more particularly described in the Agreement, Developer agreed to redevelop certain real property located at 2800 Robertson Avenue in Cincinnati (the “Project Site”), which redevelopment was to consist of Developer’s design and construction of approximately 350-400 market-rate apartments, approximately 150-200 units of senior housing, approximately 105 single-family homes (the “Single-Family Project”), and various public infrastructure improvements in support thereof (the “Public Infrastructure Improvements); and

WHEREAS, Developer now desires to update the Single-Family Project by reducing the number of single-family homes from approximately 105 to 79, and instead now construct approximately 31 car condo units on the area upon which the previously anticipated 26 additional homes were to be constructed (the “Car Condo Project”); and

WHEREAS, pursuant to Ordinance No. 493-2019, passed on December 11, 2019 (the “TIF Ordinance”), Council declared that the Improvement (as defined in Ohio Revised Code (“R.C.”) Section 5709.40(A)(4)) to the Project Site constitutes a public purpose and exempted 100 percent of the Improvement from real property taxation for a period of thirty years pursuant to R.C. Section 5709.40(B) (the “TIF Exemption”); and

WHEREAS, under the TIF Ordinance, and in accordance with the Agreement, the City required the owners of the parcels subject to the TIF Ordinance to make service payments in lieu of real property taxes within the meaning of R.C. Section 5709.42 (collectively, with any minimum service payments imposed from time to time pursuant to Service Agreements entered into in connection with the Agreement, the “Service Payments”); and

WHEREAS, pursuant to the Agreement, the City and Developer anticipated that the City would pledge a portion of the Service Payments it receives to facilitate the issuance by the Port of Greater Cincinnati Development Authority (the “Port”) of bond obligations in one or more series to finance a portion of the Public Infrastructure Improvements, which bonds were anticipated to be issued by the Port (i) in a principal amount not to exceed \$10,000,000 with respect to bonds having a senior pledge of the Service Payments (the “Senior Bonds”), and

(ii) in a principal amount not to exceed \$6,000,000 with respect to bonds having a subordinate pledge of the Service Payments (the “Subordinate Bonds”; and together with the Senior Bonds, the “Bonds”); and

WHEREAS, Developer now desires to increase the maximum principal amounts of the Bonds anticipated to be issued under the Agreement due to the rising costs of construction; and

WHEREAS, the City is amenable to entering into a certain First Amendment to Development Agreement, substantially in the form attached as Attachment A hereto (the “Amendment”), to amend the aforementioned Single-Family Project definition, add the new Car Condo Project, and increase the maximum principal amount(s) of the Bonds, all upon the terms and conditions contained therein; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a First Amendment to Development Agreement with Oakley Yards Land, LLC (“Developer”), in substantially the form attached to this ordinance as Attachment A (the “Amendment”), thereby amending that certain Development Agreement between the City and Developer, dated December 15, 2021 (the “Agreement”), pertaining to a mixed-use project located at 2800 Robertson Avenue in the Oakley neighborhood of Cincinnati, as more particularly described in the Agreement and the Amendment (the “Project” and the “Project Site”, as applicable).

Section 2. That Council authorizes the appropriate City officials to take all necessary and proper actions to fulfill the terms of this ordinance, the Amendment, any and all Project-related documents described or contemplated in the Agreement, as amended by the Amendment (including, without limitation, one or more service agreements and a cooperative agreement, as more particularly described therein), and all ancillary agreements, amendments, and other documents related to the Project and/or the Project Site, all as deemed necessary or appropriate by the City Manager.

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 to enable the parties to execute the Amendment as soon as possible so that Developer can immediately move forward with the amended Project, thereby creating jobs, stimulating economic growth in the area, and enabling the Project Site to be put to its highest and best use, for the economic benefit of the City, at the earliest possible time.

Passed: \_\_\_\_\_, 2024

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

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

FIRST AMENDMENT TO  
DEVELOPMENT AGREEMENT  
(Three Oaks)

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this "**Amendment**") is made and entered into on the Effective Date (as defined on the signature page hereof) by and among the CITY OF CINCINNATI, an Ohio municipal corporation (the "**City**"), and OAKLEY YARDS LAND, LLC, an Ohio limited liability company ("**Developer**").

Recitals:

A. On December 15, 2021, the City and Developer entered into that certain *Development Agreement* (the "**Agreement**"), relating to the redevelopment of approximately 30 acres of real property located at 2800 Robertson Avenue in the Oakley neighborhood of Cincinnati. Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Agreement.

B. Developer desires to update the Private Improvements component of the Project by reducing the number of single-family homes in the Single-Family Project from approximately 105 to 79. In the area where Developer previously anticipated constructing the additional 26 homes, Developer now desires to construct approximately 31 car condo units, as more particularly described herein.

C. Additionally, Developer desires to amend the Agreement to reflect an updated Construction Schedule and to increase maximum principal amount for the Bonds and the maximum amount of Bond proceeds netted to the Project authorized under the Agreement.

