



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, September 11, 2024

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MR. HARRIS

1. [202401988](#) **ORDINANCE**, submitted by Councilmember Harris, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the disbursement of \$400,000 of Major Events Funding included in the Approved FY 2025 General Fund Operating Budget Update for the Forbes 30 Under 30 Summit.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Harris

MR. CRAMERDING

MR. HARRIS

MR. JEFFREYS

MS. ALBI

2. [202402000](#) **MOTION**, submitted by Councilmembers Cramerding, Harris, Jeffreys and Albi, **WE MOVE** that the funds from the potential tax credit refund from the Mercy Health Bon Secours office building in Bond Hill be redirected to housing, economic development, and other Capital projects. These funds should be allocated to projects in the neighborhoods who were affected by the closure of this and other Mercy Health facilities. (STATEMENT ATTACHED)

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Cramerding, Harris, Jeffreys and Albi

CITY MANAGER

3. [202401917](#) **REPORT**, dated 9/5/2024 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 Hewinati LLC, DBA Zee Food Mart, 1906 Losantiville Avenue. (#3691906, STCK, C1 C2) [Objections: Yes]

Recommendation FILE

Sponsors: City Manager

4. [202401977](#) **REPORT**, dated 9/11/2024 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 RASAHOLDINGS LLC, DBA University BP, 2606 Jefferson Avenue. (#7207142, TRFO, C2, C2X, D6) [Objections: None]
Recommendation FILE
Sponsors: City Manager
5. [202401978](#) **REPORT**, dated 9/11/2024 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 Seven Star Eleven Petroleum LLC, DBA Clifton Shell, 3337 Clifton Avenue. (#8000311, TRFO, C1 C2) [Objections: None]
Recommendation FILE
Sponsors: City Manager
6. [202401982](#) **REPORT**, dated 9/11/2024 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 Clifton Hotel CC Restaurant LLC, DBA Cap City Fine Diner & Bar, 310 Straight Street. (#1173062, TREX, D1 D2) [Objections: None]
Recommendation FILE
Sponsors: City Manager
7. [202401983](#) **REPORT**, dated 9/11/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Price Hill Thanksgiving Day Parade.
Recommendation FILE
Sponsors: City Manager
8. [202401985](#) **REPORT**, dated 9/11/2024, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Walk Ahead for Brain Tumor Discoveries.
Recommendation FILE
Sponsors: City Manager
9. [202401990](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/11/2024, **AUTHORIZING** the transfer and return to source of \$15,000 from capital improvement program project account no. 980x104x231029, "Green Cincinnati Sustainability Initiatives - GF," to source Fund No. 050, "General Fund," to realign sources with uses; and **AUTHORIZING** the transfer and appropriation of \$15,000 from the unappropriated surplus of Fund No. 050, "General Fund," to Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 to provide local matching resources to Co-op Cincy for a United States Department of Labor grant awarded to Co-op Cincy.
Recommendation BUDGET AND FINANCE COMMITTEE
Sponsors: City Manager
10. [202401992](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 9/11/2024,

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in the City of Cincinnati, Hamilton County, Ohio in accordance with the plat entitled Waterline Easement Plat Cin 341 Dix St Easement E-1127, as recorded in Plat Book 503, Pages 100 and 101, Hamilton County, Ohio Recorder's Office.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

11. [202402013](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 9/11/2024, **AUTHORIZING** the City Manager to execute a Lease Agreement with The East Walnut Hills Assembly, Inc., pursuant to which the City will lease a portion of certain real property located between Madison Road on the north and Myrtle Avenue on the south in the East Walnut Hills neighborhood of Cincinnati, for continued use as a public parking lot for the benefit of the general public.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

12. [202402016](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 9/11/2024, **REPEALING** Ordinance No. 36-2022 passed by Council on November 30, 2022 and Ordinance No. 381-2020 passed by Council on December 16, 2020, and **NOTWITHSTANDING** certain provisions of Cincinnati Municipal Code Sections 514-3 "Designation of Restricted Parking Area," 514-5 "Residential Parking Permits Criteria," and 514-7, "Permit Types, Qualifications and Fees," **DESIGNATING** a portion of the Over-The-Rhine neighborhood, the area bounded by the east side of Central Parkway (Northbound) from Liberty Street to Mohawk Place, the south side of Mohawk Place from Central Parkway to Vine Street, the east side of Vine Street (northbound) from West McMicken Avenue to East Clifton Avenue, the west side of East Clifton Avenue from Vine Street to Main Street, the east side of Main Street (Southbound) from East Clifton Avenue from Vine Street to Main Street, the east side of Main Street (southbound) from East Clifton Avenue to Liberty Street, the north side of Liberty Street from Main Street to Central Parkway, as a Special Parking Permit Area ("SPPA"), for which residential parking permits are to be issued to residents of the SPPA for an annual permit fee, and to residents of rent-subsidized housing in the SPPA for a discounted annual permit fee.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

13. [202402001](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Asianati)

Recommendation FILE

Sponsors: Clerk of Council

14. [202402002](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (HPSRD LLC)

Recommendation FILE**Sponsors:** Clerk of Council

15. [202402003](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Cincinnati Symphony Orchestra)

Recommendation FILE**Sponsors:** Clerk of Council

16. [202402004](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Hispanic Chamber Cincinnati USA)

Recommendation FILE**Sponsors:** Clerk of Council

17. [202402005](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Hispanic Chamber Cincinnati USA)

Recommendation FILE**Sponsors:** Clerk of Council

18. [202402006](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Cincinnati Symphony Orchestra)

Recommendation FILE**Sponsors:** Clerk of Council

19. [202402007](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Asianati)

Recommendation FILE**Sponsors:** Clerk of Council

20. [202402008](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Cincinnati Arts Association)

Recommendation FILE**Sponsors:** Clerk of Council

21. [202402009](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (HPSRD LLC)

Recommendation FILE

- Sponsors:** Clerk of Council
22. [202402010](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Matt Davis, Government Affairs, President, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Cincinnati Symphony Orchestra)
- Recommendation** FILE
- Sponsors:** Clerk of Council
23. [202402026](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Eyas Medical Imaging)
- Recommendation** FILE
- Sponsors:** Clerk of Council
24. [202402027](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (8K Company)
- Recommendation** FILE
- Sponsors:** Clerk of Council
25. [202402028](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Manager, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Birge & Held)
- Recommendation** FILE
- Sponsors:** Clerk of Council
26. [202402029](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (8K Company)
- Recommendation** FILE
- Sponsors:** Clerk of Council
27. [202402030](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Birge & Held)
- Recommendation** FILE
- Sponsors:** Clerk of Council
28. [202402031](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E Fifth Street, Suite 1900, Cincinnati, Ohio 45202. (Eyas Medical Imaging)
- Recommendation** FILE

Sponsors: Clerk of Council

BUDGET AND FINANCE COMMITTEE

29. [202401937](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **AUTHORIZING** the City Manager to apply for a grant of up to \$150,000 from the Ohio Department of Natural Resources NatureWorks program to redevelop the former City playground located at 1721 Linn Street into a community greenspace.
- Recommendation** PASS EMERGENCY
- Sponsors:** City Manager
30. [202401946](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **AUTHORIZING** the City Manager to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting distressed food loads from landfills to food rescue organizations and creating composting infrastructure to divert food waste from landfills.
- Recommendation** PASS
- Sponsors:** City Manager
31. [202401950](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **AUTHORIZING** the City Manager to apply for a grant of up to \$30,000 from the Urban Sustainability Directors Network to perform a resilience hub assessment, prepare a resilience hub plan, and conduct an energy audit with solar assessment at the Urban League of Greater Southwest Ohio offices in the Avondale neighborhood.
- Recommendation** PASS
- Sponsors:** City Manager
32. [202401948](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **AUTHORIZING** the City Manager to apply for, accept, and appropriate grant resources of up to \$150,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities (ALN 16.015), to expand the Cincinnati Police Department's GRASP program and provide training to regional police and fire agencies; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368x8553, project account no. 24RIDM.
- Recommendation** PASS
- Sponsors:** City Manager
33. [202401949](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **AUTHORIZING** the transfer and return of \$125,000 to source Fund 050, "General Fund," from capital improvement program project account no. 980x101x231036, "Communication Equipment - GFCO"; and **AUTHORIZING** the transfer and appropriation of \$125,000 from the unappropriated surplus of the General Fund to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7200 to

provide resources for the redesign of the City's official website.

Recommendation PASS EMERGENCY

Sponsors: City Manager

34. [202401943](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **AUTHORIZING** the transfer and appropriation of \$178,977.20 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to capital improvement program project account no. 980x981x232522, "Fleet Replacements - Obsolete," to acquire automotive and motorized equipment funded by the sale and subrogation proceeds of obsolete automotive and motorized equipment.

Recommendation PASS EMERGENCY

Sponsors: City Manager

35. [202401953](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/3/2024, **AUTHORIZING** the transfer and appropriation of \$1,125,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to Department of Community and Economic Development ("DCED") non-personnel operating budget account no. 468x162x7200 to provide resources for the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale; **AUTHORIZING** the transfer and appropriation of \$40,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to DCED personnel operating budget account no. 468x162x7100 to provide staffing resources to support the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale; and **DECLARING** that expenditures from DCED non-personnel operating budget account no. 468x162x7200 and from DCED personnel operating account no. 468x162x7100 relating to the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale are for a public purpose and constitute a "Housing Renovation" (as defined in Section 5709.40(A)(3) of the Ohio Revised Code) that will benefit and/or serve the District 21-Avondale Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43. (Subject to the Temporary Prohibition List <<<https://www.cincinnati-oh.gov/law/ethics/city-business>>>).

Recommendation PASS EMERGENCY

Sponsors: City Manager

36. [202401947](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/5/2024, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Supreme Bright Cincinnati, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 105 E. 4th Street in the Central Business District of Cincinnati, in connection with the remodeling of an existing building into (i) approximately 490,789 square feet of commercial space, consisting of an approximately 280-room hotel with meeting and ballroom space, and a restaurant/bar; and (ii) approximately 27,936 square feet of residential space, consisting of approximately sixteen residential rental units, which remodeling shall be completed in compliance with Leadership in Energy and

Environmental Design Silver, Gold, or Platinum standard or Living Building Challenge standards, at a total construction cost of approximately \$102,000,000. (Subject to the Temporary Prohibition List <<<https://www.cincinnati-oh.gov/law/ethics/city-business>>>).

Recommendation PASS EMERGENCY

Sponsors: City Manager

37. [202401922](#) **MOTION**, submitted by Councilmember Walsh, WE MOVE that the Administration prepare a report and updated policy within 30 days for support small businesses during road closures.

Recommendation ADOPT

Sponsors: Walsh

SUPPLEMENTAL ITEMS

EQUITABLE GROWTH & HOUSINGS COMMITTEE

38. [202401927](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/10/2024, **APPROVING** a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood. (Subject to the Temporary Prohibition List <<<https://www.cincinnati-oh.gov/law/ethics/city-business>>>). (VICE MAYOR KEARNEY IS EXCUSED FROM THIS ITEM)

Recommendation PASS EMERGENCY

Sponsors: City Manager

ANNOUNCEMENTS

Adjournment

202401928

Date: September 11, 2024

To: Councilmember Reggie Harris
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Ordinance – Forbes 30 Under 30 Funding**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the disbursement of \$400,000 of Major Events Funding included in the Approved FY 2025 General Fund Operating Budget Update for the Forbes 30 Under 30 Summit.

ESW/AKS(dmm)
Attachment
407889

EMERGENCY

City of Cincinnati

AKS

EESW

An Ordinance No. _____

- 2024

AUTHORIZING the disbursement of \$400,000 of Major Events Funding included in the Approved FY 2025 General Fund Operating Budget Update for the Forbes 30 Under 30 Summit.

WHEREAS, Ordinance No. 211-2024, passed June 12, 2024, authorized various omnibus changes to the Approved FY 2025 Budget Update, including funding for one-time Major Events with an allocation of up to \$400,000 for the Forbes 30 Under 30 Summit in the Approved FY 2025 General Fund Operating Budget Update; and

WHEREAS, funding for the one-time Major Events was contingent upon Council's passage of an ordinance approving the disbursements following presentations by the organizations demonstrating how City funds will be leveraged and expended; and

WHEREAS, the disbursed funds must also be utilized in accordance with the approved purpose within one year of the disbursement; and

WHEREAS, at the Budget and Finance Committee meeting on September 3, 2024, Forbes 30 Under 30 presented and outlined how City funds would be leveraged and expended regarding the Forbes 30 Under 30 Summit to be held on September 22 through 25, 2024; now, therefore,

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

Section 1. That the disbursement of \$400,000 of Major Events Funding included in the Approved FY 2025 General Fund Operating Budget Update for the Forbes 30 Under 30 Summit is authorized.

Section 2. That the proper City officials are authorized to do all things necessary and proper to comply with 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 disburse funding for the Forbes 30 Under 30 Summit scheduled for September 22 through 25, 2024.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk



202402000

Jeff Cramerding
Councilmember

MOTION

WE MOVE that the funds from the potential tax credit refund from the Mercy Health Bon Secours office building in Bond Hill be redirected to housing, economic development, and other Capital projects. These funds should be allocated to projects in the neighborhoods who were affected by the closure of this and other Mercy Health facilities.

BACKGROUND

As a result of the Bon Secours disinvestment by Mercy Health and in other sites across the city, several neighborhoods have suffered from the lack of economic development and revenue that was originally promised. There have also been several negative health outcomes as a consequence of the closure of their primary care facilities in other neighborhoods across the city. The dollars from this tax credit repayment should be invested into projects that mitigate the effects of these closures.

JEFF CRAMERDING

Councilmember Jeff Cramerding

Ressie Harris

Anna Albr

Anna Albr

CAL
7/20

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for Cambridge

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Date: September 5, 2024

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202401917

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

FINAL RECOMMENDATION REPORT

OBJECTIONS: The Cincinnati Police Department

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: 3691906
PERMIT TYPE: STCK
CLASS: C1 C2
NAME: HEWINATI LLC
DBA: ZEE FOOD MART
1906 LOSANTIVILLE AVE
CINCINNATI OH 45237

On July 9, 2024, the Roselawn Community Council was notified of this application and do not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: August 23, 2024

Date: September 11, 2024

To: Mayor and Members of City Council

202401977

From: Sheryl M. M. Long, City Manager

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

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: 7207142
PERMIT TYPE: TRFO
CLASS: C2 C2X D6
NAME: RASAHOLDINGS LLC
DBA: UNIVERSITY BP
2606 JEFFERSON AV
CINCINNATI OH 45219

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

On August 8, 2024, the CUF Neighborhood Association was notified of this application and does not object.

Police Department Approval

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

Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: September 24, 2024

Date: September 11, 2024

To: Mayor and Members of City Council

202401978

From: Sheryl M. M. Long, City Manager

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

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: 8000311
PERMIT TYPE: TRFO
CLASS: C1 C2
NAME: SEVEN STAR ELEVEN PETROLEUM LLC
DBA: CLIFTON SHELL
3337 CLIFTON AVE
CINCINNATI OH 45220

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

On August 7, 2024, the Clifton Town Meeting was notified of this application and does not object. The Clifton Business Association does object.

Police Department Approval

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

Objection No Objection

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: September 24, 2024

Date: September 11, 2024

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

202401982

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: 1173062
PERMIT TYPE: TREX
CLASS: D1 D2
NAME: CLIFTON HOTEL CC RESTAURANT LLC
DBA: CAP CITY FINE DINER & BAR
310 STRAIGHT ST
CINCINNATI OH 45219

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

On July 31, 2024, the CUF Neighborhood Association was notified of this application and does not object.

Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: September 17, 2024

Date: 9/11/24

To: Mayor and Members of City Council 202401983
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Price Hill Thanksgiving Day Parade**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Price Hill Thanksgiving Day Parade
EVENT SPONSOR/PRODUCER: Joe Pokorny
CONTACT PERSON: Joe Pokorny
LOCATION: Price Hill
DATE(S) AND TIME(S): 11/28/24 10:00am 12:00pm
EVENT DESCRIPTION: Thanksgiving Day Parade
ANTICIPATED ATTENDANCE: 2500
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS:

cc: Colonel Teresa A. Theetge, Police Chief

Date: 9/11/24

To: Mayor and Members of City Council 202401985
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: Walk Ahead for Brain Tumor Discoveries**

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

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Walk Ahead for Brain Tumor Discoveries
EVENT SPONSOR/PRODUCER: University of Cincinnati Foundation
CONTACT PERSON: Sydney Kavish
LOCATION: Yeatmans Cove
DATE(S) AND TIME(S): 10/13/24 7:00am 12:00pm
EVENT DESCRIPTION: walk/run 1k/5k event
ANTICIPATED ATTENDANCE: 2000
ALCOHOL SALES: YES. NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: To be determined

cc: Colonel Teresa A. Theetge, Police Chief

September 11, 2024

To: Mayor and Members of City Council

202401990

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – OES: Provide Grant Match to Co-Op Cincy**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source of \$15,000 from capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF,” to source Fund No. 050, “General Fund,” to realign sources with uses; and **AUTHORIZING** the transfer and appropriation of \$15,000 from the unappropriated surplus of Fund No. 050, “General Fund,” to Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 to provide local matching resources to Co-op Cincy for a United States Department of Labor grant awarded to Co-op Cincy.

This Emergency Ordinance authorizes the transfer and return to source of \$15,000 from the “Green Cincinnati Sustainability Initiatives – GF” capital improvement program project account to the General Fund. This Emergency Ordinance also authorizes the transfer and appropriation of \$15,000 from the unappropriated surplus of the General Fund to the Office of Environment and Sustainability (“OES”) General Fund non-personnel operating budget to provide local matching resources to Co-op Cincy for a United States Department of Labor (DOL) grant awarded to Co-op Cincy.

On June 23, 2022, the City Council approved and adopted its Capital Improvement Program (CIP) and Budget for Fiscal Year 2023, which included \$4,000,000 for the “Green Cincinnati Sustainability Initiatives – GF” capital project. OES will utilize \$15,000 of these resources to provide a local grant match to Co-op Cincy. With these resources, the City and Co-op Cincy will collaborate on a green workforce analysis to build an equitable workforce strategy. Co-op Cincy will also procure a consultant to analyze and report steps to achieve the 2023 Green Cincinnati Plan goal to train 4,000 individuals for green economy jobs by 2028.

