



City of Cincinnati

Cincinnati City Council

Meeting Minutes

801 Plum Street
Cincinnati, Ohio 45202

Wednesday, April 28, 2021

2:00 PM

Council Chambers, Room 300

REVISED

Council convened at 2:00 P.M., Mayor John Cranley, Presiding.

ROLL CALL

Present: Vice Mayor Christopher Smitherman, Councilmember Steve Goodin, Councilmember Jan-Michele Kearney, Councilmember Liz Keating, Councilmember Greg Landsman, Councilmember David Mann, President Pro Tem Chris Seelbach, Councilmember Betsy Sundermann, and Councilmember Wendell Young

The following council member participated remotely: Vice Mayor Smitherman and Councilmembers Seelbach and Young.

Also in attendance were City Manager Paula Boggs-Muething, City Solicitor Andrew Garth and Clerk of Council Melissa Autry

Council observed a moment of silence prayer and recited the Pledge of Allegiance to the Flag.

Without objection the Minutes of the previous session of Council were ordered Approved and Filed.

MR. GOODIN

1. **MOTION**, submitted by Councilmember Goodin, Flywheel Social Enterprise is requesting up to \$300,000 to be used to expand current programs focused on racial and gender equity and on entrepreneurial ventures that advance systemic change. It is expected these funds would equip a minimum of 20 diverse startup founders and engage 50 "angel investors" to invest a minimum of \$3 million in at least 15 startups, increasing employment opportunities in the Greater Cincinnati region. These funds would be matched by donations from foundations, sponsors and individuals. **WE MOVE** that funds from the American Rescue Plan Act be allocated to Flywheel Social Enterprise.

[202101530](#)

Referred to Budget & Finance Committee

MS. KEARNEY

MS. KEATING

2. **RESOLUTION**, submitted by Councilmembers Kearney and Keating from Andrew Garth, City Solicitor, **EXPRESSING** the support of the Mayor and Cincinnati City Council for the passage of both the COVID-19 Hate Crimes Act and the Jabara-Heyer NO HATE Act of 2021 currently in Congress, including their support of the City Administration proceeding without delay to undertake any and all efforts on behalf of the City of Cincinnati and its residents to support the passage of both bills.

[202101553](#)

Passed

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0030-2021

MS. KEATING**MR. SMITHERMAN****MS. KEARNEY**

3. **MOTION**, submitted by Councilmember Keating, Vice Mayor Smitherman and Councilmember Kearney, **WE MOVE** that City Council allocates \$2.8 million of the American Rescue Plan Act to UC Health to ensure that they can complete their Emergency Medical Services Canopy: Goodman Street.

[202101577](#)

Referred to Budget & Finance Committee

MR. LANDSMAN

4. **ORDINANCE**, submitted by Councilmember Landsman from Andrew W. Garth, City Solicitor, **MODIFYING** Chapter 117, "Campaign Finance - Disclosures," of the Cincinnati Municipal Code by **AMENDING** Section 117-3, "Reporting Requirements when Campaign has no Activity; Publication of Campaign Reports," to require timely reporting by elected officials and their associated campaign committees or political action committees of certain campaign contributions; **AUTHORIZING** the City Manager to take all actions necessary to design and implement a public-facing website through which such reports will be available; and **AUTHORIZING** the City Manager to develop such requirements, rules, and guidance, in consultation with the Cincinnati Elections Commission, as are necessary to carry out the purposes described herein, contingent

[202101549](#)

upon funding being budgeted for such purposes in the Fiscal Year 2022 budget.

Referred to Law & Public Safety Committee

MR. MANN

MS. KEARNEY

5. **MOTION**, submitted by Councilmember Mann and Kearney, **I MOVE** that the City Administration move expeditiously with payment/reimbursement of the Human Services agencies under contract with the City.