D. The City is amenable to amending the Agreement upon the terms and conditions provided herein.

NOW, THEREFORE, the parties agree as follows:

1. Amendments to Recitals B-D. Recitals B-D of the Agreement are hereby deleted and replaced in their entirety with the following:

B. Developer currently anticipates redeveloping the Project Site, as depicted on Exhibit A-1 (Site Plan) hereto, and as more particularly described on Exhibit C-1 (Description of Private Improvements) and Exhibit C-2 (Description of Public Infrastructure Improvements) hereto. The "**Private Improvements**" will consist of Developer's design and construction of (i) approximately 350 to 400 market-rate residential apartment units (the "**Multi-Family Project**"), (ii) approximately 150 to 200 units of senior housing (the "**Senior Project**"), (iii) approximately 79 single-family homes (the "**Single-Family Project**"), and (iv) approximately 31 car condo units (the "**Car Condo Project**"). The "**Public Infrastructure Improvements**" include but are not limited to Developer's demolition, environmental remediation, and design and construction of (a) public right of way, (b) public roads, (c) public pedestrian path, (d) park space, (e) stormwater management, (f) utilities, and (g) sitework, *provided that* such improvements, if financed by the Bonds (as defined below), must be eligible for reimbursement pursuant to Ohio Revised Code ("**ORC**") Section 5709.40 in order to constitute Public Infrastructure Improvements that are eligible to be financed by the Bonds (as defined below). The Public Infrastructure Improvements and the Private Improvements are collectively, the "**Project**".

C. The total estimated cost (including, without limitation, hard construction costs, soft costs, and acquisition costs) of (i)(a) the Multi-Family Project is approximately \$78,000,000, (b) the Single-Family Project is approximately \$37,800,000, (c) the Senior Project is approximately \$61,000,000, and (d) the Car Condo Project is approximately \$9,000,000, for an aggregate total estimated cost for the Private Improvements of \$185,800,000, as more particularly described on Exhibit D-1 (Preliminary Budget – Private Improvements) hereto; and (ii) the Public Infrastructure Improvements is approximately \$21,000,000, as more particularly described on Exhibit D-2 (Preliminary Budget – Public Infrastructure Improvements) hereto. Developer has represented to the City that it intends to use various sources of funds to finance the costs associated with the Project, as set forth on Exhibit E-1 (Sources of Funds – Private Improvements) and Exhibit E-2 (Sources of Funds – Public Infrastructure Improvements) hereto.

D. Developer currently anticipates that it will (i) commence construction of (a) the Public Infrastructure Improvements on or about July 1, 2021, (b) the Multi-Family Project on or about August 31, 2025, (c) the Single-Family Project on or about December 31, 2022, (d) the Senior Project on or about December 1, 2025, and (e) the Car Condo Project on or about March 1, 2025; and (ii) complete construction substantially in accordance with the Final Plans (as defined below) of (a) the Public Infrastructure Improvements no later than December 31, 2026, (b) the Multi-Family Project no later than August 31, 2027, (c) the Single-Family Project no later than December 31, 2027, (d) the Senior Project no later than June 1, 2028, and (e) the Car Condo Project no later than December 31, 2026, and that the Project will be completed substantially in accordance with the construction schedule shown on Exhibit F (Construction Schedule) hereto.

2. Amendment to Recital F. Recital F to the Agreement is hereby deleted in its entirety and replaced with the following:

F. The parties currently anticipate that the Public Infrastructure Improvements will be financed by the Port of Greater Cincinnati Development Authority (the “**Port Authority**”), Developer presently intends to finance the construction of the Public Infrastructure Improvements by entering into a separate construction agreement, cooperative agreement, service agreement(s), and other ancillary agreements with the City and/or the Port Authority pursuant to which (i) the Port Authority will issue one or more series of special obligation development revenue bonds, with no series having a term in excess of the maximum maturity allowable at law for such series, in a principal amount not to exceed \$23,600,000 (estimated to net approximately \$15,000,000 in proceeds to the Project fund) for the financing of the Public Infrastructure Improvements (the “**Senior Bonds**”), (ii) the Port will issue (which may be assigned in accordance with the aforementioned documents) subordinate bonds in a principal amount not to exceed \$7,000,000 (estimated to net approximately \$6,000,000 in proceeds to the Project fund) for the financing of the Public Infrastructure Improvements and that will be underwritten to fully amortize no later than December 31, 2045 (the “**Subordinate Bonds**”, collectively with the Senior Bonds, the “**Bonds**”), and (iii) make the net proceeds from the Senior Bonds and the Subordinate Bonds available to Developer to pay for the construction of the Public Infrastructure Improvements (as determined by the separate agreements that may be entered into by the Port Authority, the City, and Developer). For the avoidance of doubt, it is acknowledged and agreed that the aforementioned Bond proceeds estimated to be deposited in the Project fund are merely estimates and the parties anticipate that the actual amounts deposited in the Project fund will be negotiated and determined through the parties’ negotiation of the Bond documents.

3. Construction Timelines. In regard to the timelines for construction of the various components of the Project, the first two sentences of Section 2(C)(i), and the entirety of Sections 2(C)(ii), (iii), and (iv) of the Agreement are hereby deleted and replaced with the following:

(i) Public Infrastructure Improvements. Developer shall commence construction of the Public Infrastructure Improvements not later than July 1, 2021. Developer shall complete construction, substantially in accordance with the Final Plans and substantially in accordance with Exhibit F with respect to the Public Infrastructure Improvements, not later than December 31, 2026.

(ii) Multi-Family Project. Developer shall commence construction of the Multi-Family Project not later than August 31, 2025. Developer shall complete construction, substantially in accordance with the Final Plans with respect to the Multi-Family Project not later than August 31, 2027.