Performing a green workforce analysis and developing a green economy training plan is in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” and strategy to “[g]row our own’ by focusing on retention, expansion, and relocation of existing businesses” as described on pages 103–107 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide grant matching resources to Co-op Cincy 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

CNS

-2024

AUTHORIZING the transfer and return to source of \$15,000 from capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF,” to source Fund No. 050, “General Fund,” to realign sources with uses; and **AUTHORIZING** the transfer and appropriation of \$15,000 from the unappropriated surplus of Fund No. 050, “General Fund,” to Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 to provide local matching resources to Co-op Cincy for a United States Department of Labor grant awarded to Co-op Cincy.

WHEREAS, on June 23, 2022, Council approved and adopted its Capital Improvement Program and Budget for Fiscal Year 2023, which included \$4,000,000 for capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF,” to provide resources for the implementation of permanent improvements that advance the goals of the Green Cincinnati Plan; and

WHEREAS, the Green Cincinnati Plan includes a focus area on community activation and goals related to community education, including green economy job training; and

WHEREAS, the Office of Environment and Sustainability (“OES”) intends to utilize \$15,000 currently available in capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives - GF,” to provide resources to Co-op Cincy to serve as a local match for a United States Department of Labor grant awarded to Co-op Cincy; and

WHEREAS, providing local match resources to Co-op Cincy requires \$15,000 be returned to the unappropriated surplus of the General Fund and then transferred and appropriated to the OES operating budget; and

WHEREAS, using these resources, the City and Co-op Cincy will collaborate on a green workforce analysis to help build an equitable, data-informed workforce strategy, and Co-op Cincy will procure a consultant to perform an analysis and prepare a public report to guide the achievement of the 2023 Green Cincinnati Plan goal of training 4,000 individuals for green economy jobs by 2028; and

WHEREAS, performing a green workforce analysis and developing a green economy training plan is in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” and strategy to “[g]row our own’ by focusing on retention, expansion, and relocation of existing businesses” as described on pages 103–107 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and return to source of \$15,000 from capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF,” to source Fund No. 050, “General Fund,” is authorized to realign sources with uses.

Section 2. That the transfer and appropriation of \$15,000 from the unappropriated surplus of Fund No. 050, “General Fund,” to Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 is authorized to provide local matching resources to Co-op Cincy for a United States Department of Labor grant awarded to Co-op Cincy.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide grant matching resources to Co-op Cincy to meet established grant deadlines.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 11, 2024

To: Mayor and Members of City Council

202401992

From: Sheryl M.M. Long, City Manager

Subject: Grant of a Public Utility Easement Dix St Water Main

Attached is an Ordinance captioned:

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in the City of Cincinnati, Hamilton County, Ohio in accordance with the plat entitled Waterline Easement Plat Cin 341 Dix St Easement E-1127, as recorded in Plat Book 503, Pages 100 and 101, Hamilton County, Ohio Recorder's Office.

The above easement is being granted to the City of Cincinnati by Calpac May Sq, LLC, an Ohio limited liability company, for water mains and related fixtures, equipment and appurtenances through certain real property located in the City of Cincinnati, Hamilton County, Ohio. The easement has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer.

The Administration recommends passage of this Ordinance.

cc: Cathy B. Bailey, Executive Director, Greater Cincinnati Water Works 

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property in the City of Cincinnati, Hamilton County, Ohio in accordance with the plat entitled Waterline Easement Plat Cin 341 Dix St Easement E-1127, as recorded in Plat Book 503, Pages 100 and 101, Hamilton County, Ohio Recorder's Office.

WHEREAS, Calpac May Sq, LLC an Ohio Limited Liability Company, and OE May Square, LLC, an Ohio Limited Liability Company, have granted and dedicated a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in the City of Cincinnati, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled Waterline Easement Plat Cin 341 Dix St Easement E-1127, as recorded in Plat Book 503, Pages 100 and 101, Hamilton County, Ohio Recorder's Office ("Easement Plat"); and

WHEREAS, the Greater Cincinnati Water Works Chief Engineer has examined and approved the Easement Plat as to its technical features and found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the public utility easement granted by Calpac May Sq, LLC an Ohio Limited Liability Company, and OE May Square, LLC, an Ohio Limited Liability Company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property in the City of Cincinnati, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled Waterline Easement Plat Cin 341 Dix St Easement E-1127, as recorded in Plat Book 503, Pages 100 and 101, Hamilton County, Ohio Recorder's Office, and incorporated herein by reference, is hereby accepted and confirmed.

The real property encumbered by the public utility easement is more particularly described as follows:

See Attachment A

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

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

ATTACHMENT A

Situated in Section 8, Town 3, Fractional Range 2, Miami Purchase, City of Cincinnati, Hamilton County, Ohio, Part of block 1 of Peter H. Kemper's Subdivision of Cottage Farm as recorded in W.B. 14 Pg. 460, lying west of May Street and south of Crown Street, more particularly described as follows:

BEGINNING at a recovered mag nail at the intersection of the south right of way line of Crown Street and the east right of way line of Dix Street;

Thence along said south right of way line, South 83°56'07" East 81.04 feet to a set 5/8" steel rebar with plastic identification cap stamped "JGK S-8227";

Thence through the lands of Investing for Good, LLC (Official Record 15055, Page 1688) along a new division line for the following two (2) calls:

South 06°03'53" West 72.00 feet to a set 5/8" steel rebar with plastic identification cap stamped "JGK S-8227";

South 83°56'07" East 99.20 feet to a set 5/8" steel rebar with plastic identification cap stamped "JGK S-8227" in the west right of way line of May Street;

Thence with said west right of way line, South 05°52'16" West 110.00 feet to a set 5/8" steel rebar with plastic identification cap stamped "JGK S-8227";

Thence through the lands of said Investing for Good, LLC along a new division line, North 83°56'08" West 109.50 feet to a set 5/8" steel rebar with plastic identification cap stamped "JGK S-8227" in the line of The Eddy Cincinnati, LLC (Official Record 13701, Page 1810, Tract II);

Thence with the line of said The Eddy Cincinnati, LLC for the following two (2) calls:

North 05°52'16" East 32.02 feet to a recovered mag nail;

North 83°56'58" West 70.50 feet to a recovered mag nail in the east right of way line of Dix Street;

Thence with said east right of way line, North 05°52'16" East 150.00 feet to the POINT OF BEGINNING.

Said parcel contains 0.5364 acres of land, more or less.

September 11, 2024

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202402013

Subject: Ordinance – Authorizing Lease Agreement with East Walnut Hills Assembly, Inc.

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to execute a Lease Agreement with The East Walnut Hills Assembly, Inc., pursuant to which the City will lease a portion of certain real property located between Madison Road on the north and Myrtle Avenue on the south in the East Walnut Hills neighborhood of Cincinnati, for continued use as a public parking lot for the benefit of the general public.

BACKGROUND/CURRENT CONDITIONS

The City owns approximately 0.794 acres of real property located between Madison Road on the north and Myrtle Avenue on the south, as depicted on the attached Site Map (the “Property”). The Property is under the management of the Department of Community and Economic Development (“DCED”).

The City has leased the Property to the East Walnut Hills Assembly, Inc. (the “Lessee”) as a public parking lot for the benefit of the general public pursuant to the terms and conditions of a Lease Agreement dated December 2, 2013 (the “Prior Lease”). The Prior Lease expired on December 1, 2021, and Lessee has continued to Lease the Property on a month-to-month basis since that time.

The parties desire to enter into a new lease and the City is agreeable to lease the Property to Lessee on the terms and conditions updated and standardized to a uniform document consistent with City agreements. The initial term of this Lessee is 5 years and grants the Lessee the right to (2) 5-year renewal options provided the Lessee is not in default under the Lease beyond any applicable notice or cure period provided. The City has determined that the Property is not needed for any municipal purpose during the term of this Lease.

The estimated fair market rental value of the Property, as determined by the City’s Real Estate Services Division, is approximately \$30,000/year; however, the City is agreeable to lease the Property to Lessee for less than its fair market rental value, namely, \$0.00, because (i) the City will receive benefits from the Lease that equal or exceed the estimated fair market rental value of the Property in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Property through the term of this Lease; (ii) Lessee shall use all revenue generated from the Property to pay operating expenses, and City-approved ordinary and capital

maintenance expenses associated with the Property; and (iii) any excess parking revenue shall be used to pay for the promotion and improvement of the East Walnut Hill neighborhood business district, for the benefit of the neighborhood and the City, as approved in advance by the City.

DEVELOPER INFORMATION

The East Walnut Hills Assembly, Inc., an Ohio nonprofit corporation and the recognized Community Council for the East Walnut Hills neighborhood.

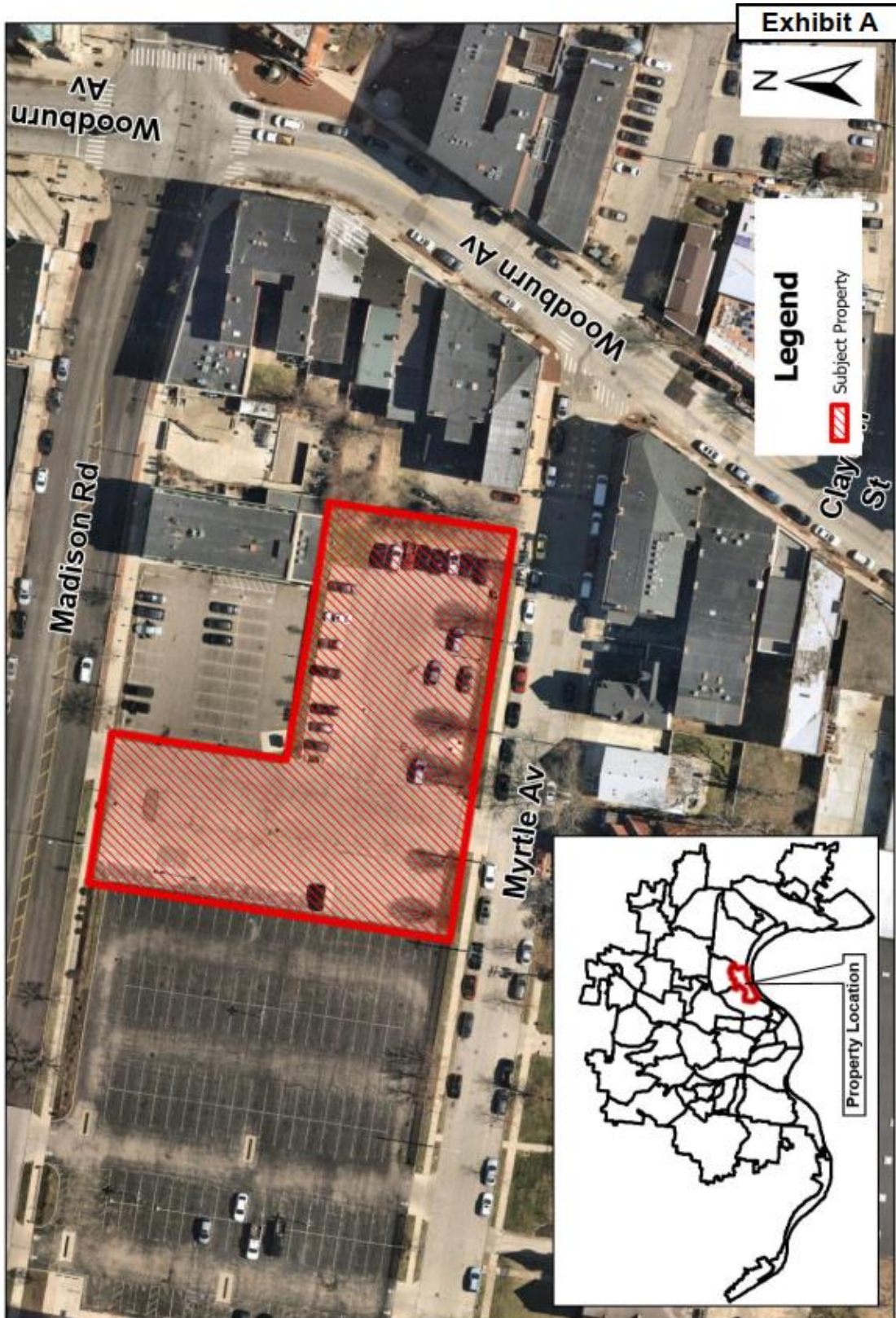
RECOMMENDATION

The Administration recommends approval of this Ordinance.

Attachment: Site Map

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

Site Map



AUTHORIZING the City Manager to execute a Lease Agreement with The East Walnut Hills Assembly, Inc., pursuant to which the City will lease a portion of certain real property located between Madison Road on the north and Myrtle Avenue on the south in the East Walnut Hills neighborhood of Cincinnati, for continued use as a public parking lot for the benefit of the general public.

WHEREAS, the City of Cincinnati owns certain real property consisting of approximately .794 acres of land located between Madison Road on the north and Myrtle Avenue on the south, in the East Walnut Hills neighborhood, (“Property”), which is under the management and control of the City’s Department of Community and Economic Development (“DCED”); and

WHEREAS, the City leased the Property to The East Walnut Hills Assembly, Inc. (“Lessee”) as a public parking lot for the benefit of the general public pursuant to the terms and conditions of a Lease Agreement dated December 2, 2013 (“Prior Lease”); and

WHEREAS, the Prior Lease expired on December 1, 2021, but Lessee has continued to Lease the Property on a month-to-month basis since that time; and

WHEREAS, Lessee desires to enter into a new lease and the City is agreeable to lease the Property to Lessee on the terms and conditions as more particularly described in the lease agreement (“Lease”) attached as Attachment A to this ordinance and incorporated by reference; and

WHEREAS, the City Manager, in consultation with DCED, has determined that (i) the Property is not needed for any municipal purpose for the duration of the Lease; and (ii) leasing the Property to Lessee is not adverse to the City’s retained interest in the Property; and

WHEREAS, pursuant to Section 331-1, Cincinnati Municipal Code, the City’s Real Estate Services Division has determined, by professional appraisal, that the approximate fair market rental value of the Property is \$30,000 per year, however the City is agreeable to leasing the Property to Lessee for less than fair market rental value; namely, for \$0.00 per year, because (i) the City will receive benefits from the Lease that equal or exceed the estimated fair market rental value of the Property in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Property through the term of this Lease; (ii) Lessee shall use all revenue generated from the Property to pay operating expenses, and City-approved ordinary and capital maintenance expenses associated with the Property; and (iii) any excess parking revenue shall be used to pay for the promotion and improvement of the East Walnut Hills neighborhood business district, for the benefit of the neighborhood and the City, as approved in advance by the City; and

WHEREAS, pursuant to Section 331-5, Cincinnati Municipal Code, Council may authorize the lease of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City, and the City has determined that eliminating competitive bidding is in the best interest of the public because (i) Lessee is a local neighborhood nonprofit organization with a mission to promote the general welfare of the East Walnut Hills community; (ii) Lessee has demonstrated experience leasing the public parking lots in the neighborhood from the City; and (iii) Lessee acknowledges and agrees that all revenue derived from the use of Property are restricted funds to be reinvested into the operation and maintenance of the Property, with any excess revenue to be used for the promotion and improvement of the East Walnut Hills neighborhood business district, as approved in advance by the City; and

WHEREAS, City Planning Commission, having the authority to approve the change in use of City-owned property, approved the lease of the Property at its meeting on June 21, 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 The East Walnut Hills Assembly, Inc., an Ohio nonprofit corporation (“Lessee”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference (“Lease”), pursuant to which the City of Cincinnati will lease to Lessee the property located between Madison Road on the north and Myrtle Avenue to the south in the East Walnut Hills neighborhood, as more particularly depicted in the Lease (“Property”), for use as a public parking lot for the benefit of the general public.

Section 2. That (i) the Property is not needed for municipal purposes during the term of the Lease; and (ii) leasing the Property to Lessee is not adverse to the City’s retained interest in the Property.

Section 3. That the fair market rental value of the Property, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$30,000 per year; however, the City is justified in leasing the Property to Lessee for less than fair market rental value; namely, for \$0.00 per year, because (i) the City will receive benefits from the Lease that equal or exceed the estimated fair market rental value of the Property in that the City will be relieved of the

expense and administrative burden of the management, operation, and maintenance of the Property through the term of this Lease; (ii) Lessee shall use all revenue generated from the Property to pay operating expenses, and City-approved ordinary and capital maintenance expenses associated with the Property; and (iii) any excess parking revenue shall be used to pay for the promotion and improvement of the East Walnut Hills neighborhood business district, for the benefit of the neighborhood and the City.

Section 4. That eliminating competitive bidding in connection with the City’s lease of the Property is in the best interest of the City because Lessee is a local neighborhood nonprofit organization with a mission to promote the general welfare of the East Walnut Hills community and Lessee has demonstrated experience leasing the public parking lots in the neighborhood from the City.

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

Section 6. 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

Contract No. _____

Property: Madison Road/ Myrtle Avenue
Public Parking Lot

LEASE AGREEMENT

This Lease Agreement (this "**Lease**") is made and entered into effect as of the **Effective Date** (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 **THE EAST WALNUT HILLS ASSEMBLY, INC.**, an Ohio nonprofit corporation, the address of which is P.O. Box 68050, Cincinnati, OH 45206 ("**Lessee**").

Recitals:

A. The City owns approximately 0.794 acres of real property located between Madison Road on the north and Myrtle Avenue on the south, as more particularly described on Exhibit A (Legal Description) and depicted on Exhibit B (Site Map) hereto (the "**Property**"), which Property is under the management of the Department of Community and Economic Development ("**DCED**").

B. The City has leased the Property to Lessee as a public parking lot for the benefit of the general public pursuant to the terms and conditions of a *Lease Agreement* dated December 2, 2013 (the "**Prior Lease**"). The Prior Lease expired on December 1, 2021, and Lessee has continued to Lease the Property on a month-to-month basis since that time.

C. The parties desire to enter into a new lease and the City is agreeable to lease the Property to Lessee on the terms and conditions set forth herein.

D. The City has determined that the Property is not needed for any municipal purpose during the term of this Lease.

E. The estimated fair market rental value of the Property, as determined by the City's Real Estate Services Division, is approximately \$30,000/year; however, the City is agreeable to lease the Property to Lessee for less than its fair market rental value, namely, \$0.00, because (i) the City will receive benefits from the Lease that equal or exceed the estimated fair market rental value of the Property in that the City will be relieved of the expense and administrative burden of the management, operation, and maintenance of the Property through the term of this Lease; (ii) Lessee shall use all revenue generated from the Property to pay operating expenses, and City-approved ordinary and capital maintenance expenses associated with the Property; and (iii) any excess parking revenue shall be used to pay for the promotion and improvement of the East Walnut Hill neighborhood business district, for the benefit of the neighborhood and the City, as approved in advance by the City.