[202101567](#)

Referred to Budget & Finance Committee

MR. SMITHERMAN

6. **MOTION**, dated 04/23/2021, submitted by Vice Mayor Smitherman, **WE MOVE** that \$450,000 from the American Rescue Plan Act (ARPA) be allocated to create accessible and inclusive bathroom facilities at the Cincinnati Contemporary Arts Center (CAC).

[202101548](#)

Referred to Budget & Finance Committee

CITY MANAGER

7. **REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding 2019 DOTE Infrastructure Reports.

[202001056](#)

Referred to Major Projects & Smart Government Committee

8. **REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding City Paid-Leave Program for Live Organ and Bone Marrow Donors. (SEE REFERENCE DOCUMENT #202000807)

[202100679](#)

Referred to Budget & Finance Committee

9. **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/10/2021, **AMENDING** Sections 7, 8, and 11 of Article II, "City Manager," of the Administrative Code of the City of Cincinnati to identify the necessary areas of responsibilities for Assistant City Managers and assistants to the City Manager to facilitate the operation of the Office of the City Manager.

[202100934](#)

Referred to Education, Innovation & Growth Committee

Enactment No: 0170-2021

10. **REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Outdoor Dining in Neighborhoods. (SEE REFERENCE DOC# 202100636)

[202101177](#)

Referred to Neighborhoods Committee

11. **REPORT**, dated 4/28/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for SHORT VINE SPIRITS INC, 2902 Short Vine Street, 1st FL & BSMT, Cincinnati, Ohio 45219.

[202101218](#)

(#8105509, C2, C2X, D6, TRANSFER) [Objections: NO]

Filed

- 12. REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Special Event Permit Application for THE KNOW THEATRE SUMMER PROGRAM. [202101413](#)

Filed

- 13. REPORT**, dated 4/28/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for JAPG RESTAURANT GROUP LLC, DBA GOOD PLATES EATERY, 235 W. McMillan Street, Cincinnati, Ohio 45219. (#4224788, D2, NEW) [Objections: NONE] [202101485](#)

Filed

- 14. REPORT**, dated 4/28/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 2347 MANAGEMENT LLC, 2347 Reading Road, Cincinnati, Ohio 45202. (#9088285, D5A, NEW) [Objections: NONE] [202101486](#)

Filed

- 15. REPORT**, dated 4/28/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for AUSIBELLE HOLDINGS LLC, DBA URBAN AIR ADVENTURE PARK, 3321 Alamo Avenue, Cincinnati, Ohio 45209. (#0335491, D1, D2, NEW) [Objections: NONE] [202101487](#)

Filed

- 16. REPORT**, dated 4/28/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for EVT MANAGEMENT SERVICES LLC, 24 Race Street, Lot 27, Lot 23, Cincinnati, Ohio 45202. (#2594845, D5J, NEW) [Objections: NONE] [202101489](#)

Filed

- 17. REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Livingston Task Force Update. (SEE REFERENCE DOCUMENT #202001432) [202101490](#)

Referred to Law & Public Safety Committee

- 18. REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Special Event Permit Application for AULT PARK 2021 4TH OF JULY FIREWORKS. [202101512](#)

Filed

- 19. REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Department of Finance Report for the Month Ended March 31, 2021 [202101521](#)

Referred to Budget & Finance Committee

- 20. REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding cost and timeline of the audit of Council activities (See Doc. #202100210).

[202101531](#)

Referred to Law & Public Safety Committee

- 21. ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/28/2021, **AUTHORIZING** the City Manager to execute a *Grant of Encroachment Easement* in favor of Vision Cincinnati, LLC, pursuant to which the City of Cincinnati will grant an encroachment easement to permit existing basement space to encroach upon the Seventh and Race Streets public rights-of-way in the Central Business District.

[202101536](#)

Referred to Budget & Finance Committee

Enactment No: 0156-2021

- 22. ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/28/2021, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant up to the amount of \$4,010 from the American Association for Retired Persons ("AARP") and FitLot, Inc. for the purpose of funding and promoting AARP-sponsored outdoor fitness park programming; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Special Activities Fund 323, Revenue Account No. 323x8571.