(iii) Senior Project. Developer shall commence construction of the Senior Project not later than December 1, 2025. Developer shall complete construction, substantially in accordance with the Final Plans with respect to the Senior Project, not later than June 1, 2028.

(iv) Single-Family Project. Developer shall commence construction, or cause the commencement of construction of the Single-Family Project not later than December 31, 2022. Developer shall use best efforts to complete or cause the completion of construction, substantially in accordance with the Final Plans with respect to the Single-Family Project not later than December 31, 2027.

4. Car Condo Project. New Section 2(C)(v), "Car Condo Project," is added immediately following existing Section 2(C)(iv), which is to read as follows:

(v) Car Condo Project. Developer shall commence construction of the Car Condo Project not later than March 1, 2025. Developer shall use best efforts to complete construction, substantially in accordance with the Final Plans with respect to the Car Condo Project, not later than December 31, 2026.

5. Environmental Condition. New Section 2(F), "Environmental Covenant," is added immediately following existing Section 2(E), which is to read as follows:

(F) Environmental Covenant. Developer shall prepare and record a restrictive covenant to limit activity and land use that is environmentally protective of conditions identified in the Phase I and Phase II Environmental Site Assessments as to the portion of the Property upon which the Car Condo Project is to be located (the "**Environmental Covenant**") no later than [\_\_\_\_\_]. The Environmental Covenant shall be prepared in a form acceptable to the City and shall be recorded in the real property records of Hamilton County, Ohio Records, all at Developer's expense.

6. Excess Project TIF Revenue. Section 3(B) is hereby deleted in its entirety and replaced with the following:

(B) Excess Project TIF Revenue. To the extent the Project TIF Revenue in any year exceeds the amount payable to the Port Authority for payment of the Bond Obligations for such year, as more particularly described in one or more separate agreements to be executed by the City, Developer, and the Port Authority, the City shall be entitled to retain and use such excess Project TIF Revenue for any lawful purpose. For the avoidance of doubt, (i) to the extent the Project TIF Revenue associated with any portion of the Project is not to be used to secure Bond Obligations associated with the applicable phase of the Bonds, for any reason, the City shall be entitled to retain and use such excess Project TIF Revenue for any lawful purpose and (ii) the Subordinate Bonds will mature no later than December 31, 2045, and following the maturity of the Subordinate Bonds, any Project TIF Revenue in excess of the Senior Bonds will be retained by the City.

For the avoidance of doubt, no Project TIF Revenue will be used to service the Subordinate Bonds after December 31, 2045.

7. Exhibits to Agreement. Exhibit A-1 (Site Plan), Exhibit C-1 (Description of Private Improvements), Exhibit D-1 (Preliminary Budget – Private Improvements), Exhibit D-2 (Preliminary Budget – Public Infrastructure Improvements), Exhibit E-1 (Sources of Funds – Private Improvements), Exhibit E-2 (Sources of Funds – Public Infrastructure Improvements), and Exhibit F (Construction Schedule) are hereby deleted and replaced with Exhibit A-1-1 (Amended Site Plan), Exhibit C-1-1 (Amended Description of Private Improvements), Exhibit D-1-1 (Amended Preliminary Budget – Private Improvements), Exhibit D-2-1 (Amended Preliminary Budget – Public Infrastructure Improvements), Exhibit E-1-1 (Amended Sources of Funds – Private Improvements), Exhibit E-2-1 (Amended Sources of Funds – Public Infrastructure Improvements), and Exhibit F-1 (Amended Construction Schedule) hereto, respectively, which are hereby incorporated into and made a part of the Agreement and which, on and after the Effective Date hereof, shall be deemed to be Exhibit A-1, Exhibit A-2, Exhibit C-1, Exhibit D-1, Exhibit D-2, Exhibit E-1, Exhibit E-2, and Exhibit F, respectively, for all purposes of the Agreement.

8. Representations and Warranties. Developer hereby represents and warrants to the City that all representations and warranties made by Developer in the Agreement continue to be true and correct as of the Effective Date of this Amendment.

9. Release. In consideration of the City's execution of this Amendment, Developer hereby waives any and all defaults or failures to observe or perform any of the City's obligations under the Agreement or any other document relating to the Project, and any other liability of any kind on the part of the City to the extent any such default, failure, or liability occurred or arose before the Effective Date hereof.

10. Ratification. All terms of the Agreement not amended hereby or not inconsistent herewith shall remain in full force and effect, and the Agreement, as amended hereby, is hereby ratified and reaffirmed by the parties.

11. Counterparts; Electronic Signatures. This Amendment 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 Amendment may be executed and delivered by electronic signature.

[SIGNATURES ON FOLLOWING PAGE]

This Amendment is executed by the parties on the dates indicated below, effective as of the latest of such dates (the "**Effective Date**").

**CITY OF CINCINNATI**

**OAKLEY YARDS LAND, LLC**

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

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

Date: \_\_\_\_\_, 2024

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

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

Date: \_\_\_\_\_, 2024

Approved as to Form:

\_\_\_\_\_  
Assistant City Solicitor

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

By: \_\_\_\_\_  
Karen Alder, City Finance Director

Exhibit A-1-1  
to First Amendment to Development Agreement  
(Three Oaks)

*Amended Site Plan*

TO BE ATTACHED

Exhibit C-1-1  
to First Amendment to Development Agreement  
(Three Oaks)

*Amended Description of Private Improvements*

Developer will develop the approximately 30.86-acre site located at 2800 Robertson Ave in the Oakley neighborhood, which at full buildout shall include approximately 79 single-family homes, 31 for-sale car condos, 393 multi-family and townhome units, and 150-200 senior living units along with a public park, bike path, and other amenities. The Private Improvements will be developed in phases following the completion of Public Infrastructure Improvements.