F. The City has determined that eliminating competitive bidding is in the best interest of the public because (i) Lessee is a local neighborhood nonprofit organization with a mission to promote the general welfare of the East Walnut Hills community, (ii) Lessee has demonstrated experience leasing the public parking lots in the neighborhood from the City, and (iii) Lessee acknowledges and agrees that all revenue derived from the use of Property are restricted funds to be reinvested into the operation and maintenance of the Property, with any excess revenue to be used for the promotion and improvement of the East Walnut Hill neighborhood business district, as approved in advance by the City.

G. The City Planning Commission, having the authority to approve the change in use of City-owned property, approved the lease of the Property at its meeting on June 21, 2024.

H. Cincinnati City Council approved this Lease by Ordinance No. [____]-2024, passed on [____], 2024.

NOW THEREFORE, the parties hereby agree as follows:

1. GRANT OF LEASEHOLD.

(A) Grant. On the terms and conditions set forth in this Lease, the City does hereby lease the Property to Lessee, and Lessee does hereby lease the Property from the City for the Term (as defined below). The City leases the Property to Lessee subject to any and all easements, covenants, restrictions, and other matters of record, matters that would be disclosed upon an ordinary inspection or survey of the Property, and any and all rights expressly reserved under this Lease for the benefit of the City, utility companies, and other third parties. Lessee acknowledges and agrees that it has conducted its own due diligence to familiarize itself with the physical condition and characteristics of the Property. The City makes no representations or warranties concerning the title, condition, or characteristics of the Property or the suitability or fitness of the Property for any purpose. Lessee acknowledges and agrees that it is not relying upon any such representations or warranties from the City. On the Effective Date, Lessee shall accept the Property in "as is," "where is" condition with all faults and defects, known or unknown. During the Term, Lessee shall not grant any easements or otherwise encumber the title to the Property without the City's prior written consent. The City shall have the right to grant easements to third parties and to take whatever other actions affecting the Property as may be deemed necessary by the City so long as such actions do not unreasonably impair the rights granted to Lessee under this Lease.

(B) Access by City Departments, Utility Companies, and Others. The City hereby reserves the right for its employees and agents to enter upon the Property from time to time for any proper purpose, provided, however, that in exercising such rights, (i) the City shall not unreasonably disrupt Lessee's use of the Property for the Permitted Use, and (ii) except in emergencies, the City shall give Lessee reasonable written notice before entering the Property. Lessee shall ensure continuous access to the Property for Greater Cincinnati Water Works ("**GCWW**"), Metropolitan Sewer District ("**MSDGC**"), Duke Energy, Altafiber, and any and all other utility companies that have utility lines or other utility installations within the Property for the inspection, maintenance, repair, replacement, and removal thereof. If Lessee undertakes any action that interferes with the access rights reserved to the City and third parties herein, the same shall constitute an immediate default of Lessee under this Lease, whereupon the City and such third parties shall be permitted to take all actions reasonably necessary to eliminate such interference at Lessee's expense. If Lessee's activities within the Property cause damage to existing utility lines or other utility facilities belonging to a utility provider, Lessee shall immediately notify the appropriate utility provider. All actual, out-of-pocket costs of repairing such damage, including, without limitation, all costs of replacing any damaged utility lines and facilities that are not capable of being properly repaired as determined by the applicable utility provider in its sole discretion, shall be borne by Lessee and shall be payable by Lessee within thirty (30) days after Lessee receives documentation substantiating such costs. If any utility company damages or must remove any improvements installed by Lessee within the Property in connection with its inspection, maintenance, repair, replacement, or removal of its existing utility facilities in the area, Lessee shall be solely responsible for all costs associated with the repair or replacement of Lessee's improvements. Under no circumstances shall the City be responsible for any damage to the Property or improvements thereon resulting from the entry onto the Property by utility companies and others having the right to enter upon the Property.

2. TERM; RENEWAL OPTIONS

(A) Initial Term (5 years). The term of this Lease ("**Term**") shall commence on the Effective Date, and, unless extended or sooner terminated in accordance with the provisions of this Lease, shall expire on the fifth anniversary thereof. All obligations of Lessee under this Lease that have accrued but have not been fully performed as of the expiration or sooner termination of the Term of this Lease, including without limitation indemnity obligations, shall survive such expiration or termination until fully performed.

(B) Renewal Options (two (2) five (5)-year extensions). Provided that, at the time that Lessee exercises each renewal option and on the commencement date of the applicable renewal period, Lessee is not in default under this Lease beyond any applicable notice or cure period provided for herein, Lessee shall have the right to renew the Term of this Lease for two successive renewal periods of five (5) years each (each, a “**Renewal Period**”), for a total Term, including the initial Term, of fifteen (15) years, exercisable by giving written notice thereof to the City at least ninety (90) days (but no earlier than nine months) before the expiration of the initial Term or then-current Renewal Period (each, a “**Written Notice of Renewal**”). Each Renewal Period shall be on the same terms and conditions as set forth herein (except that, after the second 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. PERMITTED USE.

(A) Public Parking Lot. Throughout the Term, Lessee shall continuously operate the Property as a public parking lot, open and available to members of the general public on a daily, monthly, or other subscription basis. Lessee shall maintain and operate or otherwise cause the Property to be maintained and operated in a Class A Manner (as defined below). Lessee shall obtain and maintain all necessary licenses and permits and shall operate and maintain the parking lot in compliance with all applicable federal, state, and local laws, codes, ordinances, and other governmental requirements (collectively, “**Legal Requirements**”). Lessee shall not bring or permit to be brought onto the Property any hazardous materials or other contaminants or substances that are harmful to the public or the environment.

(B) Public Events. Lessee may use the Property from time to time for events intended to promote the purposes for which Lessee was formed, provided that Lessee gives the City advanced written notice at least fourteen calendar days before the event, the City approves the event in writing, and Lessee obtains all necessary licenses and permits for the proposed event (i.e., building, health, zoning, special event permits, etc.). The City may require additional insurance to be carried for certain events at the City’s sole and absolute discretion.

4. RENT.

(A) Base Rent. \$0.00/year.

(B) Additional Rent. This is a “triple net” lease. Throughout the Term, Lessee shall pay all costs associated with the operation, maintenance, repair, and replacement of the Property, including without limitation, charges for utilities serving the Property (e.g., gas, electric, water, sewer, telephone, etc.), insurance costs, real estate taxes, installments of assessments that become due and payable during the Term, salaries, wages, and benefits paid to persons employed in connection with the operation of the parking lot, management fees to any third-party operator, and all other costs that would generally be regarded in the industry as operating costs or expenses (the foregoing, together with any other costs or expenses otherwise consistent with this definition, collectively referred to as the “**Operating Costs**”). Lessee shall make payments of Operating Costs directly to the persons or entities to whom such payments are owed. To the extent that the City, rather than Lessee, pays any costs or expenses that would otherwise be payable by Lessee as Operating Costs, Lessee shall reimburse the City on an annual basis for such costs or expenses, as additional rent, within thirty (30) days after Lessee’s receipt of documentation substantiating such costs or expenses.

(C) Real Estate Taxes. As provided in section 4(B) above, Lessee shall pay all real estate taxes and installments of assessments, penalties, interest, and charges levied against the Property that become due and payable during the Term, including without limitation, the real estate taxes and assessments that are allocable to periods before the Effective Date, and the two semi-annual tax bills issued by the Hamilton County Treasurer following the expiration or termination of the Term, payable in arrears. Lessee shall furnish the City with evidence of payment upon payment of each semi-annual tax bill. If Lessee institutes proceedings to contest the validity or amount of real estate taxes on the Property, the City shall cooperate with Lessee (it being acknowledged that the City shall have no obligation to incur

any costs or expense in so doing) to the extent that the participation of the owner of the Property is required, but Lessee may not defer payment of the real estate taxes during such contest. Lessee shall be entitled to any and all amounts recovered related to tax payments previously made by Lessee. Notwithstanding the foregoing, the City reserves the right to evaluate, on a case-by-case basis, the merit of Lessee's contest and reserves the right not to cooperate in such contest if, in the reasonable determination of the City, such contest would not be in the best interest of the public.

(D) Late Charges. If Lessee fails to pay any sum due to the City hereunder, and the same remains overdue for longer than thirty (30) days past the due date, the overdue amount shall thereafter bear interest until paid at ten percent (10%).

5. OPERATION OF THE PROPERTY.

(A) Hours of Operation. Lessee shall keep the parking lot open to the public 24 hours/day, 7 days/week, 52 weeks/year, or such other hours as may be approved by the City from time to time.

(B) Parking Lot Operator. Lessee shall not hire a third-party parking lot management company to operate the Property as a public parking lot without the City's prior written approval of such company. Lessee shall provide the City with a copy of each proposed parking management agreement no less than 30 days before the date of which such agreement will go into effect. The hiring by Lessee of a parking lot operator shall not relieve Lessee of any obligations or liability under this Lease.

(C) Maintenance, Repairs, and Services. Throughout the Term, Lessee shall operate and maintain the Property in a "Class A Manner." As used herein "**Class A Manner**" means keeping the Property and abutting sidewalks in good, clean, and safe condition and repair; promptly removing any and all garbage and snow and ice; keeping all trees and any and all landscaped portions of the Property neat and properly trimmed; promptly repairing all potholes; maintaining appropriate signage and lighting; providing a sufficient number of parking lot attendants; maintaining appropriate technology; and providing all security and other services for the Property consistent with services offered at other parking facilities of similar age, size, quality and amenities in the Cincinnati area. *The City shall not have any maintenance or repair obligation or any obligation to provide services for the benefit of the Property.*

(D) Reporting of Accidents and Other Significant Occurrences. Lessee shall keep the City informed of all reported accidents and other significant, unanticipated occurrences at or otherwise affecting the Property that involve public health or safety issues, or that could lead to negative publicity. Lessee shall notify the City within 48 hours of break-ins and assaults. For all incidents for which a police report is filed, Lessee shall promptly obtain a copy of the police report and promptly provide a copy of it to the City's Department of Community and Economic Development.

(E) Parking Rates. Lessee shall establish the hourly, daily, and monthly parking rates from time to time for the public parking lot subject to the prior written approval of the City. Lessee shall charge the same parking fees to all members of the public (i.e., Lessee may not selectively charge certain members of the public to park at the Property while permitting others to park for free or at a discounted rate). Lessee shall obtain City approval before any proposed changes in the parking rates. Lessee shall at all times maintain appropriate signage at the Property advertising that the parking lot is open to the public and indicating the hourly and daily parking rates, all of which signage shall be subject to the City's prior written approval. Lessee shall at all times, maintain appropriate pay boxes or the like for the collection of parking fees.

(F) Collection of Parking Lot Revenue; Operating Account. Throughout the Term, Lessee shall collect and retain all user parking fees and other revenue generated from the operation of the Property (collectively, the "**Parking Lot Revenue**") and promptly deposit all such Parking Lot Revenue, if any, in a federally-insured bank account for the Property maintained by Lessee in its own name (the "**Operating Account**"). Upon request of the City, Lessee shall provide the City with copies of the bank statements for the Operating Account. Lessee shall not commingle any other funds in the Operating Account.

(G) Eligible Costs. Lessee may only use Parking Lot Revenue for the following uses (collectively, the “**Eligible Costs**”), in each case in accordance with the terms and conditions of this Lease, and in the following order of priority: (i) the payment of real estate taxes and assessments; (ii) the payment of utility bills for utilities supplied to the Property; and (iii) the payment of other Operating Costs, including without limitation, ordinary maintenance and repairs (e.g., cleaning, sealing, striping etc.). Following payment of Eligible Costs, Lessee shall use any remaining Parking Lot Revenue in accordance with Section 5(H) below. If the sum of the Parking Lot Revenue is insufficient to cover the Eligible Costs, Lessee shall be solely liable to cover the shortfall. *During the Term of this Lease, the City shall have no obligation under this Lease to pay for any expenses associated with the Property or the operation of the Parking Lot.*

(H) Capital Repairs and Improvements; Business District Improvement Projects. Upon the prior written approval of the City in each case, Lessee may use Parking Lot Revenue remaining after the payment of Eligible Costs each year (the “**Net Parking Lot Revenue**”), if any, for the following uses: (i) the payment of capital repairs and improvements to the Property (e.g., repaving, concrete restoration, and the installation of new infrastructure such as parking access and revenue control system equipment); and (ii) the payment of Neighborhood Business District Improvement Projects. As used herein, “**Neighborhood Business District Improvement Projects**” shall mean projects involving the development of additional public parking and other public improvements and expenditures serving a public purpose and benefiting the community, as determined by the City, in its sole discretion. Lessee shall not undertake any Neighborhood Business District Improvement Projects without the prior written approval of the City, which approval the City may grant or deny in its sole discretion. Lessee’s use of Net Parking Lot Revenue for a Neighborhood Business District Improvement Project before the date the City has approved such project shall be deemed a default of Lessee under this Lease. Before undertaking each Neighborhood Business District Improvement Project, Lessee shall submit proposed plans to the City for review and approval. Lessee shall make whatever modifications to the proposed plans the City may reasonably require. Once the City has approved such plans, Lessee shall not make any material changes thereto without submitting the proposed changes to the City for approval. All contractors and subcontractors hired by Lessee to perform the work shall be subject to the City’s prior written approval. Lessee shall notify the City in writing within thirty (30) days following substantial completion of each Neighborhood Business District Improvement Project, which notice shall be accompanied by verification of the costs incurred by Lessee in connection therewith. At any time and from time to time upon the City’s request, Lessee shall furnish to the City such budget, financial, and other information concerning Lessee’s Neighborhood Business District Improvements Projects, including without limitation, copies of contracts with third parties pertaining thereto.

(I) Excess Revenue. If, at the end of the Term, there is any excess revenue (after deducting the cost of any Neighborhood Business District Improvement Projects that have commenced but have not yet then been completed), Lessee shall pay such remaining revenue to the City within thirty (30) days of the end of the Term. Lessee shall pay all amounts payable to the City by check payable to the “City of Cincinnati-Treasurer” and shall mail it to the City of Cincinnati, Department of Community and Economic Development, Room 700, 805 Central Avenue, Cincinnati, Ohio 45202 or to such other address as the City may from time to time designate. Notwithstanding anything in this Lease to the contrary, if the Term of this Lease is terminated due to Lessee’s default, Lessee shall immediately turn over to the City all funds that are in Lessee’s operating account at the time Lessee receives notice of such termination.

(J) Transient and Monthly Parkers. To ensure that the Property maintains its character as a public parking lot, Lessee shall ensure that parking spaces are readily available for transient (hourly/daily) parkers at all times. Notwithstanding the foregoing, Lessee may issue permits to park in excess of one 24-hour period on a monthly and “first come, first served” basis. Monthly permit holders shall not be issued designated parking spaces. Lessee shall be solely responsible for determining the balance of transient and monthly permit parkers to ensure sufficient public parking is available for the neighborhood business district. Lessee shall have the right to issue monthly permits for a minimum of 35% of the parking spaces available at the Property (“**Minimum Monthly Permits**”). *(For clarity, if there are 74 total parking spaces at the Property, then the number of Minimum Monthly Permits equals 26)*. If the City determines there is an increased need for transient parking spaces at the Property as evidenced by new commercial development projects in the neighborhood business district and/or concerns expressed by

neighborhood businesses or visitors, the City shall have the right to issue Lessee written notice to reduce the number of monthly permits in increments of ten monthly permits. Upon receipt of written notice, Lessee shall have 60 days to reduce the number of monthly permits by ten monthly permits. If additional needs arise and/or additional concerns are expressed, then the City shall have the right to continue to reduce the number of monthly permits by ten monthly permits down to the number of Minimum Monthly Permits.

(K) Reporting Requirements. The City acknowledges that Lessee's fiscal year is from July 1 to and including June 30. Throughout the Term, Lessee shall provide the City with the following information and reports in a form acceptable to the City:

(i) Operating Budget. Before the Effective Date, and before the beginning of each fiscal year during the Term (i.e., before July 1), Lessee shall submit a proposed annual operating budget to the City showing the Operating Costs for the upcoming year, which shall include any and all anticipated Net Parking Lot Revenue expenditures for such year. If the City does not provide a written response to Lessee's proposed annual operating budget within 30 calendar days from the date of submission, such annual operating budget shall be deemed approved.

(ii) Quarterly Operating Reports. During the Term, within thirty (30) days of the end of each fiscal quarter (i.e., July 31, October 31, January 31, and April 30), Lessee shall provide the City with a reasonably detailed operating statement, balance sheet, and report for the Property (and such other financial statements and information as may be reasonably requested by the City) for the quarter then just ended showing (a) the Parking Lot Revenue and Operating Costs made in the fiscal quarter then just ended; (b) the calculation of the amount of the Net Parking Lot Revenue for such quarter; (c) the balance of the Operating Account as of the end of such quarter; (d) information on activities under Neighborhood Business District Improvement Projects; and (e) any and all other information regarding operations of the parking lot or compliance with the terms of this Lease as the City may from time to time reasonably request (each a "**Quarterly Operating Report**").

(iii) Annual Operating Report. During the Term, within sixty (60) days of the end of each fiscal year (i.e., August 31), Lessee shall provide the City with a reasonably detailed operating statement, balance sheet, and report for the Property prepared by Lessee's treasurer or accountant (and such other financial statements and information as may be reasonably requested by the City) for the fiscal year then just ended showing (a) the Parking Lot Revenue and Operating Costs made in the fiscal year then just ended; (b) the calculation of the amount of the Net Parking Lot Revenue for such fiscal year; (c) the balance of the Operating Account as of the end of such fiscal year; (d) information on activities under Neighborhood Business District Improvement Projects in the fiscal year; and (e) any and all other information regarding operations of the parking lot or compliance with the terms of this Lease as the City may from time to time reasonably request (each an "**Annual Operating Report**").

(iv) Financial Statements. Lessee shall collect, maintain, and furnish to the City from time to time such other accounting, financial, business, administrative, operational, and other reports, records, statements, and information as may be requested by the City pertaining to Lessee or the Property, including without limitation bank statements, loan statements, income tax returns, and such other reports and information as may be required for compliance with programs and projects funded by the City, Hamilton County, the State of Ohio, or any federal agency (all reports, records, statements and other information furnished by Lessee under this paragraph being referred to herein collectively as "**Records and Reports**"). All Records and Reports compiled by Lessee and furnished to the City shall be in such form as the City may require from time to time. During the Term, Lessee shall permit the City and its designees and auditors to access, inspect, and audit Lessee's Records and Reports. If the City's inspection or audit reveals a material discrepancy with information previously provided by Lessee, Lessee shall reimburse the City for the City's out-of-pocket costs associated with such inspection or audit.