[202101539](#)

Referred to Budget & Finance Committee

Enactment No: 0157-2021

BUDGET AND FINANCE COMMITTEE

- 23. ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/21/2021, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$95,035 from the Department of Homeland Security, Federal Emergency Management Agency FY 2020 Assistance to Firefighters Grant Program (CFDA No. 97.044) to Fire Grants Fund 472 for the purpose of funding the purchase of a gear washer and extractor and six gear drying cabinets for the Cincinnati Fire Department.

[202101449](#)

Passed

Yes:
 Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Sundermann
 Councilmember Young
 Enactment No: 0138-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0138-2021

- 24. ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 4/21/2021, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Melrose IHNGC Limited Partnership, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 835-849 Oak Street in the Walnut Hills neighborhood of Cincinnati, in connection with the construction of a new building comprised of approximately 595 square feet of office space and approximately 26,204 square feet of residential space, consisting of 26 affordable residential rental units, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total construction cost of approximately \$3,592,000.

[202101475](#)

Passed Emergency

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0139-2021

Emergency clause to remain

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0139-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0139-2021

- 25. ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 4/21/2021, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with MKRB 1 LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1646 Vine Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the existing building into approximately 1,200 square feet of commercial retail space and approximately 5,250 square feet of residential space, consisting of 8 apartments, at a total remodeling cost of approximately \$138,480.

[202101476](#)

Passed Emergency

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young

 Enactment No: 0140-2021

Emergency clause to remain

Yes: Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Sundermann
 Councilmember Young
 Enactment No: 0140-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Sundermann
 Councilmember Young
 Enactment No: 0140-2021

- 26. ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 4/21/2021, **AUTHORIZING** the City Manager to execute a *Lease Agreement* with UC Health, LLC, pursuant to which the City will lease for up to sixty-two years a portion of Goodman Street located west of Burnet Avenue, a portion of Highland Avenue located north of Piedmont Avenue, and certain other real property used for transportation purposed in the Corryville neighborhood.

[202101477](#)

Passed Emergency

Yes: Vice Mayor Smitherman
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Sundermann
 Councilmember Young

Excused: Councilmember Goodin

Enactment No: 0141-2021

Emergency clause to remain

Yes: Vice Mayor Smitherman
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young

Excused: Councilmember Goodin
Enactment No: 0141-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young

Excused: Councilmember Goodin
Enactment No: 0141-2021

- 27. ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 4/21/2021, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 1923 Elm, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1923-1927 Elm Street and 205-207 Henry Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 13,398 square feet of commercial space, consisting of a 20-room boutique hotel, which remodeling shall be completed in compliance with Leadership in Energy Environmental Design Silver, Gold, or Platinum standards or Living Building Challenge standards, a total construction cost of approximately \$4,147,682.

[202101480](#)

Passed Emergency

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0142-2021

Emergency clause to remain

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0142-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0142-2021

- 28. ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/21/2021, **MODIFYING** the provisions of Chapter 730, "Commercial Waste Franchises," of the Cincinnati Municipal Code by AMENDING Section 730-1-A, "Applicant," Section 730-1-C2, "Clean Hard Fill," Section 730-1-C3, "Commercial Waste," Section 730-1-C6, "Construction and Demolition Debris," Section 730-1-R, "Recyclable Materials," Section 730-3, "Applicability; Requirement for Franchise; Term of Franchise," Section 730-5, "General Provisions," Section 730-7, "Award of Franchises," Section 730-9, "Basis for Award of Franchise," Section

[202101481](#)

730-19, "Bond Requirements," Section 730-21, "Insurance Requirements," and Section 730-25, "Methods of Solid Waste Collection"; ORDAINING new Sections 730-1-C2, "Clean Hard Fill," 730-1-L, "Legitimate Recycling Facility," 730-1-R2, "Recycling," and 730-27, "Program Rules and Regulations,"; and REPEALING Section 730-1-D, "Department," to clarify the definition of "commercial waste" and the application process for franchisees.