Multi-Family Project: Private Improvements will include approximately 15 buildings consisting of the following components:

- Block A - Private Improvements will consist of Developer's design and construction of approximately 6 three-story townhome-style apartment buildings and associated parking.
- Block B - Private Improvements will consist of Developer's design and construction of approximately 6 three-story garden-style apartment buildings and associated parking.
- Block C - Private Improvements will consist of Developer's design and construction of:
  - o Approximately 2 four-story apartment buildings and associated parking areas.
  - o An approximately 3,000 square foot amenity building and community green space.
- 

Single-Family Project: Private Improvements will consist of Developer's design and construction of:

- Approximately 79 single-family detached homes and attached townhome product.
- Alleys will be constructed to access home garages from the rear.
- Amenity spaces throughout as shown on Exhibit A-2.

Senior Project: Private Improvements will consist of Developer's design and construction of:

- Approximately 150-200 senior living units designated for Independent Living, Assisted Living, and/or Memory Care and associated building amenities.

Car Condo Project: Private Improvements will consist of Developer's design and construction of:

- Approximately 5 buildings consisting of approximately 31 car condo units and associated landscaping.
- A private road with gated access to the car condo units.

Exhibit D-1-1  
to First Amendment to Development Agreement  
(Three Oaks)

*Amended Preliminary Budget – Private Improvements*

<b>Land Acquisition</b>	\$12,000,000
<b>Multi-Family Project</b>	
Hard Construction Cost Estimate	\$68,000,000
Soft Cost Estimate	\$9,350,000
Contingency	\$650,000
<b>Subtotal Multi-Family Project</b>	<hr/> <b>\$78,000,000</b>
<b>Single-Family Project</b>	
Hard Construction Cost Estimate - Lots	\$2,500,000
Home Construction Hard Cost Estimate	\$32,700,000
Soft Cost Estimate	\$2,450,000
Contingency	\$150,000
<b>Subtotal Single-Family Project</b>	<hr/> <b>\$37,800,000</b>
<b>Senior Project</b>	
Hard Construction Cost Estimate	\$50,000,000
Soft Cost Estimate	\$10,500,000
Contingency	\$500,000
<b>Subtotal Senior Project</b>	<hr/> <b>\$61,000,000</b>
<b>Car Condo Project</b>	
Hard Construction Cost Estimate	\$7,800,000
Soft Cost and Contingency Estimate	\$1,200,000
<b>Subtotal Car Condo Project</b>	<hr/> <b>\$9,000,000</b>
<b>Total Private Improvements Estimate</b>	<b>\$185,800,000</b>

Exhibit D-2-1  
to First Amendment to Development Agreement  
(Three Oaks)

*Amended Preliminary Budget – Public Infrastructure Improvements*

Land for Public Right of Way	\$3,500,000
Building/Site Demo and Environmental Remediation	\$3,400,000
Mass Excavation/Fill	\$2,800,000
Dedicated Public Roadways, Walks, and Curbs	\$1,860,000
Utilities	\$5,100,000
Landscape/Hardscape	\$990,000
Public Park	\$200,000
Estimated Soft Costs	\$1,700,000
Developer Fee	\$850,000
Project Contingency	\$600,000
<b>Total Public Improvements Estimate*</b>	<b>\$21,000,000</b>

\*It is anticipated that the total costs listed herein are the uses of the net proceeds of the Bonds. It is understood that the net proceeds of the Bonds may increase or decrease from the estimated amount. The Director of DCED, at her sole discretion, may permit, via written approval, adjustments to the budget line items at the request of Developer should the net proceeds of the Bonds differ from the estimated amount.

Exhibit E-1-1  
to First Amendment to Development Agreement  
(Three Oaks)

*Amended Sources of Funds – Private Improvements*

Private Debt - Multi-Family Project & Senior Project	\$88,200,000
Private Debt – Single-Family Project	\$32,700,000
Proceeds of Sales of Lots in Single-Family Project	\$11,850,000
Proceeds of Sales of Units in Car Condo Project	\$10,850,000
Developer Equity	\$42,200,000
<b>Total Sources – Private Improvements</b>	<hr/> <b>\$185,800,000</b>

Exhibit E-2-1  
to First Amendment to Development Agreement  
(Three Oaks)

*Amended Sources of Funds – Public Infrastructure Improvements*

Estimated Proceeds from Senior Bonds	\$15,000,000
Estimated Proceeds from Subordinate Bonds	<u>\$ 6,000,000</u>
	\$21,000,000

Exhibit F-1  
to First Amendment to Development Agreement  
(Three Oaks)