(L) Right to Inspect. During the Term of this Lease and for a period of three (3) years after the end of the Term, the City and its representatives shall have the right to inspect all financial, accounting, administrative, and operational books, records, and statements of Lessee that relate to this Lease. Lessee shall preserve all such books, records, and statements during such three (3) year period.

6. ALTERATIONS; SIGNS; NO LIENS.

(A) Alterations. During the Term, Lessee shall not make any material alterations, additions, or other changes to the Property without the prior written consent of the City. Before undertaking any alterations, Lessee shall submit proposed plans to the City for the City's review and approval. Lessee shall make whatever modifications to the proposed plans the City may require. Once the City has approved the plans, Lessee shall not make any material changes thereto without submitting the proposed changes to the City for its approval. All contractors and subcontractors hired by Lessee to perform the work shall be subject to the City's prior written approval. All alterations made by Lessee shall become the property of the City at the end of the Term; provided, however, that the City may require Lessee to remove any or all of the alterations at the end of Term, and in such event, Lessee shall repair any and all resulting damage to the Property and shall restore the Property to the condition in which the Property was in immediately before the making of such alterations. If Lessee fails to fulfill its obligation to remove alterations, the City may do so, and Lessee shall pay all costs incurred by the City in so doing upon the City's demand. All alterations made by Lessee shall be made in a good and workmanlike manner, in compliance with all applicable Legal Requirements, shall not diminish the fair market value of the Property, and shall be consistent with the quality, design, functionality, and aesthetic appeal of the Property.

(B) Signs. Lessee shall be permitted to erect such directional, informational, and other signs on the Property; provided, however, all signs installed at the Property by Lessee shall be subject to the City's written approval. All signs are professionally prepared, comply with all Legal Requirements, and satisfy the City's requirements with respect to size, design, content, and location. Lessee shall, at its expense, keep all signs in good condition and repair. At the end of the Term, Lessee shall remove its signs and repair any and all damage to the Property resulting therefrom.

(C) No Liens. If any mechanics' lien or other similar lien is filed against the Property as a result of labor or material furnished at Lessee's request, Lessee shall cause the lien to be released or bonded off within thirty (30) days following the filing of such lien.

7. INSURANCE; INDEMNITY.

(A) Insurance. Throughout the Term, Lessee shall maintain, or cause to be maintained, the following insurance: (i) special peril (formerly known as "all-risk") full replacement cost insurance on all improvements now or hereafter located on the Property, including without limitation all fixtures and equipment, naming the City as its interest may appear; (ii) property insurance on all Lessee's personal property kept at the Property (if any) in such amount as Lessee from time to time deems commercially reasonable; (iii) garage liability insurance covering claims for bodily injury, personal injury or death, and property damage occurring at the Property in an amount not less than \$1,000,000 per accident, combined single limit, \$2,000,000 aggregate, and garagekeepers insurance in an amount not less than \$250,000 for loss in any one event, naming the City as an additional insured; (iv) umbrella or excess liability insurance in the amount of not less than \$1,000,000 per occurrence, \$1,000,000 aggregate; (v) Automobile Liability Insurance in the amount of not less than \$1,000,000 per occurrence, naming the City as an additional insured; (vi) workers' compensation insurance as required by law, and; and (vii) such other insurance as may from time to time be required by the City's Risk Management Division to be customary for similar-sized parking lots in the Cincinnati area.

(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, if any. On the Effective Date and thereafter on an annual basis, 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, 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 council members, officers, employees, and agents harmless from and against all costs, losses, claims, damages, liabilities, actions, claims for relief of every kind and character, expenses, including legal expenses, and obligations, financial or otherwise, arising either directly or indirectly out of Lessee's operation of the parking lot or performance of its responsibilities under this Lease, including without limitation any of the foregoing that may occur or be claimed with respect to any death, personal injury or loss of or damage to property on or about the Property. All indemnity obligations and assumption of liabilities herein provided for shall continue in full force and effect, notwithstanding the termination of this Lease.

8. CASUALTY; EMINENT DOMAIN. If the Property is damaged or destroyed by fire or other casualty, or if any portion of the Property is taken by exercise of eminent domain, Lessee shall repair and restore the Property, as expeditiously as possible, and to the extent practicable, to substantially the same condition in which the Property was in immediately before 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. Such proceeds shall be payable to the City as the owner of the Property; however, the City shall make available to Lessee so much of the proceeds as are needed to repair and restore the Property. If the proceeds are insufficient to fully repair and restore the Property, the City shall not be required to make up the deficiency. Lessee shall oversee all construction in accordance with the City's standard construction requirements. Lessee shall not be relieved of any obligations, financial or otherwise, under this Lease during any period in which the Property is being repaired or restored.

9. DEFAULT; REMEDIES.

(A) Default. The occurrence of any of the following shall be an "event of default" under this Lease:

(i) The failure of Lessee to make any required payment when due or perform any obligation under this Lease, and failure by Lessee to correct such failure within thirty (30) days after Lessee's receipt of written notice thereof from the City; provided, however, that if the nature of the default is such that it cannot reasonably be cured within (thirty) 30 days, Lessee shall not be in default so long as Lessee commence to cure the default within such thirty (30)-day period and thereafter diligently completes such cure within a reasonable period of time (but not exceeding ninety (90) days) after Lessee's receipt of the City's initial notice of default. The foregoing notwithstanding, if Lessee's failure to perform or observe any obligation, duty, or responsibility under this Lease 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 take corrective action immediately upon discovering such dangerous condition or emergency; or

(ii) The dissolution of Lessee, the filing of bankruptcy or insolvency proceedings by it, or the making by it of an assignment for the benefit of creditors; or

(iii) The filing of bankruptcy or insolvency proceedings against Lessee, or the appointment of a receiver (temporary or permanent) for it, or the attachment of, levy upon, or seizure by legal process of any of its properties, that, in each such event, is not released within sixty (60) days after the filing thereof.

(B) Remedies. Upon the occurrence of an event of default that continues beyond the applicable notice and cure period 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. Lessee shall be liable for all costs and damages, including without limitation, attorneys' 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. 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.

10. ASSIGNMENT AND SUBLETTING. Except for parking privileges, as authorized herein, Lessee shall not assign its interests under this Lease, sublet all or any portion of the Property, or grant exclusive parking privileges to a third party without the prior written consent of the City, which consent may be withheld in the City's sole discretion. Lessee's violation of this section shall constitute an immediate default by Lessee under this Lease (without the benefit of any notice or cure period) and shall, at the option of the City, render this Lease null and void, without limitation of the City's other rights and remedies resulting from such default.

11. SURRENDER; HOLDOVER.

(A) Surrender. On the last day of the Term of this Lease, Lessee shall surrender the Property to the City in good condition and repair, reasonable wear and tear expected, and free and clear of all liens and other encumbrances created by Lessee (if any) and on or before the last day of the Term, Lessee shall remove all of Lessee's personal property and any property not so removed shall be deemed abandoned, provided, however, that unless required by the City, Lessee shall not remove any trade fixtures, ordinary fixtures or parking equipment used in connection with the Property. Lessee shall promptly repair any and all damage to the Property caused by its removal of any items under this paragraph.

(B) Holdover. If Lessee fails to surrender possession of the Property 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), terminable by the City at any time by giving written notice thereof to Lessee. Lessee shall be liable for all costs and damages suffered or incurred by the City as a result of Lessee's holding over.

(C) Documents to be Delivered to City. On the last day of the Term, Lessee shall deliver to the City originals of all unpaid invoices, management manuals, warranty information, books and records, contracts with third parties, 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 of the Property.

12. NOTICES. All notices required to be given to any party under this Lease shall be in writing and (i) personally delivered, (ii) deposited in the United States mail, first class, postage prepaid, or (iii) delivered by a reputable courier service (e.g., Federal Express), to the parties at the following addresses or such other address as either party may specify from time to time by notice to the other. Notices shall be deemed given upon receipt.

To the City:

City of Cincinnati
Director of Community and Economic Development
805 Central Avenue
Suite 700
Cincinnati, OH 45202

To Lessee:

The East Walnut Hills Assembly, Inc.
P.O. Box 68050
Cincinnati, OH 45206
Attn: President

If Lessee sends a notice to the City alleging that the City is in breach of this Lease, Lessee 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.

13. ADDITIONAL CONDITIONS FROM CITY'S COORDINATED REPORT (CR Nos. 48-2023 & 69-2021). Lessee shall comply with the following additional terms and conditions: None.

14. GENERAL PROVISIONS.

(A) Entire Agreement. This Lease (including the exhibits hereto and the other agreements referred to herein, if any) 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. The parties hereby waive 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. At the request of either party, the parties shall execute a memorandum of Lease for recording purposes.

(H) Time. Time is of the essence with respect to the performance by the parties of their respective 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. The City and Lessee represent to each other that they have 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. The City and Lessee each represents to the other 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 have been duly authorized by all necessary actions on the part of the performing party.

(M) Appropriation of Funds. Notwithstanding anything in this Lease, the City's performance of its obligations under the Lease that require the expenditure of money is subject to the appropriation of funds for such purposes by Cincinnati City Council.

(N) Counterpart; E-Signature. This Lease may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original and all of which taken together shall constitute one and the same instrument. The parties may execute and deliver this Lease by electronic signature.

(O) Exhibits. The following exhibits are attached hereto and made a part hereof:
Exhibit A – *Legal Description*

[Signature Pages Follow]

The parties executed this Lease on the dates of acknowledgement indicated below their respective signatures, effective as of the later of such dates (the "Effective Date").

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 municipal corporation.

Notary Public
My commission expires: _____

Recommended By:

Markiea L. Carter, Director
Department of Community and Economic Development

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

[Lessee's Signature Page Follows]

THE EAST WALNUT HILLS ASSEMBLY, INC.,
an Ohio nonprofit corporation

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 EAST WALNUT HILLS ASSEMBLY, INC.**, an Ohio nonprofit corporation, on behalf of the nonprofit corporation.

Notary Public
My commission expires: _____

EXHIBIT A
to Lease Agreement

Legal Description

Situated in Section 2, Town 3, Fractional Range 2, Millcreek Township, Hamilton County, Ohio, being all of Lots 42, 43, 46, 47, 50, 51, 53 thru 58 and part of Lots 59 & 60 of Cath. M Cook's Subdivision as recorded in Plat Book 5, Pages 117 & 118 and 136 & 137 of the Hamilton County Recorder's Office, also being part of land conveyed by deed to DeSales Square, LLC as recorded in O.R. 9403, Page 705 of Hamilton County Recorder's Office and being more particularly described as follows:

Commencing at the intersection of the west right-of-way line of Woodburn Avenue (a 60' right-of-way) and the north right-of-way line of Myrtle Avenue (a 60' right-of-way) and being the southeast corner of Lot 31 of said subdivision being a parcel of land conveyed by deed to Woodburn Properties I, LLC as recorded in O.R. 10034, Page 3845, Hamilton County Recorder's Office;

Thence, leaving said westerly right-of-way line, along the northerly right-of-way line of Myrtle Avenue, S 83° 00' 00" W., 99.94 feet to an iron pin found at the southwest corner of said Lot 31 said Woodburn parcel and being the TRUE POINT OF BEGINNING of a parcel herein described;

Thence, continuing along said right-of-way line, S. 83° 00' 00" W., 237.50 feet to a mag nail found at the southeast corner of a parcel of land conveyed by deed to Greater Cincinnati Behavioral Health Services as recorded in O.R. 11005, Page 991, Hamilton County Recorder's Office;

Thence, leaving said right-to-way line, along the east line of said Greater Cincinnati parcel, N. 07° 00' 00" W., 210.48 feet to an iron pin with cap found at the northeast corner of said Lot 60 being said Greater Cincinnati parcel and in the south right-of-way line of Madison Avenue (an 80' right-of-way);

Thence, along said right-of-way line, N. 83° 00' 00" E., 87.50 feet to an iron pin and cap found in said right-of-way line;

Thence, leaving said right-of-way line, through said Desales parcel, S. 07° 00' 00" E., 102.74 feet to a mag nail found;

Thence, continuing through said Desales parcel, N. 83° 00' 00" E., 150.00 feet to an iron pin and cap found at the northwest corner of a parcel of land conveyed by deed to Clarence E. & Margaret Lamb as recorded in O.R. 7771, Page 693 Hamilton County Recorder's Office, and the southwest corner of a parcel of land conveyed by deed to Michael Ahmadi as recorded in O.R. 10861, Page 1512 Hamilton County Recorder's Office,

Thence, along the west line of said Lamb parcel and the west line of said Woodburn parcel, S. 07° 00' 00" E., 107.74 feet to the TRUE POINT OF BEGINNING.

Containing 0.7938 acres (34578.000 square feet) of land more or less.

The above legal description was based on an actual field survey by James E. Toerner, a registered surveyor in the State of Ohio. Reg. Surveyor #S-7725.

INCLUDED IN THE ABOVE-DESCRIBED REAL ESTATE IS THE PROPERTY COMPRISING REGISTERED LAND CERTIFICATE NO. 225896 DESCRIBED AS FOLLOWS:

Situated in the City of Cincinnati, and being more particularly described as follows:
Beginning at a point in the north line of Myrtle Avenue 99.94 feet west of Woodburn Avenue;

thence running North 7° West, 107.09 feet to a point;

{00396133-6}

thence running South 83° West, 150 feet to a point;

thence running South 7° East 107.09 feet to the North line of Myrtle Avenue;

thence running North 83° East along the north line of Myrtle Avenue, 150 feet to the place of beginning.

September 11, 2024

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202402016

Subject: Ordinance – OTR North Special Permit Parking Area

Attached is an Ordinance captioned:

REPEALING Ordinance No. 36-2022 passed by Council on November 30, 2022 and Ordinance No. 381-2020 passed by Council on December 16, 2020, and **NOTWITHSTANDING** certain provisions of Cincinnati Municipal Code Sections 514-3 “Designation of Restricted Parking Area,” 514-5 “Residential Parking Permits Criteria,” and 514-7, “Permit Types, Qualifications and Fees,” **DESIGNATING** a portion of the Over-The-Rhine neighborhood, the area bounded by the east side of Central Parkway (Northbound) from Liberty Street to Mohawk Place, the south side of Mohawk Place from Central Parkway to Vine Street, the east side of Vine Street (northbound) from West McMicken Avenue to East Clifton Avenue, the west side of East Clifton Avenue from Vine Street to Main Street, the east side of Main Street (Southbound) from East Clifton Avenue from Vine Street to Main Street, the east side of Main Street (southbound) from East Clifton Avenue to Liberty Street, the north side of Liberty Street from Main Street to Central Parkway, as a Special Parking Permit Area (“SPPA”), for which residential parking permits are to be issued to residents of the SPPA for an annual permit fee, and to residents of rent-subsidized housing in the SPPA for a discounted annual permit fee.

STATEMENT

OTR North experienced a trend of historic disinvestment in the 1990s to early 2000s that only began to reverse recently. Chronic disinvestment in an area leads to resident exodus and the loss of businesses and visitors, all creating an environment for low parking demand of the public curb use. Over the last several years, Cincinnati has increased investment in OTR North, particularly in bringing housing online, strengthening businesses, nurturing community spaces, resources, and more. Due to reinvestment in properties within this area, demand for the use of the public right of way has increased and will continue to increase as OTR North (and Cincinnati, more generally) experience less population decline, and achieve expected, healthy, levels of population growth.

In response to direction from City Council, the Parking Division of the Department of Community & Economic Development (DCED”) has spent over a year constructing a thoughtful, multi-faceted parking plan (referred to as an “SPPA”) [**ATTACHMENT A: CURB USE MAP FOR INITIAL IMPLEMENTATION**] that addresses the many competing needs of all stakeholders, integrating best practices, community feedback, and

subject expertise. Not proceeding with SPPA designation will result in residents, visitors, and businesses continuing to compete for limited spaces on a first come first serve basis rather than thoughtfully restricting spaces within the district to serve the needs of these groups, which is untenable to a healthy neighborhood environment.

ATTACHMENT A: CURB USE MAP FOR INITIAL IMPLEMENTATION

BACKGROUND

In November of 2022, City Council adopted Motion [202202004](#) which asked the Administration to devise a comprehensive on-street usage plan in Over-the-Rhine north of Liberty Street akin to the south Over-The-Rhine Special Permit Parking Area (“SPPA”) which allocates curb space appropriately as metered parking, residential parking etc. The Administration provided Report [202300704](#) to Council in March of 2023 which established a timeline for reviewing the potential parameters of an SPPA and engaging with relevant stakeholders like the Corporation for Findlay Market, OTR Chamber, and OTR Community Council.

What is an SPPA?

A SPPA is an area of mixed residential and commercial use zoning where there is substantial demand for on-street parking between residents, businesses, and visitors and the designation of portions of the zone as residential parking only, flex parking that can be utilized by residential permit or as paid-parking-only areas to balance competing demands.

The dominant zoning type within the OTR North study area evaluated for an SPPA is a commercial zoning type (CC-P or CC-A) and urban mixed with some residential zoning, parks, and recreation designated areas and manufacturing general. Within an area like OTR North where the zoning type is predominantly uses that are not solely residential, an SPPA allows for the designation of residential parking areas on more streets than would otherwise be permitted under Cincinnati Municipal Code 514-5 which defines eligible parking areas for resident-only parking. An SPPA can be developed to balance the needs of businesses, visitors, and residents by designating areas for paid parking, resident parking, and flex parking (where residents can always park with a pass and during certain hours the parking is also available to all for payment as public parking).

Stakeholder Engagement on a proposed SPPA for OTR North

The City Administration began engaging with stakeholders on a possible OTR North SPPA in the late spring of 2023. An outline of engagement and relevant milestones in developing the proposed map that would be implemented upon passage of the proposed SPPA is as follows:

- May 2023 – Outreach by email to Findlay Market, OTRCC representatives, and OTR Chamber to obtain feedback on what curb uses the Administration should propose on particular streets within OTR North.
- May 2023 – June 2023 – The Administration completes a curb inventory of OTR North allowing for the creation of a map to implement an SPPA.