Passed

Yes: Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Young

No: Councilmember Sundermann
 Enactment No: 0143-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Sundermann
 Councilmember Young
 Enactment No: 0143-2021

- 29. ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/21/2021, **AUTHORIZING** the City Manager to extend the term of existing commercial waste collection service franchise agreements between the City and commercial waste collection service franchisees for two additional one-year periods, notwithstanding the provisions of Chapter 730 of the Cincinnati Municipal Code, in order to align the terms of existing franchise agreements with those of prospective franchise agreements to be executed in 2021.

[202101482](#)

Passed

Yes: Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Young

No: Councilmember Sundermann
 Enactment No: 0144-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Sundermann
 Councilmember Young
 Enactment No: 0144-2021

30. MOTION, submitted by Councilmember Mann, Kearney, Sundermann, Goodin and Keating, **WE MOVE** that the City Administration identify resources sufficient to ensure that Bethany House can complete its new shelter for clients. (STATEMENT ATTACHED)

[202101166](#)

Adopted

Yes: Vice Mayor Smitherman
 Councilmember Goodin
 Councilmember Kearney
 Councilmember Keating
 Councilmember Landsman
 Councilmember Mann
 President Pro Tem Seelbach
 Councilmember Sundermann
 Councilmember Young

SUPPLEMENTAL ITEMS

LAW & PUBLIC SAFETY COMMITTEE

31. ORDINANCE (EMERGENCY) (B VERSION), submitted by Councilmember Greg Landsman from Andrew W. Garth, City Solicitor,

[202101540](#)

PROHIBITING the initiation or ongoing prosecution of actions for forcible detainer and entry (“eviction”) brought under Ohio Revised Code Chapter 1923, “Forcible Entry and Detainer,” for so long as the State of Emergency declared by the Governor of the State of Ohio on March 9, 2020 exists, where the sole basis for filing such eviction action is the nonpayment of rent.

Passed Emergency

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Young

No: Councilmember Sundermann
Enactment No: 0137-2021

Emergency clause to remain

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0137-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0137-2021

Motion to Refer back to Committee

Yes: Councilmember Goodin
Councilmember Keating
Councilmember Sundermann

No: Vice Mayor Smitherman
Councilmember Kearney
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Young
Enactment No: 0137-2021

- 32. ORDINANCE, (B VERSION)**, submitted by Councilmember Greg Landsman from Andrew W. Garth, City Solicitor, **MODIFYING** the provisions of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code, by AMENDING Section 871-9, "Obligations of Landlords and Tenants," to ensure that tenants in residential rental properties are afforded the right to assert payment of rent as a defense in any forcible entry and detainer ("eviction") action filed on the basis of nonpayment of rent.

[202101538](#)

Failed of Adoption

Yes: Councilmember Kearney
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Young

No: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Keating
Councilmember Sundermann

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young

ECONOMIC GROWTH & ZONING COMMITTEE

- 33. ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 4/7/2021, **AMENDING** the official zoning map of the City of Cincinnati to rezone the real property located at 975 Adams Xing in the East End neighborhood from Planned Development District No. 17 to the DD-B, "Downtown Development-Downtown Residential" zoning district.

[202101294](#)

Passed

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0145-2021

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Goodin
Councilmember Kearney
Councilmember Keating
Councilmember Landsman
Councilmember Mann
President Pro Tem Seelbach
Councilmember Sundermann
Councilmember Young
Enactment No: 0145-2021

NEW BUSINESS

- 34. REPORT**, dated 4/28/2021, submitted by Paula Boggs Muething, City Manager, regarding Issue 3 Impact on the Cincinnati Retirement System (CRS). (SEE REFERENCE DOCUMENT #202101491)

[202101579](#)

Referred to Budget & Finance Committee

No announcements at this time

Council adjourned at 3:04 P.M.