*Amended Construction Schedule*

<b>Break Ground on Mass Excavation, Public Utility and Roadway Construction.....</b>	<b>7/1/2021</b>
<b>Closings on sale of initial single-family lots / break ground on home construction.....</b>	<b>12/31/2022</b>
<b>Single family project infrastructure substantially complete.....</b>	<b>12/1/2023</b>
<b>Closing on car condo portion of project / break ground.....</b>	<b>3/1/2025</b>
<b>Closing on multifamily portion of project / break ground.....</b>	<b>8/31/2025</b>
<b>Car Condo project substantially complete.....</b>	<b>12/31/2026</b>
<b>Closing on Senior Living Portion of the project / break ground.....</b>	<b>12/01/2025</b>
<b>Remaining / overall project infrastructure substantially complete.....</b>	<b>12/31/2026</b>
<b>Multifamily project substantially complete.....</b>	<b>8/31/2027</b>
<b>Senior Living project substantially complete.....</b>	<b>6/1/2028</b>
<b>Single Family buildout substantially complete.....</b>	<b>12/31/2027</b>



**Mark Jeffreys**  
Councilmember

November 18, 2024

## **AMENDED MOTION**

### ***Protecting the Mental Health & Safety of Transgender and Gender Nonbinary Youth***

WE MOVE that the administration allocate \$250,000 in FY 2025 and another \$250,000 in FY 2026 from the Cincinnati Health Department for mental health and safety services for transgender and gender nonbinary youth.

WE FURTHER MOVE that the administration identify gaps in service provided, issue a Request for Proposal (RFP) that asks applicants to fill needed gaps, and that this work be done in concert with Cincinnati Public Schools, local foundations and non-profit partners to ensure separate efforts are holistically meeting the need. It should also include ways to track and measure the impact of this effort.

## **STATEMENT**

Over the past few years, mental health among our children has become a crisis in the U.S. as well as in our city; multiple efforts are under way to address it in our city. The mental health challenges faced by transgender and gender nonbinary youth in particular is an especially urgent issue. A recent study published in the journal Nature Human Behavior concluded that state laws focused on transgender issues have led to an up to 72% increase in attempted suicide by transgender and gender nonbinary youth in the past year. And that was before the heated political rhetoric of this year's national election, which demonized transgender youth. The result: an acute crisis with the mental health and safety of transgender and gender nonbinary youth that must be addressed.

By filling the gaps in mental health services for transgender and gender nonbinary youth a priority, we will ensure that this crisis is addressed in an urgent fashion so all children in our city can thrive and live to their fullest potential.

**November 6, 2024**

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

202402344

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

**Subject: Ordinance – Modifying CMC 503-52 and 506-66**

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Attached is an Ordinance captioned:

**MODIFYING** Chapter 503, “Vehicular Construction and Equipment,” of the Cincinnati Municipal Code (“CMC”) by **AMENDING** Section 503-52, “Unauthorized License Plates,” to align the CMC with R.C. 4503.21, which the General Assembly amended to remove a requirement that motor vehicles display front license plates; and **MODIFYING** Chapter 506, “Operation and Right of Way,” of the CMC by **AMENDING** Section 506-66, “Vehicle Restrictions—Street Usage,” to reflect the removal of the entrance ramp to northbound Interstate 75 from Central Parkway.

Cc: Teresa A. Theetge, Chief of Police

Attachment

**MODIFYING** Chapter 503, “Vehicular Construction and Equipment,” of the Cincinnati Municipal Code (“CMC”) by **AMENDING** Section 503-52, “Unauthorized License Plates,” to align the CMC with R.C. 4503.21, which the General Assembly amended to remove a requirement that motor vehicles display front license plates; and **MODIFYING** Chapter 506, “Operation and Right of Way,” of the CMC by **AMENDING** Section 506-66, “Vehicle Restrictions—Street Usage,” to reflect the removal of the entrance ramp to northbound Interstate 75 from Central Parkway.

WHEREAS, the General Assembly removed a requirement that motor vehicles display a front license plate by amending R.C. Section 4503.21, effective July 1, 2020; and

WHEREAS, Section 503-52, “Unauthorized License Plates,” of the Cincinnati Municipal Code (“CMC”) requires the display of front license plates on motor vehicles; and

WHEREAS, there is a need to amend the CMC to align its requirements with R.C. 4503.21; and

WHEREAS, Section 506-66, “Vehicle Restrictions—Street Usage,” of the CMC prohibits the operation of heavy vehicles on certain streets in the City, including a portion of Central Parkway that is defined by reference to the previous entrance to northbound Interstate 75 from Central Parkway; and

WHEREAS, that entrance ramp no longer exists, requiring amendment of the CMC to reflect this fact and reestablish the portion of Central Parkway where heavy vehicles are restricted; now, therefore,

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

Section 1. That Section 503-52, “Unauthorized License Plates,” of Chapter 503, “Vehicular Construction and Equipment,” of the Cincinnati Municipal Code (“CMC”) is amended as follows:

No person who is the operator of any vehicle upon which license plates are required to be displayed by law shall fail to display on the ~~front and~~ rear of such motor vehicle the distinctive number and registration mark, including any required validation sticker, required by law.

No person shall operate upon the streets of the city any vehicle upon which are displayed any license numbers for any period of time which has expired or any

{00408638-3}

license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

No person shall operate upon the streets of the city any vehicle upon which are displayed any license numbers not legally registered and issued for such vehicle, or upon which are displayed any license numbers that were issued on an application for registration that contained any false statement by the applicant.