- July 2023 – August 2023 – 1st draft of map rolled out to OTR stakeholders including Findlay Market, OTRCC, and OTR Chamber. Administration attended and presented 1st draft of the map for feedback to each organization including the OTR Community Council board of trustees and general body. Written feedback was provided by the Corporation for Findlay Market and verbal feedback was provided by OTRCC and OTR Chamber at respective meetings.
- October 2023 – Public Community Engagement meeting facilitated by the Department of City Planning & Engagement to obtain feedback on the 1st draft of the map.
- November 2023 – February 2024 – Administration review of feedback on the first draft of the map and creation of the second draft
- February 2024 – April 2024 – 2nd draft of the map was rolled out to OTR stakeholders including Findlay Market, OTRCC, and OTR Chamber. The administration attended and presented the 1st draft of the map for feedback to each organization including the OTR Community Council board of trustees and general body. Written feedback was provided by the OTR Community Council and Corporation for Findlay Market.
- May 2024 – August 2024 – The administration reviewed comments on the 2nd draft of the map and hired Desman Inc. to review curb utilization and evaluate whether the worker parking program could be included within the SPPA. The conclusion of Desman’s report recommends that worker parking not be included in an SPPA due to high demand by other stakeholder groups for on-street parking. Desman recommended further investigation of under-utilized off-street parking for worker parking accommodations.
- August 2024 – A 3rd draft of the map rolled out to stakeholders in anticipation of proceeding to City Council. Presentation to OTR Community Council on the third draft of the map and the Administration’s recommendation on the potential SPPA improving the parking environment in OTR North.

Through this engagement process, the Administration received feedback on two drafts of maps outlining proposed residential, flex, and paid parking area designations within OTR North upon adoption of an SPPA. Feedback from residents, business owners, and other members of the public shaped the anticipated implementation plan of an SPPA for OTR North up for approval.

In addition, this feedback resulted in the Administration engaging Desman Inc. to review the potential for an employee parking program for workers within OTR North. While Desman’s report did not culminate in recommending a worker parking permit program due to the high existing demand for the public right of way from residents and businesses, it did recommend alternative ways of addressing this issue, reviewing opportunities to utilize underutilized off-street parking infrastructure in the vicinity of OTR North for worker parking.

Stakeholder feedback through the engagement process also led the Administration to review potential signage in the public ROW that would better direct visitors to off-street parking options available within OTR North. This review of signage is ongoing, and the Administration presently believes this can be completed within existing City resources. Finally, the Administration is reviewing the meter rates and meter hours based on public

engagement feedback to ensure the hours and rates encourage turnover while also meeting the various stakeholder needs of the area.

BASIS FOR IMPLEMENTING A SPPA

With the exception of Findlay Market, OTR North experienced a trend of historic disinvestment in the 1990s to early 2000s that only began to reverse recently. Chronic disinvestment leads to resident exodus and loss of businesses and visitors, all creating an environment for low parking demand. Over the last several years, Cincinnati has increased investment in OTR North, particularly in bringing housing online, strengthening businesses, nurturing community spaces, resources, and more. Due to reinvestment in properties within this area, demand for use of the public right of way has increased and will continue to increase.

In particular, the City encouraged vacant building renovations. Redevelopment of vacant buildings throughout OTR North is a benefit to all stakeholders of OTR North as occupied buildings bring new residents that frequent local businesses and new businesses that bring activity to storefront spaces throughout the business day, while also decreasing crime and dangerous activity. By seeking the redevelopment of City-owned vacant buildings or land acquired due to disinvestment by private landowners, these efforts were ultimately successful, resulting in new residences (single-family and multi-family), new residents, and new businesses.

Because many of these buildings were vacant for more than 20 years and had facilitated a negative environment around them, the demand for the use of the public right of way adjacent to them was also lessened, giving a false sense of expectations regarding the normal expectations for usage of a public curb near a nationally renowned outdoor market. As these properties have been transformed into productive use, the demand for use of the public right of way has drastically increased and will keep increasing as OTR North (and Cincinnati, more generally) reverses the past trend of population decline, and achieves expected, healthy, levels of population growth.

As more people live in OTR North and frequent businesses in OTR North, the parking demand is higher, and measures must be taken to match this new reality. Recent construction of a 513-car public parking garage by Hamilton County has provided additional opportunity for public parking (resident, business and visitor) to help meet this demand. With construction of the garage completed in late 2023 and occupancy data available, implementation of an SPPA will further assist in balancing demand for the on-street parking spaces among these competing groups.

The current use of the public ROW in OTR North is largely unrestricted parking available to all at all hours of the day; a situation only possible in low-density, low-demand, often disinvested-in neighborhoods. Based on the current use of the ROW analysis performed by Desman Inc., the unrestricted parking is not meeting the demand of the various groups as designated paid, flex, and residential spaces brought by an SPPA would provide for the area. Implementing an SPPA facilitates the turnover of parking spaces due to parking payment for non-residents; furthermore, the designation of residential areas ensures parking for residents in residential and non-business areas while freeing up

parking for visitors and business-related parking in commercial areas adjacent to the area.

A thoughtfully organized plan for use of the public right of way addresses parking demand for *everyone*, especially residents, as it allows residents parking options in the public ROW in *addition* to off-street parking options they may have at their residence or in privately owned parking facilities, like the recently constructed Hamilton County garage.

RECOMMENDATION

The Administration recommends creating a SPPA for OTR North. This will allow the Administration to designate the area for flex parking and residential parking within this area and allow the Administration to issue permits for residents to park within these designated areas. The Administration also intends to install parking payment infrastructure within OTR North which will facilitate parking turnover for visitor and business-related parking within paid parking areas. These parking areas within the public ROW will be reviewed periodically and adjusted as needed to most effectively meet overall stakeholder demand.

The Administration recommends approval of this Ordinance.

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

Attachment



REPEALING Ordinance No. 362-2022 passed by Council on November 30, 2022 and Ordinance No. 381-2020 passed by Council on December 16, 2020, and **NOTWITHSTANDING** certain provisions of Cincinnati Municipal Code Sections 514-3, “Designation of Restricted Parking Area,” 514-5, “Residential Parking Permits Criteria,” and 514-7, “Permit Types, Qualifications and Fees,” **DESIGNATING** a portion of the Over-the-Rhine neighborhood, the area bounded by the east side of Central Parkway (northbound) from Liberty Street to Mohawk Place, the south side of Mohawk Place from Central Parkway to West McMicken Avenue, the south side of West McMicken Avenue (eastbound) from Mohawk Place to Vine Street, the east side of Vine Street (northbound) from West McMicken Avenue to East Clifton Avenue, the west side of East Clifton Avenue from Vine Street to Main Street, the east side of Main Street (southbound) from East Clifton Avenue to Liberty Street, and the north side of Liberty Street from Main Street to Central Parkway, as a Special Parking Permit Area (“SPPA”), for which residential parking permits are to be issued to residents of the SPPA for an annual permit fee, and to residents of rent-subsidized housing in the SPPA for a discounted annual permit fee.

WHEREAS, Council, by its Ordinance No. 294-2018, established a Special Parking Permit Area (“SPPA”) in the southern portion of the Over-the-Rhine neighborhood to address concerns expressed by residents and businesses related to parking restrictions and availability; and

WHEREAS, in Ordinance No. 362-2022 passed by Council on November 30, 2022, and Ordinance No. 381-2020 passed by Council on December 16, 2020, Council designated certain areas in the northern portion of the Over-the-Rhine neighborhood as a Residential Parking Permit Area (“RPPA”); and

WHEREAS, Council, in its Motion Item No. 202202004, requested the Administration consider a plan for on-street parking in the northern portion of the Over-the-Rhine neighborhood including whether a SPPA would benefit the community; and

WHEREAS, Council, in its Motion Item No. 202300645, further requested the Administration engage with business owners and stakeholders in the northern portion of the Over-the-Rhine neighborhood, including Findlay Market, to address on-street parking needs impacted by the existing RPPA and discuss the potential for a SPPA in the neighborhood; and

WHEREAS, the Administration investigated parking in the northern portion of the Over-the-Rhine neighborhood, which included representatives from the Department of Transportation and Engineering (“DOTE”), the Department of City Planning and Engagement and the Department of Community and Economic Development, and also hired Desman, Inc., to provide additional advice and analysis; and

WHEREAS, the Administration engaged with local stakeholders, including the Cincinnati Center City Development Corporation, Over the Rhine Community Council, Corporation for Findlay Market, and Over-the-Rhine Chamber which provided feedback for the creation of the SPPA to serve the residential and commercial interests in the rapidly evolving neighborhood; and

WHEREAS, the findings of the Administration led to the determination of the appropriate boundaries of the SPPA to be the area bounded by the east side of Central Parkway (northbound) from Liberty Street to Mohawk Place, the south side of Mohawk Place from Central Parkway to West McMicken Avenue, the south side of West McMicken Avenue (eastbound) from Mohawk Place to Vine Street, the east side of Vine Street (northbound) from West McMicken Avenue to East Clifton Avenue, the west side of East Clifton Avenue from Vine Street to Main Street, the east side of Main Street (southbound) from East Clifton Avenue to Liberty Street, and the north side of Liberty Street from Main Street to Central Parkway, as described herein and depicted in Attachment A; and

WHEREAS, this area may be considered the second phase of a SPPA for the Over-the-Rhine neighborhood, potentially to be expanded or supplemented in the future; and

WHEREAS, the proposed SPPA includes commercial parking areas, making it ineligible to be designated as a RPPA under the criteria set forth in Cincinnati Municipal Code (“CMC”) Section 514-5, “Residential Parking Permits Criteria”; and

WHEREAS, the requirement in CMC Section 514-3, “Designation of Restricted Parking Areas,” for a petition of a majority of the households in an area could not be strictly adhered to, based on the mixed commercial and residential nature of the area, but DOTE conducted traffic engineering studies of the proposed SPPA as required under CMC 514-3; and

WHEREAS, the Administration recommends the fees for permits to be issued to residents of the SPPA differ from the fees authorized for areas designated as a RPPA under CMC Section 514-7, “Permit Types, Qualifications, and Fees,” and the Administration also recommends against issuing visitor permits or temporary permits pursuant to CMC Section 514-7 because of the already high demand and limited supply of parking spaces in the SPPA; and

WHEREAS, the residential parking permits must be made available for a reduced annual fee to residents of rent-subsidized housing in the SPPA; and

WHEREAS, the City Manager has determined that it is appropriate and beneficial to the northern portion of the Over-the-Rhine neighborhood to establish the proposed SPPA and that the SPPA should have some characteristics which differ from the criteria and procedures in CMC Chapter 514, and Council desires to establish the SPPA as recommended; and

WHEREAS, the City Manager may designate the SPPA parking spaces as “flex spaces” to be available to the general public during the daytime by paying a meter or other per-space fee, and

WHEREAS, in the spaces designated for the SPPA, those who own permits for the SPPA will be eligible to park in the flex spaces at night, and holders of the SPPA permits may also park at no additional charge in the flex spaces during the day; and

WHEREAS, Council wishes to repeal Ordinance No. 362-2022 and Ordinance No. 381-2020, to establish a consistent parking permit program for the northern portion of the Over-the-Rhine neighborhood; and

WHEREAS, Council finds that establishing this SPPA is in furtherance of the “Live” goal to “support and stabilize our neighborhoods,” as described on page 160 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That Ordinance No. 362-2022 passed by Council on November 30, 2022, and Ordinance No. 381-2020 passed by Council on December 16, 2020, which established residential parking permits in portions of the Over-the-Rhine neighborhood, are hereby repealed in their entirety.

Section 2. That, notwithstanding certain provisions of Cincinnati Municipal Code (“CMC”) Sections 514-3, “Designation of Restricted Parking Area,” 514-5, “Residential Parking Permits Criteria,” and 514-13, “Fee Schedule,” Council hereby designates the area in the northern portion of the Over-the-Rhine neighborhood bounded by the east side of Central Parkway (northbound) from Liberty Street to Mohawk Place, the south side of Mohawk Place from Central Parkway to West McMicken Avenue, the south side of West McMicken Avenue (eastbound) from Mohawk Place to Vine Street, the east side of Vine Street (northbound) from West McMicken Avenue to East Clifton Avenue, the west side of East Clifton Avenue from Vine Street to Main Street, the east side of Main Street (southbound) from East Clifton Avenue to Liberty Street, and the north side of Liberty Street from Main Street to Central Parkway, as depicted in Attachment A, as a Special Parking Permit Area (“SPPA”).

Section 3. That the City Manager or designee shall establish parking permit rates and fees for the SPPA and issue residential parking permits to residents of the SPPA and shall offer permits to qualifying low-income residents of the SPPA at a discounted rate, with eligibility to

purchase a permit for the reduced annual fee to be based on a resident's provision of proof of residency in a rent-subsidized unit within the SPPA, specifically a lease or voucher.

Section 4. That, notwithstanding CMC 514-7, "Permit Types, Qualifications and Fees," no visitors permits or temporary permits shall be issued for the SPPA.

Section 5. That SPPA parking permits shall be sold only to occupants who reside in a dwelling unit on a street, avenue, or other location within the SPPA, in accordance with verification procedures established by the Department of Transportation and Engineering.

Section 6. That SPPA parking permits shall be sold only to occupants who own a motor vehicle and provide sufficient proof of such ownership.

Section 7. That the total permits issued to eligible residents of the Over-the-Rhine neighborhood will not be limited initially, except for a limit on the number of permits per household; that the City Manager or designee shall determine whether it is appropriate to establish a term or expiration for permits issued for the SPPA, either for the initial permits offered or for permits issued in the future, or both; and that any future limit on the number of permits issued (other than a limit on permits per household) should be the subject of future Council action.

Section 8. That the City Manager may designate parking spaces within the SPPA as "flex parking spaces" that may be used by any member of the public during the times designated by the City Manager for a fee through metered or another for-pay parking method, but that holders of SPPA permits shall be able to park in the flex parking spaces without paying any additional fee or charge, and that the City Manager may designate times when only holders of SPPA permits shall be authorized to park in the flex parking spaces within the SPPA.

Section 9. That the City Manager is authorized to establish procedures for the future issuance of permits, the renewal of permits, and the reissuance of permits, and generally for the

operation of the SPPA, and the City Manager has discretion to establish appropriate procedures for reissuances or renewals.

Section 10. That any procedures, methods, qualifications, or criteria for the SPPA that are not specifically established in or instructed by this ordinance shall be governed by the existing, applicable provisions of CMC Chapter 514, "Parking Permits," including but not limited to the requirement to erect signs in the SPPA indicating the times, locations, and conditions under which vehicles shall be parked, as established in CMC Section 514-9, "Administration"; the exceptions to permit requirements established in CMC Sections 514-1, "Special Parking Permits for Veterans," and 514-13, "Fee Schedule"; the parking restrictions and enforcement via a tag system established in CMC Section 514-11, "Parking Restrictions"; and the violations and penalties established in CMC Sections 514-15, "Violation and Revocation," and 514-99, "Penalty."

Section 11. That the City Manager and all appropriate City officials are hereby authorized to take all necessary and proper actions under this ordinance to implement the creation and operation of the SPPA as described in Sections 1 through 10 hereof.

Section 12. 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

Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

202402001

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days) the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Colleen Reynolds
- 2. Occupation Government Affairs
- 3. Title/Position Partner
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5449
- 6. Date of Engagement as Legislative Agent 09/03/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Asianati
- 2. Type of Industry Community organizing/ Event production
- 3. Business Address 3 East Fourth St
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Organizational and event funding

CLERK OF COUNCIL
202402001

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|--|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input checked="" type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen Reynolds

Type or Print Name of Legislative Agent

Colleen M. Reynolds

Signature of Legislative Agent

09/03/2024

Date

Bao Nguyen

Type or Print Name of Persons Signing for Employer

Bao M. Nguyen

BY:

Signature for Employer

President

Title

9/4/2024

Date

202402002

Clerk of Council

\$25.00 FILING FEE

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

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- 2. Occupation Government Affairs
- 3. Title/Position Partner
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5449
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization HPSRD LLC
- 2. Type of Industry Real Estate
- 3. Business Address 5905 E Galbraith Rd 4100
Street Suite Number
Cincinnati OH 45236
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Real Estate

202402002

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

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Colleen Reynolds

Type or Print Name of Legislative Agent

Colleen M Reynolds

Signature of Legislative Agent

09/02/2024

Date

Nick Lingenfelter

Type or Print Name of Persons Signing for Employer

BY: *Nick Lingenfelter*

Signature for Employer

8/30/2024

Date

Chief Development Officer

Title

20240903

\$25.00 FILING FEE

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

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Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5449
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Cincinnati Symphony Orchestra
- 2. Type of Industry Arts
- 3. Business Address 1241 Elm Street
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community development

CLERK OF COUNCIL
85572445102

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

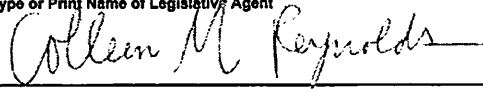
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| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
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| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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Colleen Reynolds

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/02/2024

Date

Jonathan Martin

Type or Print Name of Persons Signing for Employer

BY: Jonathan Martin

Signature for Employer

President & CEO

Title

8/29/2024

Date

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
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| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
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| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
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Colleen Reynolds

Type or Print Name of Legislative Agent

Colleen M Reynolds

Signature of Legislative Agent

9/2/2024

Date

Alfonso Cornejo

Type or Print Name of Persons Signing for Employer

BY: *Alfonso Cornejo*

Signature for Employer

8/29/2024

Date

President

Title

002402005

Clerk of Council

\$25.00 FILING FEE

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Manager
- 4. Business Address 255 E Fifth Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Hispanic Chamber Cincinnati USA
- 2. Type of Industry Chamber of Commerce
- 3. Business Address 2637 Erie Ave 206
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Operating funding & general support

09/02/2024 10:00:00 AM
3012467242330


D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input checked="" type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Annalese Cahill

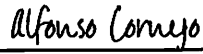
Type or Print Name of Legislative Agent


Signature of Legislative Agent

09/02/2024

Date

Alfonso Cornejo

Type or Print Name of Persons Signing for Employer
BY: 

Signature for Employer

8/29/2024

Date

President

Title

Date

202402006

\$25.00 FILING FEE

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Manager
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Cincinnati Symphony Orchestra
- 2. Type of Industry Arts
- 3. Business Address 1241 Elm Street
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community development

09/02/2024 10:00 AM

2024-09-02 10:00 AM

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

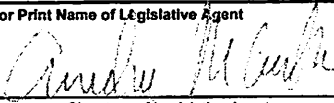
- | | | |
|--|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input checked="" type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

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Annalese Cahill

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/02/2024

Date

Jonathan Martin

Type or Print Name of Persons Signing for Employer

BY: Jonathan Martin

Signature for Employer

President & CEO

Title

8/29/2024

Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

202402007

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Manager
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 09/03/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Asianati
- 2. Type of Industry Community organizing/ Event support
- 3. Business Address 3 East Fourth St
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Organizational and event funding

CLERK OF COUNCIL
513-352-3246

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|--|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input checked="" type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

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Annalese Cahill

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/03/2024

Date

Bao Nguyen

Type or Print Name of Persons Signing for Employer

Bao M. Nguyen

BY:

Signature for Employer

9/4/2024

Date

President

Title

202402000

\$25.00 FILING FEE

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Manager
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Cincinnati Arts Association
- 2. Type of Industry Arts
- 3. Business Address 650 Walnut St
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community development

CLERK OF COUNCIL

SEP 24 PM 8:00

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

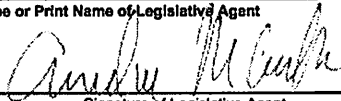
- | | | |
|--|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input checked="" type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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Annalese Cahill

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/02/2024

Date

Steve Loftin

Type or Print Name of Persons Signing for Employer

BY: Steve Loftin

Signature for Employer

President

Title

8/30/2024

Date

2022102009

\$25.00 FILING FEE

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Manager
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization HPSRD LCC
- 2. Type of Industry Real Estate
- 3. Business Address 5905 E Galbraith Rd 4100
Street Suite Number
Cincinnati OH 45236
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Economic Development

09/02/2024 10:00:00 AM

09/02/2024 10:00:00 AM

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

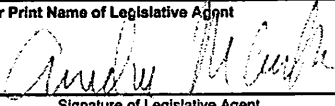
- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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Annalese Cahill

Type or Print Name of Legislative Agent



Signature of Legislative Agent

Date

Nick Lingenfelter

Type or Print Name of Persons Signing for Employer



BY: _____
Signature for Employer

8/30/2024

Chief Development Officer

Title

Date

202407010

\$25.00 FILING FEE

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Matt Davis
- 2. Occupation Government Affairs
- 3. Title/Position President
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 977-8640
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Cincinnati Symphony Orchestra
- 2. Type of Industry Arts
- 3. Business Address 1241 Elm Street
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community Development

09/02/2024 10:28:02 AM
CINCINNATI OH 45202

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|--|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input checked="" type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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Matt Davis

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/02/2024

Date

Jonathan Martin

Type or Print Name of Persons Signing for Employer

BY: *Jonathan Martin*
Signature for Employer

President & CEO

Title

8/29/2024

Date

202402024

Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalese Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Manager
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Eyas Medical Imaging
- 2. Type of Industry Medical device
- 3. Business Address 1105 Western Ave
Street Suite Number
Cincinnati OH 45203
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community development

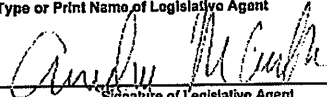
09/02/2024 10:58 AM
09/02/2024 10:58 AM

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.