Section 2. That Section 506-66, “Vehicle Restrictions—Street Usage,” of Chapter 506,

“Operation and Right of Way,” of the CMC is amended as follows:

It shall be unlawful to operate any vehicle or combination of any vehicle and trailer which contains more than two axles and four wheels, and whose gross vehicle weight exceeds 7500 pounds on the following streets:

- (a) Central Parkway from Plum Street to Ludlow Avenue northbound; ~~Central Parkway from the northbound interstate 75 on ramp to Plum Street and~~ southbound; Victory Parkway; Westwood Northern Boulevard; Columbia Parkway from Fifth and Pike Streets to Delta Avenue; Columbia Parkway from Stanley Avenue to Beechmont Avenue; West Seymour Avenue from Dillard Avenue to Vine Street. These highways may at all times be used by motor vehicles of the United States of America carrying U.S. Mail and may be used by other vehicles for the purpose of delivering goods or merchandise to or receiving same from premises located ~~along side~~alongside said highways and not otherwise accessible. Such other vehicles so using said highways shall enter and leave the same at the intersecting street nearest the loading or unloading point.
- (b) West Seymour Avenue from 200 feet west of Este Avenue to Vine Street. This highway may at all times be used by motor vehicles of the United States of America carrying U.S. Mail and may be used by other vehicles for the purpose of delivering goods or merchandise to or receiving same from premises located ~~along side~~alongside said highway.

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

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

Passed: \_\_\_\_\_, 2024

{00408638-3} \_\_\_\_\_  
New language is underscored. Deleted language is struck through.

Aftab Pureval, Mayor

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

{00408638-3} \_\_\_\_\_  
New language is underscored. Deleted language is struck through.

Date: October 30, 2024

To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: Ordinance – Permit Requirements for Private Streets and Drives

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Attached is an emergency ordinance captioned as follows:

MODIFYING Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,” of the Cincinnati Municipal Code by AMENDING Sections 721-1-D, “Department,” 721-1-D1, “Director,” 721-23, “Undedicated Streets, Improvements Forbidden,” 721-47, “Undedicated Streets, Construction Under Public Supervision,” 721-49, “Fund for Inspection of Streets and Sewers Privately Constructed,” 721-51, “Undedicated Streets; Review of Engineering Details for Supervised Construction,” 721-53, “Rules and Schedules of Prices,” and 721-55, “Fund for Reviewing Engineering Details for Construction of Undedicated Streets,” to establish permit requirements for the construction, maintenance, repair, and replacement of private streets and drives in the City of Cincinnati.

The City of Cincinnati administration is seeking to modify the Cincinnati Municipal Code (CMC) Chapter 721, “Streets and Sidewalks, Establishment and Maintenance” to establish permit requirements for the construction, maintenance, repair, and replacement of private streets and drives in the City of Cincinnati.

Private streets and driveways are an option for property owners when developing property to provide access to buildings and structures. Over time, due to substandard construction and neglect by property owners, managers, and tenants, private streets and driveways may deteriorate, resulting in substandard or hazardous conditions that adversely affect the ability of the police, fire, and public services departments from accessing buildings adjacent to private streets and driveways. The inability of City departments to use and access properties and buildings adjacent to private streets and driveways creates a risk to the health and safety of citizens of Cincinnati by limiting response times and prohibiting the collection of trash and refuse. As a result, the City risks spending public dollars to remedy issues with private streets and driveways which are in disrepair and cause damage to City vehicles. Requiring public supervision of the construction and maintenance of private streets will ensure compliance with minimum standards, prevent decay, and ensure that persons who live along private streets are provided access to police, fire, emergency medical, and public services.

The Administration recommends passage of the attached ordinance.

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

**MODIFYING** Chapter 721, “Streets and Sidewalks, Establishment and Maintenance,” of the Cincinnati Municipal Code by **AMENDING** Sections 721-1-D, “Department,” 721-1-D1, “Director,” 721-23, “Undedicated Streets, Improvements Forbidden,” 721-47, “Undedicated Streets, Construction Under Public Supervision,” 721-49, “Fund for Inspection of Streets and Sewers Privately Constructed,” 721-51, “Undedicated Streets; Review of Engineering Details for Supervised Construction,” 721-53, “Rules and Schedules of Prices,” and 721-55, “Fund for Reviewing Engineering Details for Construction of Undedicated Streets,” to establish permit requirements for the construction, maintenance, repair, and replacement of private streets and drives in the City of Cincinnati.

WHEREAS, private streets and driveways are an option for property owners when developing property to provide access to buildings and structures; and

WHEREAS, over time, due to substandard construction and neglect by property owners, managers, and tenants, private streets and driveways may deteriorate, resulting in substandard or hazardous conditions that adversely affect the ability of the police, fire, and public services departments from accessing buildings adjacent to private streets and driveways; and

WHEREAS, the inability of City departments to use and access properties and buildings adjacent to private streets and driveways creates a risk to the health and safety of citizens of Cincinnati by limiting response times and prohibiting the collection of trash and refuse; and

WHEREAS, the City risks spending public dollars to remedy issues with private streets and driveways which are in disrepair and cause damage to City vehicles; and

WHEREAS, requiring public supervision of the construction and maintenance of private streets will ensure compliance with minimum standards, prevent decay, and ensure that persons who live along private streets are provided access to police, fire, emergency medical, and public services; and

WHEREAS, Council finds that the foregoing standards are in the interests of the public health, safety, morals, and general welfare; now, therefore,

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

Section 1. That Sections 721-1-D, “Department,” 721-1-D1, “Director,” 721-23, “Undedicated Streets, Improvements Forbidden,” 721-47, “Undedicated Streets, Construction Under Public Supervision,” 721-49, “Fund for Inspection of Streets and Sewers Privately Constructed,” 721-51, “Undedicated Streets; Review of Engineering Details for Supervised

Construction,” 721-53, “Rules and Schedules of Prices,” and 721-55, “Fund for Reviewing Engineering Details for Construction of Undedicated Streets,” of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 721-1-D. - Department.**

“Department” shall mean the department of transportation and engineering. ~~public works.~~

**Sec. 721-1-D1. - Director.**

“Director” shall mean the director of transportation and engineering. ~~public works.~~

**Sec. 721-23. - Undedicated Streets, Improvements Forbidden.**

No department or division of the city, nor any officer or employee, shall grade, pave, curb, repair, clean or light any street, or lay any water main, sewer or connection for a water main or sewer or other service connection in any street, or authorize such water main, sewer or connection to be laid therein, or authorize or make any other improvement therein, unless:

- (a) Such street is an established street, duly accepted or opened as a public street or way, or having otherwise received the legal status of a public street or way prior to January 1, 1927; or
- (b) Such street corresponds in location and extent with a street shown on a recorded plat approved by the city planning commission; or
- (c) The location and extent of such street has received the approval of the city planning commission, or, in case of disapproval by the city planning commission, has been approved by a two-thirds vote of council in accordance with the charter.

Notwithstanding the foregoing, the city manager or the city manager’s designee may expend funds to repair undedicated streets that are so unsafe, poorly maintained, or otherwise hazardous that they present a serious and substantial threat to city vehicles or the delivery of medical, fire, police, or sanitation services that are necessary in the interests of public health, safety, and general welfare. For purposes of this section, an undedicated street includes ways which are privately owned and set apart for use by motor vehicle traffic.

**Sec. 721-47. - Undedicated Streets, Construction Under Public Supervision.**

Whenever the an owner of private property ~~any undedicated street, which has been tentatively approved by the city planning commission for acceptance by the city,~~ (i) desires to construct or improve the an undedicated street at the owner’s expense under public inspection and supervision, by paving, setting curbs and gutters, laying sidewalks, sewerage, or otherwise making street improvements ~~improving the street;~~ or (ii) desires to construct a sewer through private property to connect with a public sewer, then the owner shall do so under public

inspection and supervision by constructing or improving the undedicated street to public street standards, or sewer to public sewer standards. †The owner shall (1) deposit the estimated cost and fees of inspection and supervision, and (2) submit the plans and specifications under which the work is to be executed, and (3) shall secure a permit from the city manager-a permit, or a permit from the Director of the Metropolitan Sewer District of Greater Cincinnati if the improvement involves a sewer connection, which permits shall set forth the conditions and modifications of such plans and specifications under which such inspection and supervision will be given. The owner shall maintain an undedicated street to public street standards. The city manager may inspect any undedicated streets and if the city manager finds such streets in disrepair or are a hazard to city vehicles and services, the city manager may issue orders for the owner to repair such streets. If the owner fails to repair the undedicated street, the city manager may, in accordance with Section 721-23, repair any undedicated street and invoice and assess the owner for the repairs.

For purposes of this section, an undedicated street includes ways which are privately owned and set apart for use by motor vehicle traffic.

#### **Sec. 721-49. - Fund for Inspection of Streets and Sewers Privately Constructed.**

All moneys received as deposit or payment under the provisions of Section 721-47 shall be paid to the city treasurer and credited to a the general fund. to be known as the “fund for inspection of streets and sewers privately constructed.” The department shall have the right to draw vouchers from time to time against the fund for the cost of inspection and supervision furnished in accordance with said Section 721-47. The department shall also, on demand, prepare vouchers in favor of the depositors for balances due them after the charges of the department for its services have been paid.

#### **Sec. 721-51. - Undedicated Streets; Review of Engineering Details for Supervised Construction.**

The owner of an undedicated street who desires to improve the street in accordance with the provisions of Section 721-47, shall submit to the city engineer the plans for the proposed improvement, as prepared by a registered engineer duly licensed by the state of Ohio, and the city engineer shall review the engineering details of the plans, in accordance with the applicable city standards for public streets. provisions of Section 721-34.

#### **721-53. - Rules and Schedules of Prices.**

The ~~city engineer~~ director shall, with the approval of the city manager, prepare a complete set of rules, regulations and procedures applicable to the designing and construction of undedicated streets by private persons under city supervision in accordance with Section 721-47. Such rules and regulations shall contain a schedule of prices chargeable for the services of the ~~department division~~, such prices to be based on the nature of the services rendered and ~~on~~ the time required for performance. The services of the ~~division~~ department may include office and field work. With the approval of the city manager, the rules, regulations, and procedure may be changed from time to time, and the schedule of prices revised, whenever such changes and revision are reasonably required in the interests of the city.

**Sec. 721-55. - Fund for Reviewing Engineering Details for Construction of Undedicated Streets.**

All moneys received as deposit or payment under the provisions of Sections 721-51 and 721-53 shall be paid to the city treasurer and credited to the general fund, ~~a fund to be known as the "fund for reviewing engineering details of undedicated streets."~~ The ~~division of engineering~~ department shall have the right to draw vouchers from time to time against the fund for the cost of reviewing engineering details in accordance with Sections 721-51 and 721-53.