- | | | |
|---|---|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input checked="" type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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Annalese Cahill
Type or Print Name of Legislative Agent

Signature of Legislative Agent

09/02/2024
Date

Matt Storer
Type or Print Name of Persons Signing for Employer
BY: 
Signature for Employer

CEO
Title

09/05/2024
Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Annalesse Cahill
- 2. Occupation Government Affairs
- 3. Title/Position Government Relations Manager
- 4. Business Address 255 E Fifth Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5428
- 6. Date of Engagement as Legislative Agent 09/06/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization 8K Company
- 2. Type of Industry Development and Construction
- 3. Business Address 60 E McMicken Ave
Street Suite Number
Cincinnati Ohio 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community and economic development

CLERK OF COUNCIL

513-352-3246

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

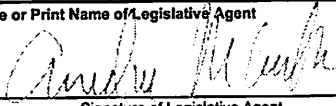
- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input checked="" type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Annalese Cahill

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/06/2024

Date

Michael Chewning

Type or Print Name of Persons Signing for Employer

BY: 

Signature for Employer

Principal

Title

09/06/2024

Date

Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

2024/02/02

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

1. Full Name Annalese Cahill
2. Occupation Government Affairs
3. Title/Position Government Relations Manager
4. Business Address 255 E Fifth Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
5. Telephone Number (513) 832-5428
6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

1. Full name of company or organization Birge & Held
2. Type of Industry Real Estate Development
3. Business Address 2902 N Meridan St 205
Street Suite Number
Indianapolis IN 46260
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Economic development

CLERK OF COUNCIL
CINCINNATI, OHIO

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Annalese Cahill

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/02/2024

Date

Sam Rogers

Type or Print Name of Persons Signing for Employer

BY: 
Signature for Employer

Senior Vice President

Title

9/9/24

Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

2024/06/24

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Colleen Reynolds
- 2. Occupation Government Affairs
- 3. Title/Position Partner
- 4. Business Address 255 E Fifth Street 1900
Street Suite Number
Cincinnati Ohio 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5449
- 6. Date of Engagement as Legislative Agent 09/06/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization 8K Company
- 2. Type of Industry Development and Construction
- 3. Business Address 60 E McMicken Ave 1900
Street Suite Number
Cincinnati Ohio 45202
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community and economic development

06/24/2024 10:24:59 AM

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input checked="" type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen M. Reynolds

Type or Print Name of Legislative Agent



Signature of Legislative Agent

09/06/2024

Date

Michael Chewning

Type or Print Name of Persons Signing for Employer

BY: 

Signature for Employer

Principal

Title

09/06/2024

Date

202402030

Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

1. Full Name Colleen Reynolds
2. Occupation Government Affairs
3. Title/Position Partner
4. Business Address 255 E Fifth Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
5. Telephone Number (513) 832-5449
6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

1. Full name of company or organization Birge & Held
2. Type of Industry Real Estate Development
3. Business Address 8902 N Meridian St 205
Street Suite Number
Indianapolis IN 46260
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Economic development

Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|--|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input checked="" type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen Reynolds

Type or Print Name of Legislative Agent

Colleen M Reynolds

Signature of Legislative Agent

09/02/2024

Date

Sam Rogers

Type or Print Name of Persons Signing for Employer

BY: *[Signature]*

Signature for Employer

Senior Vice President

Title

9/9/24

Date

202402031

Clerk of Council
801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE

LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT

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A. LEGISLATIVE AGENT INFORMATION

- 1. Full Name Colleen Reynolds
- 2. Occupation Government Affairs
- 3. Title/Position Partner
- 4. Business Address 255 E Fifth St 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)
- 5. Telephone Number (513) 832-5449
- 6. Date of Engagement as Legislative Agent 09/02/2024

B. EMPLOYER INFORMATION

- 1. Full name of company or organization Eyas Medical Imaging
- 2. Type of Industry Medical device
- 3. Business Address 1105 Western Ave
Street Suite Number
Cincinnati OH 45203
City State Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Community development

CLERK OF COUNCIL

55392441150

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

- | | | |
|---|---|---|
| <input type="checkbox"/> Agriculture | <input type="checkbox"/> Environment | <input type="checkbox"/> Real Estate/Housing |
| <input type="checkbox"/> Alcohol/Tobacco | <input type="checkbox"/> Financial Institutions/Consumer Finance | <input type="checkbox"/> Retail and Commercial |
| <input type="checkbox"/> Arts/Entertainment | <input checked="" type="checkbox"/> Medical/Hospitals/Health Care | <input type="checkbox"/> Service Business |
| <input type="checkbox"/> Communications/Media | <input type="checkbox"/> Insurance | <input type="checkbox"/> Social Svs./Human Svs. |
| <input type="checkbox"/> Contractors/Construction | <input type="checkbox"/> Labor/Labor Organizations | <input type="checkbox"/> Science and Technology |
| <input type="checkbox"/> County/Local Government | <input type="checkbox"/> Legal | <input type="checkbox"/> State Employees |
| <input type="checkbox"/> Education | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> State Government |
| <input type="checkbox"/> Energy/Utilities | <input type="checkbox"/> Public Interest | <input type="checkbox"/> Transportation |

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ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen Reynolds

Type or Print Name of Legislative Agent


Signature of Legislative Agent

09/02/2024

Date

Matt Storer

Type or Print Name of Persons Signing for Employer

BY: 
Signature for Employer

CEO

Title

09/05/2024

Date

September 5, 2024

To: Mayor and Members of City Council

202401937

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – OES: ODNR NatureWorks Grant Application

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant of up to \$150,000 from the Ohio Department of Natural Resources NatureWorks program to redevelop the former City playground located at 1721 Linn Street into a community greenspace.

This Emergency Ordinance authorizes the City Manager to apply for a grant of up to \$150,000 from the Ohio Department of Natural Resources (“ODNR”) NatureWorks program to redevelop the former City playground located at 1721 Linn Street in the West End neighborhood into a community greenspace.

In 2016, the former City playground located at 1721 Linn Street was attracting excessive criminal activity and was deconstructed following a vote by the West End Community Council. The City wishes to transform this property into a community greenspace, a design that was developed through the 2022 SafeGrowth report and the Spaces to Places Program with Keep Cincinnati Beautiful (KCB).

The NatureWorks Grant requires a 25% local match of up to \$37,500, which the City intends to supply with in-kind labor. If needed, resources are available in the capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF,” and can be transferred to the Office of Environment and Sustainability’s General Fund operating budget for the local match requirement. There are no additional FTEs/full time equivalents associated with the NatureWorks Grant.

The City already applied for the NatureWorks Grant to meet the application deadline of August 15, 2024, but no funding will be accepted without City Council approval.

Redeveloping the former City playground located at 1721 Linn Street into a community greenspace is in accordance with the “Live” goal to “[b]uild a robust public life” and strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on pages 149 – 152 of Plan Cincinnati (2012).

The reason for the emergency is the need to provide an approved ordinance to the Ohio Department of Natural Resources by September 15, 2024.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

IMD

-2024

AUTHORIZING the City Manager to apply for a grant of up to \$150,000 from the Ohio Department of Natural Resources NatureWorks program to redevelop the former City playground located at 1721 Linn Street into a community greenspace.

WHEREAS, the Ohio Department of Natural Resources NatureWorks program provides local governments with grant funding for the acquisition, development, and rehabilitation of recreational areas (the “NatureWorks Grant”); and

WHEREAS, in 2016, the former City playground located at 1721 Linn Street was attracting excessive criminal activity and was deconstructed following a vote by the West End Community Council; and

WHEREAS, the City wishes to transform the property located at 1721 Linn Street into a community greenspace, a design that was developed through the 2022 SafeGrowth report and the Spaces to Places Program with Keep Cincinnati Beautiful; and

WHEREAS, the NatureWorks Grant requires a 25 percent local match of up to \$37,500, which the City intends to supply with in-kind labor, but if needed, resources currently are available in capital improvement program project account no. 980x104x231029, “Green Cincinnati Sustainability Initiatives – GF,” and can be transferred to the Office of Environment and Sustainability’s operating budget to support the local match requirement; and

WHEREAS, there are no additional FTEs/full time equivalents associated with the NatureWorks Grant; and

WHEREAS, the City already applied for the NatureWorks Grant to meet the application deadline of August 15, 2024, but no funding will be accepted without approval by Council; and

WHEREAS, redeveloping the former City playground located at 1721 Linn Street into a community greenspace is in accordance with the “Live” goal to “[b]uild a robust public life” and strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on pages 149 – 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 City Manager is authorized to apply for a grant of up to \$150,000 from the Ohio Department of Natural Resources NatureWorks program to redevelop the former City playground located at 1721 Linn Street into a community greenspace.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of 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 provide an approved ordinance to the Ohio Department of Natural Resources by September 15, 2024.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 5, 2024

To: Mayor and Members of City Council

202401946

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – OES: USDA Compost & Food Waste Reduction Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting distressed food loads from landfills to food rescue organizations and creating composting infrastructure to divert food waste from landfills.

Approval of this Ordinance authorizes the City Manager to apply for a Compost & Food Waste Reduction (CFWR) Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture (USDA) for the purpose of diverting distressed food loads from landfills to food rescue organizations and creating composting infrastructure to divert food waste from landfills.

This grant requires a 25% local match, which is anticipated to be provided by Last Mile Food Rescue and calculated by an approved and recognized value of food donated and rescued. No new FTEs/full time equivalents are associated with this grant.

The City already applied for the grant to meet the application deadline of September 4, 2024. However, no funds will be accepted without City Council approval.

Diverting food waste from landfills and creating compost 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 Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting distressed food loads from landfills to food rescue organizations and creating composting infrastructure to divert food waste from landfills.

WHEREAS, a grant of up to \$400,000 is available from the United States Department of Agriculture through the Compost & Food Waste Reduction Grant Program (ALN 10.935); and

WHEREAS, the grant will provide resources to divert distressed food loads and food waste from landfills and to create composting infrastructure; and

WHEREAS, matching resources of 25 percent are anticipated to be provided by Last Mile Food Rescue and calculated by an approved and recognized value of food donated and rescued; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, to meet the grant application deadline of September 4, 2024, the City already applied for the grant, but no funds will be accepted without approval by Council; and

WHEREAS, diverting food waste from landfills and creating compost 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 City Manager is authorized to apply for a Compost & Food Waste Reduction Grant (ALN 10.935) of up to \$400,000 from the United States Department of Agriculture for the purpose of diverting distressed food loads from landfills to food rescue organizations and creating composting infrastructure to divert food waste from landfills.

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

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

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 5, 2024

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202401950

Subject: Ordinance – OES: USDN Resilience Hub Grant Application

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant of up to \$30,000 from the Urban Sustainability Directors Network to perform a resilience hub assessment, prepare a resilience hub plan, and conduct an energy audit with solar assessment at the Urban League of Greater Southwest Ohio offices in the Avondale neighborhood.

Approval of this Ordinance authorizes the City Manager to apply for a grant of up to \$30,000 from the Urban Sustainability Directors Network (USDN) to perform a resilience hub assessment, prepare a resilience hub plan, and conduct an energy audit with solar assessment at the Urban League of Greater Southwest Ohio (ULGSO) offices in the Avondale neighborhood. The City served as the lead applicant for the grant, but the ULGSO and Groundwork Ohio will be sub-awardees of the grant.

A community codeveloped resilience hub assessment and plan would help meet the needs of Avondale residents by providing the next steps towards a solar array, a battery backup, energy efficiency upgrades, emergency preparedness, disaster recovery capabilities, job and life skills training, resource access, extreme heat and cold shelter, and connections to nature. A resilience hub could also improve social cohesion by serving as a safe gathering space and a point of community preparedness.

This grant does not require matching resources or new FTEs/full time equivalents.

The City already applied for the grant to meet the application deadline of August 15, 2024. However, no funds will be accepted without City Council approval.

Developing a resilience hub assessment and plan is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” and the “Collaborate” goal to “[s]peak in a unified voice with other entities to reach regional goals” and strategy to “[a]ctively coordinate our regional efforts” as described on pages 181-186 and 213-216 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for a grant of up to \$30,000 from the Urban Sustainability Directors Network to perform a resilience hub assessment, prepare a resilience hub plan, and conduct an energy audit with solar assessment at the Urban League of Greater Southwest Ohio offices in the Avondale neighborhood.

WHEREAS, a grant of up to \$30,000 is available from the Urban Sustainability Directors Network (“USDN”), under the Resilience Hub Fund for Resilient Power Systems, to perform a resilience hub assessment, prepare a resilience hub plan, and conduct an energy audit with solar assessment at the Urban League of Greater Southwest Ohio (“ULGSO”) offices in the Avondale neighborhood; and

WHEREAS, a community codeveloped resilience hub assessment and resilience hub plan would help meet the needs of Avondale residents by providing the next steps towards a solar array, a battery backup, energy efficiency upgrades, emergency preparedness, disaster recovery capabilities, job and life skills training, resource access, extreme heat and cold shelter, and connections to nature; and

WHEREAS, a resilience hub could also improve social cohesion by serving as a safe gathering space and a point of community preparedness; and

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

WHEREAS, the City applied for this grant prior to the application deadline of August 15, 2024, but no grant funds will be accepted without approval by Council; and

WHEREAS, because the City is a member of USDN, it served as the lead applicant on the USDN grant application, but the ULGSO and Groundwork Ohio will serve as sub-awardees of the grant, if awarded; and

WHEREAS, developing a resilience hub assessment and plan is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” and strategy to “[c]reate a healthy environment and reduce energy consumption” and the “Collaborate” goal to “[s]peak in a unified voice with other entities to reach regional goals” and strategy to “[a]ctively coordinate our regional efforts” as described on pages 181-186 and 213-216 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for a grant of up to \$30,000 from the Urban Sustainability Directors Network to perform a resilience hub assessment, prepare a

resilience hub plan, and conduct an energy audit with solar assessment at the Urban League of Greater Southwest Ohio offices in the Avondale neighborhood.

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

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

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 5, 2024

To: Mayor and Members of City Council

202401948

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – FY 2024 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities (RIDMIDD) Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate grant resources of up to \$150,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities (ALN 16.015), to expand the Cincinnati Police Department’s GRASP program and provide training to regional police and fire agencies; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368x8553, project account no. 24RIDM.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate grant resources of up to \$150,000 from the U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), FY 2024 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities (ALN 16.015), to expand the Cincinnati Police Department’s (CPD) GRASP program and provide training to regional police and fire agencies. This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368x8553, project account no. 24RIDM.

The CPD GRASP program focuses on reducing injuries and death of missing individuals with dementia and developmental disabilities. The grant resources will allow CPD to increase awareness of at-risk populations and provide training to regional first responder agencies over a three-year period.

Acceptance of this grant requires no local matching funds, and no new FTEs/full time equivalents are associated with this grant.

The City applied for this grant prior to the deadline of July 25, 2024, but no grant funds will be accepted without approval by the City Council.

Acceptance of this grant is in accordance with the “Live” goal to “create a more livable community” as described on page 156 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate grant resources of up to \$150,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities (ALN 16.015), to expand the Cincinnati Police Department’s GRASP program and provide training to regional police and fire agencies; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368x8553, project account no. 24RIDM.

WHEREAS, a grant of up to \$150,000 is available from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities (ALN 16.015) to provide funding to law enforcement and other public safety agencies to implement location tracking technologies to help find missing individuals and to develop or operate programs to prevent wandering, increase vulnerable individuals’ safety, and facilitate rescues; and

WHEREAS, the Cincinnati Police Department’s (“CPD”) GRASP program focuses on reducing injuries and deaths of missing individuals with dementia and developmental disabilities; and

WHEREAS, the grant resources will allow CPD to increase awareness of at-risk populations and provide training to regional first responder agencies over a three-year period; and

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

WHEREAS, the City applied for this grant prior to the deadline of July 25, 2024, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on page 156 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 grant resources of up to \$150,000 from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Kevin and Avonte Program: Reducing Injury and Death of Missing Individuals with Dementia and Developmental Disabilities (ALN 16.015), to expand the

Cincinnati Police Department's GRASP program and provide training to regional police and fire agencies.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368x8553, project account no. 24RIDM.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of this 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

September 5, 2024

To: Mayor and Members of City Council

202401949

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – CMO: Budget Transfer for City Website Redesign

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return of \$125,000 to source Fund 050, “General Fund,” from capital improvement program project account no. 980x101x231036, “Communication Equipment - GFCO”; and **AUTHORIZING** the transfer and appropriation of \$125,000 from the unappropriated surplus of the General Fund to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for the redesign of the City’s official website.