The ~~department~~ division of engineering shall also, on demand, prepare vouchers in favor of depositors for balances due them after the charges of the ~~department~~ division of engineering for its services have been paid.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2024

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

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

Date: October 30, 2024

To: Mayor and Members of City Council

202402286

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Updating the Cincinnati Municipal Code for Complete Streets

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Attached is an emergency ordinance captioned as follows:

MODIFYING Chapter 507, “One-Way Streets,” of the Cincinnati Municipal Code by ORDAINING new Section 507-4, “Contra-Flow and Limited Access Lanes,” and by AMENDING Section 507-1, “One-Way Streets and Alleys,” to allow for the City Manager to designate lanes on two-way streets as limited to specific vehicles so as to provide for Complete Streets in the City of Cincinnati.

As part of Complete Streets, there are instances when DOTE will want to add contra-flow lanes for non-motorized or transit vehicles to existing one-way streets or convert two-way streets to one-way for motor vehicle traffic while maintaining two-way for non-motorized or transit vehicles. This update to the Municipal Code will clarify the legality of installing contra-flow lanes.

An emergency clause is needed as various contra-flow lanes have already been installed and this will clarify the legality of those streets.

The Administration recommends passage of the attached emergency ordinance.

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

**EMERGENCY**

**JRS**

**- 2024**

**MODIFYING** Chapter 507, “One-Way Streets,” of the Cincinnati Municipal Code by **ORDAINING** new Section 507-4, “Contra-Flow and Limited Access Lanes,” and by **AMENDING** Section 507-1, “One-Way Streets and Alleys,” to allow for the City Manager to designate lanes on two-way streets as limited to specific vehicles so as to provide for Complete Streets in the City of Cincinnati.

WHEREAS, City Council passed Ordinance No. 363-2022 thereby establishing a Complete Streets policy for the City of Cincinnati; and

WHEREAS, applying Complete Streets principles to the design, construction, operation, repair, and replacement of new and existing roadways can enhance multimodal access for users of various forms of transportation; and

WHEREAS, enhancing multimodal transportation access is essential to connecting Cincinnati’s neighborhoods on an equitable basis by ensuring those neighborhoods with the greatest need for alternative forms of transportation are served; and

WHEREAS, the establishment of a Complete Street complements the City’s “Vision Zero” program, which aims to eliminate all traffic-related deaths and severe injuries, and is in accordance with the priority action area to “[c]ontinue to invest in Complete Streets to improve connectivity between neighborhoods” as described on page 119 of the Green Cincinnati Plan (2023); and

WHEREAS, the Cincinnati Municipal Code only contemplates one-way or two-way streets for all vehicles and users of the City’s right-of-way; and

WHEREAS, Complete Streets encompasses additional traffic patterns, including contra-flow lanes, limited access lanes, and other creative transportation designs, which the City Administration is limited by under the current Cincinnati Municipal Code; and

WHEREAS, the City Planning Commission, having the authority to approve the change in use of streets, shall have oversight of the designation of contra-flow lanes, limited access lanes, and other configurations of the flow of traffic for lane designation; and

WHEREAS, Council considers the conversion of the portion of City streets to allow for creative traffic slow situations to be in the best interests of the City and the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That new Section 507-4, “Contra-Flow and Limited Access Lanes,” of the Cincinnati Municipal Code is hereby ordained to read as follows:

**Sec. 507-4. Contra-Flow and Limited Access Lanes**

The city manager may determine and designate streets, parts of streets, or specific lanes thereon upon which general public motor vehicular traffic shall proceed in one (1) direction only, and bicycle traffic, public transit traffic, or other traffic other than general public motor vehicles may flow counter to the one-way direction. Additionally, the city manager may erect signs and road striping designating lanes to be used by different types of traffic moving in a particular direction, regardless of the center line of the roadway. The city manager shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof.

Section 2. That existing Section 507-1, “One-Way Streets and Alleys,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 507-1. - One-Way Streets and Alleys.**

Except as otherwise provided in this section and the sections hereunder, all streets and alleys having a roadway width of 16 feet or more shall be two-way streets. Except as otherwise provided in Sections 507-3 and 507-4, all streets and alleys having a roadway width of less than 16 feet whose general direction is east and west shall be one-way west, and all such streets and alleys whose general direction is north and south shall be one-way north. All one-way roadways 16 feet or more in width shall be designated by suitable direction signs at each intersection. One-way streets and alleys less than 16 feet in width shall be provided with direction signs where their direction varies from the general direction for one-way streets and alleys. The streets and alleys specified in this chapter shall be one-way streets in the direction indicated.

No person shall operate a vehicle on a one-way street or alley except in the direction indicated therefor.

Section 3. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance, including the fabrication and installation of street signage in accordance with the Department of Transportation and Engineering’s policies and procedures.

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 commence with the process to establish contra-flow and limited access

lanes in the City so that the residents of Cincinnati can receive the benefit of Complete Streets at the earliest possible time.

Passed: \_\_\_\_\_, 2024

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Aftab Pureval, Mayor

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

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Additions indicated by underline; Deletions indicated by strikethrough.