Approval of this Emergency Ordinance authorizes the transfer and return to source of \$125,000 to the General Fund from capital improvement program project account no. 980x101x231036, “Communication Equipment – GFCO.” This Emergency Ordinance also authorizes the transfer and appropriation of \$125,000 from the unappropriated surplus of the General Fund to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for the redesign of the City’s official website.

On October 19, 2022, the City Council passed Ordinance No. 0323-2022, the FY 2022 Carryover Ordinance, which established capital improvement program project account no. 980x101x231036, “Communication Equipment – GFCO,” and appropriated \$500,000 in General Fund resources to the project. The amount of \$125,000 is currently available in this project to redesign the City’s official website, but this requires \$125,000 to be returned to the General Fund and then appropriated to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200.

Redesigning the City’s official website is in accordance with the “Collaborate” goal to “[s]peak in a unified voice with other entities to reach regional goals” as described on page 213 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide resources for the redesign of the City’s official website

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

KKF

- 2024

AUTHORIZING the transfer and return of \$125,000 to source Fund 050, “General Fund,” from capital improvement program project account no. 980x101x231036, “Communication Equipment - GFCO”; and **AUTHORIZING** the transfer and appropriation of \$125,000 from the unappropriated surplus of the General Fund to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for the redesign of the City’s official website.

WHEREAS, on October 19, 2022, Council approved Ordinance No. 323-2022, the FY 2022 Carryover Ordinance, which established capital improvement program project account no. 980x101x231036, “Communication Equipment – GFCO,” and appropriated \$500,000 in General Fund resources to the project; and

WHEREAS, there is \$125,000 currently available in capital improvement program project account no. 980x101x231036, “Communication Equipment – GFCO,” to redesign the City’s official website, but this requires \$125,000 to be returned to the unappropriated surplus of the General Fund and then appropriated to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200; and

WHEREAS, redesigning the City’s official website is in accordance with the “Collaborate” goal to “[s]peak in a unified voice with other entities to reach regional goals” as described on page 213 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That \$125,000 is transferred and returned to source Fund 050, “General Fund,” from capital improvement program project account no. 980x101x231036, “Communication Equipment – GFCO.”

Section 2. That \$125,000 is transferred and appropriated from the unappropriated surplus of Fund 050, “General Fund,” to City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7200 to provide resources for the redesign of the City’s official website.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to provide resources for the redesign of the City's official website.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 5, 2024

202401943

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Department of Public Services (DPS):
Appropriation of Obsolete Fleet Sales and Subrogation
Proceeds**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of \$178,977.20 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” to acquire automotive and motorized equipment funded by the sale and subrogation proceeds of obsolete automotive and motorized equipment.

This Emergency Ordinance authorizes the transfer and appropriation of \$178,977.20 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to the existing capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” to acquire automotive and motorized equipment funded by the sale and subrogation proceeds of obsolete automotive and motorized equipment.

Between February 2024 and July 2025, the Department of Public Services collected \$178,977.20 from the disposal or auction of obsolete equipment and proceeds of subrogation payments for damage to City vehicles, which was deposited into Miscellaneous Permanent Improvement Fund 757.

Acquiring fleet replacements funded by the sale and subrogation proceeds of obsolete automotive and motorized equipment is in accordance with the “Sustain” goal to “[m]anage our financial resources” as described on pages 199-205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to acquire necessary automotive and motorized equipment.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

CNS

- 2024

AUTHORIZING the transfer and appropriation of \$178,977.20 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” to acquire automotive and motorized equipment funded by the sale and subrogation proceeds of obsolete automotive and motorized equipment.

WHEREAS, between February 2024 and July 2024, the Department of Public Services collected \$178,977.20 from the disposal or auction of obsolete equipment and proceeds of subrogation payments for damage to City vehicles, which was deposited in Miscellaneous Permanent Improvement Fund 757; and

WHEREAS, acquiring fleet replacements funded by the sale and subrogation proceeds of obsolete automotive and motorized equipment is in accordance with the “Sustain” goal to “[m]anage our financial resources” as described on pages 199-205 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and appropriation of \$178,977.20 from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to capital improvement program project account no. 980x981x232522, “Fleet Replacements – Obsolete,” is authorized to acquire automotive and motorized equipment funded by the sale and subrogation proceeds of obsolete automotive and motorized equipment.

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 acquire necessary automotive and motorized equipment.

Passed: _____ 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 3, 2024

To: Members of the Budget and Finance Committee 202401953

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DCED: Blair Lofts Affordable Housing

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of \$1,125,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to Department of Community and Economic Development (“DCED”) non-personnel operating budget account no. 468x162x7200 to provide resources for the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale; **AUTHORIZING** the transfer and appropriation of \$40,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to DCED personnel operating budget account no. 468x162x7100 to provide staffing resources to support the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale; and **DECLARING** that expenditures from DCED non-personnel operating budget account no. 468x162x7200 and from DCED personnel operating account no. 468x162x7100 relating to the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale are for a public purpose and constitute a “Housing Renovation” (as defined in Section 5709.40(A)(3) of the Ohio Revised Code) that will benefit and/or serve the District 21-Avondale Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$1,125,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to the DCED non-personnel operating budget account no. 468x162x7200 to provide resources for the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale. Additionally, this Emergency Ordinance authorizes the transfer and appropriation of \$40,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to DCED personnel operating budget account no. 468x162x7100 to provide staffing resources to support the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale. Finally, this Emergency Ordinance declares the expenditures from non-personnel operating budget account no. 468x162x7200 and from DCED personnel operating budget account no. 468x162x7100 relating to the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale are for a public purpose and constitute a “Housing Renovation” that will benefit and/or serve the District 21-Avondale Incentive District.

Blair Lofts Phase II is a proposed \$15.6 million new construction project consisting of approximately 55,000 square feet of residential space, comprised of 48 residential rental units in a single building located at 548-588 Blair Avenue in the Avondale neighborhood of Cincinnati (the “Project”).

Blair Lofts Phase II will be co-developed by Avondale Development Corporation and Kingsley and Company and will include a mixture of one-, two-, and three-bedroom units targeting households between 30%-60% Area Median Income (“AMI”), as established by the U.S. Department of Housing and Urban Development (HUD) and may be updated from time to time, with some units also affordable to households at 80% AMI.

Providing resources for the Project is in accordance with the “Live” goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” as described on page 164 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to make the resources available to the developer for the established sale closing deadline and to close the financing gap and mitigate rising Project construction costs, so the City can increase its stock of affordable housing units.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



EMERGENCY

CNS

- 2024

AUTHORIZING the transfer and appropriation of \$1,125,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to Department of Community and Economic Development (“DCED”) non-personnel operating budget account no. 468x162x7200 to provide resources for the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale; **AUTHORIZING** the transfer and appropriation of \$40,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to DCED personnel operating budget account no. 468x162x7100 to provide staffing resources to support the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale; and **DECLARING** that expenditures from DCED non-personnel operating budget account no. 468x162x7200 and from DCED personnel operating account no. 468x162x7100 relating to the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale are for a public purpose and constitute a “Housing Renovation” (as defined in Section 5709.40(A)(3) of the Ohio Revised Code) that will benefit and/or serve the District 21-Avondale Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, Blair Lofts Phase II is a proposed \$15,600,000 new construction project consisting of approximately 55,000 square feet of residential space, comprised of 48 residential rental units in a single building located at 548-588 Blair Avenue in the Avondale neighborhood of Cincinnati (the “Project”); and

WHEREAS, the Project will be co-developed by Avondale Development Corporation and Kingsley and Company and will include a mixture of one-, two-, and three-bedroom units targeting households between thirty-sixty percent Area Median Income (“AMI”), as established by the U.S. Department of Housing and Urban Development and as may be updated from time to time, with some units also affordable to households at eighty percent AMI; and

WHEREAS, the Avondale Community Council issued a letter of support for affordable housing, dated November 21, 2023, for the use of \$1,100,000 from the Avondale Tax Increment Financing (“TIF”) District; and

WHEREAS, to finance the Project, Kingsley and Company will be committing its own equity, and further utilizing equity from Low Income Housing Tax Credits, a private loan, subordinate debt in the amount of \$600,000, a City Notice of Funding Availability (NOFA) award of \$600,000, and \$1,100,000 from the Avondale TIF district pursuant to this ordinance; and

WHEREAS, the Project also received awards from Cincinnati Development Fund (“CDF”), including \$1,050,000 in City of Cincinnati American Rescue Plan Act (“ARPA”) funding from the City’s Affordable Housing Leveraged Fund managed by CDF, and \$1,050,000 in Hamilton County ARPA funding; and

WHEREAS, providing resources for the Project is in accordance with the “Live” goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” as described on page 164 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and appropriation of \$1,125,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to Department of Community and Economic Development (“DCED”) non-personnel operating budget account no. 468x162x7200 is authorized to provide resources for the construction of affordable housing at property located at 548-588 Blair Avenue in Avondale (the “Project”).

Section 2. That the transfer and appropriation of \$40,000 from the unappropriated surplus of Avondale Equivalent Fund 468 to DCED personnel operating budget account no. 468x162x7100 is authorized to provide staffing resources to support the Project.

Section 3. That Council declares that the expenditures from DCED non-personnel operating budget account no. 468x162x7200 and DCED personnel operating budget account no. 468x162x7100 relating to the Project are for a public purpose and constitute a “Housing Renovation” (as defined in Section 5709.40(A)(3) of the Ohio Revised Code) that will benefit and/or serve the District 21 - Avondale Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

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

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to make the resources available to the developer for the established sale closing

deadline and to close the financing gap and mitigate rising Project construction costs, so the City can increase its stock of affordable housing units.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

September 5, 2024

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202401947

Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with Supreme Bright Cincinnati, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Supreme Bright Cincinnati, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 105 E. 4th Street in the Central Business District of Cincinnati, in connection with the remodeling of an existing building into (i) approximately 490,789 square feet of commercial space, consisting of an approximately 280-room hotel with meeting and ballroom space, and a restaurant/bar; and (ii) approximately 27,936 square feet of residential space, consisting of approximately sixteen residential rental units, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold, or Platinum standard or Living Building Challenge standards, at a total construction cost of approximately \$102,000,000.

STATEMENT

HOTELS: The addition of these hotel rooms will relieve Cincinnati’s existing and worsening hotel demand issue; a healthy hotel room supply benefits residents by increasing tourist’s spending within city-limits instead of regional alternatives and decreasing necessity for the widespread proliferation of short-term-rentals (STR), ultimately allowing for more STR to long-term housing conversion.

BACKGROUND/CURRENT CONDITIONS

In 2018, Supreme Bright Cincinnati, LLC (“the Developer”) applied for and was granted a 15-year, net 60% LEED CRA for a hotel project at 105 E. 4th Street in the Central Business District. The property is commonly known as the Fourth and Walnut Centre. As originally proposed, the project would’ve resulted in a 349-room, dual-brand Canopy & IHG Hotel, along with a 135,315 sq. ft. parking garage. The proposed total project cost was around \$67 million and would’ve resulted in the creation of 116 permanent jobs at \$3 million in annual payroll.

Due to rising construction costs, the COVID-19 pandemic, and issues with financing, the Developer was unable to commence construction on the project in a timely manner. The City granted the Developer multiple extensions on the project completion deadline, but ultimately opted to move for mutual termination of the CRA agreement in July of 2023. A termination agreement for the 2018 CRA was executed in July of 2024.

Both the City and the Developer have remained committed to the project, however. The Developer re-engaged DCED in late 2023 with revised project plans and applied for a new CRA tax abatement. DCED has worked closely with the Developer throughout the review process to ensure the project is well-positioned to move forward.

The Developer now intends to deliver a 280-room luxury hotel at a total project cost of \$174 million. As proposed, the project will include a Presidential Suite, two Junior Suites, 11 Single Bedroom Suites, a 13,500 square foot ballroom, a three-meal restaurant and bar that will be accessible to the public, a 244-stall parking garage, and 16 high-end multifamily residential units.

DEVELOPER INFORMATION

Supreme Bright Cincinnati, LLC is a subsidiary of NewcrestImage, a premier hotel investment firm operating out of Grapevine, Texas. NewcrestImage was established in 2013 following the merger of two family-owned companies, newcrest Management and Image Hospitality. NewcrestImage is led by Mehul Patel, who built the firm from the ground up upon immigrating to the United States in 1990. To date, the company has handled over 270 hospitality transactions, valued at more than \$2.7 billion. The firm continues to grow and has acquired 75 hotels in the last year alone.

Examples of projects completed by NewcrestImage include the AC Hotel/Residence Inn by Marriott Dallas, located at 1712 Commerce Street in Dallas, Texas, and the Hampton Inn & Suites Downtown Dallas, located at 1700 Commerce Street. Both projects included the adaptive reuse of historic structures.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

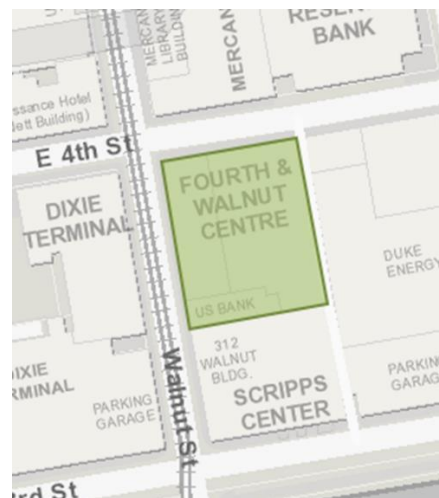
Attachment: Project Outline and Proposed Incentive

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

Project Outline

Project Name	Fourth and Walnut Centre
Street Address	105 E. 4 th Street
Neighborhood	Downtown
Property Condition	Primarily Vacant Building
Project Type	Renovation
Project Cost	Hard Construction Costs: \$117,908,342 Acquisition Costs: \$19,674,634 Soft Costs: \$37,129,604 Total Project Cost: \$174,712,580
Private Investment	Private Financing: approx. \$88,431,256 or 75% of total construction costs Developer Equity: approx. \$40,300,081
Sq. Footage by Use	Commercial (Hotel): 490,789 SF Residential: 27,936 SF
Number of Units and Rent Ranges	280 Hotel Rooms; Avg. Daily Rate \$298.56 - Includes 1 Presidential Suite, 2 Junior Suites, and 11 Singel Bedroom Suites 16 2-BR Units; Rent Range \$4,466/month
Median 1-BD Rent Affordable To	Salary: \$178,640 City Job Classification: City Manager, Dental Director
Jobs and Payroll	Created FTE Positions: 381 Total Payroll for Created FTE Positions: \$19,570,624 Average Salary for Created FTE Positions: \$51,366 Construction FTE Positions: 498 Total Payroll for Construction FTE Positions: \$27.4 MM
Location and Transit	Located within the Central Business District Walk Score: 97 Transit Score: 80 Bike Score: 57
Community Engagement	None
Plan Cincinnati Goals	Compete Initiative Area Goal 2 (p. 114-120), Sustain Initiative Area Goal 2 (p.193-198)

Project Image and Site Map



Proposed Incentive

Incentive Terms	15-year, net 52%
Incentive Application Process	LEED Commercial CRA – Downtown Streetcar Area
“But For”	Y5 Without Abatement: 11% rate of return (stabilized) Y5 With Abatement: 14% rate of return (stabilized)
Environmental Building Certification	LEED Silver
VTICA	Streetcar VTICA – 15%
SBE/MBE/WBE Goals	SBE Goal of 30%

Potential Taxes Forgone & Public Benefit

Taxes Forgone	Value
Annual Net Incentive to Developer	\$924,687
Total Term Incentive to Developer	\$13,870,305
City's Portion of Property Taxes Forgone (Term)	\$3,748,486
City's TIF District Revenue Forgone (Term)	\$0

Public Benefit		Value
CPS PILOT	Annual	\$586,821
	Total Term	\$8,802,309
VTICA	Annual	\$266,737
	Total Term	\$4,001,050
Income Tax Total Term (Maximum)		\$6,272,044
Total Public Benefit (CPS PILOT, VTICA, Income Tax)		\$19,075,403

Total Public Benefit ROI*	\$1.38
City's ROI**	\$1.67

* This figure represents the total dollars returned for public purposes (City/Schools/Other) over the benefit received.

**This figure represents the total dollars returned for City/ over the City's property taxes forgone.

For Reference: 2024 Cincinnati MSA Area Median Income Limits

AMI	1	2	3	4	5	6	7	8
30%	\$22,050	\$25,200	\$28,350	\$31,450	\$34,000	\$36,500	\$39,000	\$41,550
50%	\$36,700	\$41,950	\$47,200	\$52,400	\$56,600	\$60,800	\$65,000	\$69,200
60%	\$44,040	\$50,340	\$56,640	\$62,880	\$67,920	\$72,960	\$78,000	\$83,040
80%	\$58,700	\$67,100	\$75,500	\$83,850	\$90,600	\$97,300	\$104,000	\$110,700

EMERGENCY

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- 2024

APPROVING, AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Supreme Bright Cincinnati, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 105 E. 4th Street in the Central Business District of Cincinnati, in connection with the remodeling of an existing building into (i) approximately 490,789 square feet of commercial space, consisting of an approximately 280-room hotel with meeting and ballroom space, and a restaurant/bar; and (ii) approximately 27,936 square feet of residential space consisting of approximately sixteen residential rental units, which remodeling 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 remodeling cost of approximately \$102,000,000.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council by Ordinance No. 274-2017 passed on September 27, 2017, designated the area within the corporate boundaries of the City of Cincinnati as a “Community Reinvestment Area” pursuant to Ohio Revised Code (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by Council on October 31, 2018, (as amended, the “Commercial Policy Ordinance”), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

WHEREAS, to encourage the development of real property in a more environmentally-friendly manner, the Commercial Policy Ordinance incentivizes: (i) construction and remodeling to Leadership in Energy and Environmental Design (“LEED”) standards (as defined by the U.S. Green Building Council); and (ii) construction and remodeling that obtains (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (collectively, “LBC” standards), all pursuant to the Statute; and

WHEREAS, effective October 23, 2017, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute; and

WHEREAS, Supreme Bright Cincinnati, LLC (the “Company”) desires to remodel an existing building into (i) approximately 490,789 square feet of commercial space, consisting of an approximately 280-room hotel with meeting and ballroom space, and a restaurant/bar; and (ii) approximately 27,936 square feet of residential space consisting of approximately sixteen residential rental units on real property at 105 E. 4th Street located within the corporate boundaries of the City of Cincinnati, to LEED or LBC standards (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

WHEREAS, to provide an appropriate development incentive for the Improvements, the City Manager has recommended a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge), in substantially the form of Attachment A to this ordinance, to authorize a real property tax exemption for the Improvements in accordance with the Statute; and

WHEREAS, the property is located within the Cincinnati City School District; and

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain Tax Incentive Agreement effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to 100 percent of Community Reinvestment Area projects, waived advance notice and the right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

WHEREAS, pursuant to the Board of Education Agreement, the Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to 33 percent of the exempt real property taxes; and

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$924,687; and

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

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

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

Section 1. That Council approves a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Supreme Bright Cincinnati, LLC (the “Agreement”), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 105 E. 4th Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into (a) approximately 490,789 square feet of commercial space, consisting of an approximately 280-room hotel with meeting and ballroom space, and a restaurant/bar, and (b) approximately 27,936 square feet of residential space consisting of approximately sixteen residential rental units, to be constructed in compliance with Leadership in Energy and Environmental Design Silver, Gold, or Platinum standards (as defined by the U.S. Green Building Council) or Living Building Challenge standards (as described in the Agreement and as determined by the International Living Future Institute and the Cascadia Green Building Council, as applicable) at a total remodeling cost of approximately \$102,000,000.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the “City”) in substantially the form of Attachment A to this ordinance;
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (iii) to take all necessary and proper actions to fulfill the City’s obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the

corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Community Reinvestment Area Tax Exemption Agreement
(LEED or Living Building Challenge)

This Community Reinvestment Area Tax Exemption Agreement (this “Agreement”) is made and entered into as of the Effective Date (as defined on the signature page hereof) by and between the CITY OF CINCINNATI, an Ohio municipal corporation (the “City”), and SUPREME BRIGHT CINCINNATI, LLC, a Delaware limited liability company (the “Company”).

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the “Statute”).
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director’s determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, Ordinance No. 24-2022, passed on February 2, 2022, and Ordinance No. 28-2024, passed on January 31, 2024 (as amended, the “Commercial Policy Ordinance”), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Pursuant to the Commercial Policy Ordinance, a project that is constructed or remodeled to (1) Leadership in Energy and Environmental Design (“LEED”) Silver, Gold or Platinum standards (as defined by the U.S. Green Building Council), or (2) receives a (a) Living Building Challenge Net Zero certification, (b) Living Building Challenge Full certification, or (c) solely in circumstances where the construction or remodeling complies with the requirements of the “Energy Petal” of the Living Building Challenge, Living Building Challenge Petal certification, in each case as defined by the International Living Future Institute and the Cascadia Green Building Council (such qualifying remodeling or construction is referred to, collectively, as “LBC” remodeling or construction), may qualify for a longer term and/or greater abatement.
- E. The Company is the sole owner of certain real property within the City, located at 105 E. 4th Street, Cincinnati, Ohio 45202 (the “Property”), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the “Excluded Property”), and the Company acknowledges and agrees that the City’s Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- F. The Company has proposed the remodeling of a building located on the Property to LBC standards or LEED Silver, Gold or Platinum standards, as defined by the U.S. Green Building Council, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the “Project”); provided that the appropriate development incentives are available to support the economic viability of the Project.

- G. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- H. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- I. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- J. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- K. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- L. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- M. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- N. The Company represents that within the past three (3) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- O. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- P. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.

- Q. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.
- R. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.
- S. This Agreement has been authorized by Ordinance No. _____-2024, passed by Cincinnati City Council on _____, 2024.
- T. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

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

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building into approximately 490,789 square feet of commercial space consisting of an approximately 280-room hotel with meeting and ballroom space, and a restaurant/bar, and approximately 27,936 square feet of residential space consisting of 16 multi-family units on the Property (the "Improvements") at an estimated aggregate cost of \$102,000,000 to commence after the execution of this Agreement and to be completed no later than March 31, 2027; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code and zoning regulations, as well as complying with LBC standards or LEED Silver, Gold or Platinum standards, as defined by the U.S. Green Building Council. The Company hereby represents that either or both of the following clauses (a) and (b) are true: (a) it has registered with the U.S. Green Building Council with intent to certify compliance with LEED Silver, Gold or Platinum standards, or (b) it has registered with the International Living Future Institute and/or the Cascadia Green Building Council with intent to certify compliance with LBC standards. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of 100% of the amount by which the Improvements increase the assessed

value of the Property as determined by the Hamilton County Auditor, for a period of 15 years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption, (D) compliance with LBC standards or LEED Silver, Gold or Platinum standards, as defined by the U.S. Green Building Council, and (E) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2028 nor extend beyond the earlier of (i) tax year 2042 or (ii) the end of the fifteenth (15th) year of exemption.

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

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

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(B)(4), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 11 U.S.C. §101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City

and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

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

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(B)(7), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

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

Section 11. Small Business Enterprise Program.

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

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources. The Company must advertise, on at least two separate occasions, both in local minority publications and in other local newspapers of general circulation, invitations to SBEs to provide services, to supply materials, or to bid on construction contracts, as applicable.
- (iii) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.
- (iv) If any subcontracts are to be let, the Company shall require the prime contractor (if different from the Company) to take the above affirmative steps.
- (v) Prior to the commencement of work under any subcontracts, the Company shall provide to the City a list of such subcontractors, including information as to the dollar amount of the subcontracts and such other information as may be requested by the City. The Company shall update the report monthly.

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

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

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

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 381 full-time permanent jobs and (ii) 498 full-time temporary construction jobs, at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$19,570,624 of additional annual payroll with respect to the full-time permanent jobs and (ii) \$27,443,764 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

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

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

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

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

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B)(7), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the

certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(B)(5) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

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

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (C) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

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

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

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

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(C), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of three (3) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(C).

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

To the City:

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

To the Company:

Supreme Bright Cincinnati, LLC
Attention: Mital Patel, Vice President and Secretary
1785 State Highway 26, Suite 400
Grapevine, Texas 76051

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

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

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

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

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

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

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

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(B)(6), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board

of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

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

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

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

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

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

Section 36. Wage Enforcement.

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

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

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

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions

in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

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

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

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

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

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

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature.

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

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

CITY OF CINCINNATI,
an Ohio municipal corporation

SUPREME BRIGHT CINCINNATI, LLC,
a Delaware limited liability company

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2024

By: _____

Printed Name: _____

Title: _____

Date: _____, 2024

Authorized by resolution dated _____

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

Exhibit A to CRA Agreement

LEGAL DESCRIPTION OF PROPERTY

Property Address: 105 E. 4th Street, Cincinnati, Ohio 45202
Parcel ID No.: 083-0001-0197-00

Situated in the City of Cincinnati, County of Hamilton, State of Ohio, described as follows:

Situated in the City of Cincinnati, County of Hamilton, State of Ohio, lying and being at the Southeast corner of Fourth and Walnut Streets, being the Northern 39.33 feet, more or less, of In-Lot 136 and all of In-Lots 137 and 138 of the original plan of Cincinnati and being more particularly described as follows:

Beginning at the Southeast corner of Fourth and Walnut Streets; thence Eastwardly along the South line of Fourth Street, North 73 deg. 20' East, 194.31 feet to the Southwest corner of Fourth Street and Berning Place; thence Southwardly along the West line of Berning Place, South 16 deg. 54' East, 237.22 feet to a point; thence Westwardly on a line within the walls adjoining, said line being along the Southerly face of the Fourth and Walnut Centre Building (formerly Clopay Building) wall and the Northerly face of the 312 Walnut Building (formerly a 4-story brick garage building) to the South, South 73 deg. 27' West, 194.59 feet to a point in the East line of Walnut Street; thence Northwardly along the East line of Walnut Street, North 16 deg. 50' West, 236.82 feet to the Southeast corner of Fourth and Walnut Streets and the point of beginning.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED



202401922

Seth Walsh
Councilmember

8/21/24

MOTION

To Provide a Report and Policy Update on Small Business Support During City Construction

WE MOVE that the Administration prepare a report and updated policy within 30 days for supporting small businesses during road closures.

STATEMENT

The repairs along and adjacent to Columbia Parkway have caused unintentional and unintended harm to the surrounding businesses. Repairs are a necessary and normal part of city business, but when road closure signs go up, starting with the “road closed ahead” sign, potential patrons can be confused as to whether businesses are open along the road construction and closure.

We are seeking an updated policy by the Administration to ensure that we reduce the impact to small businesses as much as possible, starting with the “road closed ahead” sign. This policy should include regular, proactive communication on the progress of the work and timeline to the impacted businesses along the construction and closure and updated signage starting with the first “road closed ahead” sign to make clear which businesses are open during the construction.

This report should also explore any potential opportunities to create grants or loans for impacted businesses.

Councilmember Seth Walsh

September 10, 2024

To: Members of the Equitable Growth and Housing Committee
From: Sheryl M. M. Long, City Manager
Subject: Emergency Ordinance – Approving a Major Amendment to the Concept Plan and Development Program Statement Governing Planned Development No. 38

202401927

Transmitted is an Emergency Ordinance captioned:

APPROVING a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood.

The City Planning Commission recommended approval of the designation at its August 16, 2024 meeting.

Summary

MBL DerbyCity Development LLC, on behalf of LDG Development, has submitted an application for a Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 – The Villages of Daybreak in Bond Hill. This request is to facilitate the construction of a 150-unit affordable housing development using LIHTC credits at 1931 E. Seymour Avenue. The currently approved Concept Plan and Development Program Statement proposes 43 attached condominium units, which were never developed. The site is currently vacant.

The City Planning Commission recommended the following on August 16, 2024 to City Council:

ADOPT the Department of City Planning and Engagement Findings as detailed in this report; and

APPROVE the proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in this report.

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

EMERGENCY

DBS

-2024

APPROVING a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood.

WHEREAS, MBL DerbyCity Development, LLC (“DerbyCity”), owns or controls certain real property located at 1931 E. Seymour Avenue in the Bond Hill neighborhood (“Property”), which property Council rezoned to Planned Development District No. 38 (“PD-38”), pursuant to Ordinance No. 0368-2004 adopted on November 24, 2004; and

WHEREAS, the original concept plan and development program statement for PD-38 provided for the construction of ten five-unit, multi-family buildings on the Property; and

WHEREAS, DerbyCity has petitioned the City to approve a major amendment to the PD-38 concept plan and development program statement to include the construction of a new multi-family development at the Property, including two buildings with a total of 150 residential dwelling units consisting of one, two, and three bedroom units, 190 surface parking spaces, a clubhouse, a playground, and a six-foot privacy fence surrounding the Property; and

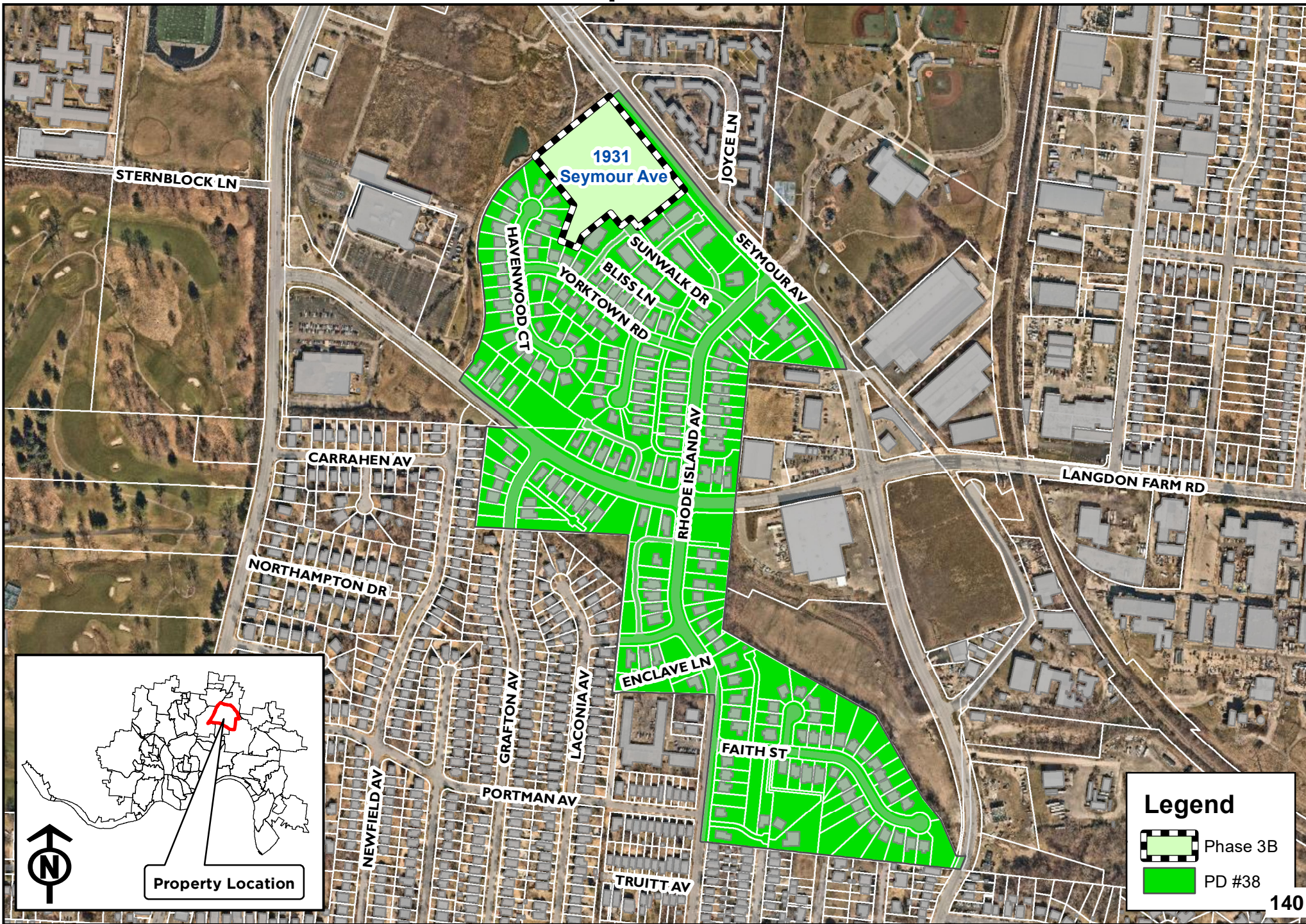
WHEREAS, the proposed residential units will be reserved for residents earning 50-70% of the Area Median Income and DerbyCity is applying for financial assistance through the Ohio Housing Finance Agency for Low-Income Housing Tax Credits to increase the supply of quality affordable rental housing in the City; and

WHEREAS, at its regularly scheduled meeting on August 16, 2024, the City Planning Commission recommended approval of the proposed major amendment to the concept plan and development program statement for PD-38; and

WHEREAS, a committee of Council held a public hearing on the major amendment to the concept plan and development program statement for PD-38 following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved the major amendment, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the proposed major amendment to the concept plan and development program statement for PD-38 is in accordance with the “Live” goal to “[p]rovide a full spectrum of housing options and improve housing quality and affordability” and to “[o]ffer housing options of varied sizes and types for residents at all stages of life” as described on pages 164 and 169 of Plan Cincinnati (2012); and

Proposed Major Amendment to the Concept Plan & Development Program Statement and a Final Development Plan for PD #38 in Bond Hill



Legend



-  Phase 3B
-  PD #38

EXHIBIT A

Legal Description 4.3112 Acre Tract

Situated in Section 6, Township 3, Fractional Range 2, Between the Miami's, City of Cincinnati, Mill Creek Township, Hamilton County, Ohio and being part of the lands of Allen Temple-Tryed Stone Development, Ltd. as conveyed in O.R. 9698, Page 2460 of the Hamilton County Recorder's Office, being more particularly described as follows:

Beginning at a found 5/8" iron pin (capped Hartig #8765) at the northwest corner of The Villages of Daybreak, Phase 2, as recorded in Plat Book 395, Page 47, also being on the southerly right of way line of Seymour Avenue (100');

- Thence, from said point of beginning, departing the southerly line of said Seymour Avenue, and with the westerly line of said The Villages of Daybreak, Phase 2, South 51° 19' 05" West, 243.29 feet to a found cross notch on the northerly right of way line of Sunwalk Drive (50');
- Thence, with said northerly line of Sunwalk Drive, North 38° 40' 55" West, 46.70 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, with the terminus of said Sunwalk Drive, South 51° 19' 05" West, 50.00 feet to a found 5/8" iron pin (capped Hartig #8765) on the southerly line of Sunwalk Drive;
- Thence, with the north line of Lot 75 of said The Villages of Daybreak, Phase 2, North 38° 40' 55" West, 67.99 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, South 51° 19' 05" West, 148.28 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, South 22° 52' 26" West, 52.08 feet to a found 5/8" iron pin (capped Hartig #8765) on the north line of Lot 121 of The Villages of Daybreak, Phase 3A as recorded in Plat Book 404, Page 31;
- Thence, with said north line of Lot 121, North 67° 07' 34" West, 44.25 feet to a found 5/8" iron pin (capped Hartig #8765);
- Thence, North 70° 00' 49" West, 28.21 feet to a found 5/8" iron pin (capped Hartig #8765) at the southeast corner of Lot 117, The Villages of Daybreak, Phase 3A;
- Thence, with the common line of The Villages of Daybreak, Phase 3A, North 19° 59' 02" East, 156.07 feet to a found 5/8" iron pin (no cap) at a corner of Lot 115;
- Thence, with the northerly line of said Lot 115 and Lot 114, North 38° 40' 55" West, 254.40 feet to a found 5/8" iron pin (capped CLS #6930) on the easterly line of Port of Greater Cincinnati Development Authority, as conveyed in O.R. 12255, Page 1626;
- Thence, with said Port of Greater Cincinnati Development Authority line, North 51° 19' 05" East, 389.80 feet to a found 5/8" iron pin (capped Hartig #8765) at the northeast corner of Port of Greater Cincinnati Development Authority, as conveyed in O.R. 12258, Page 1749, also being on the southerly right of way line of said Seymour Avenue;
- Thence, with said south line of Seymour Avenue, South 38° 40' 55" East, 488.45 feet to the point of beginning, containing 4.3112 acres of land, more or less, and subject to all easements and rights of way of record.

Basis of Bearings: NAD83 (2011) Ohio State Plane Coordinates, South Zone (3402).

The above description was prepared from a survey made by Ct Consultants on August 16, 2021 under the direction of Terry W. Cook, Professional Surveyor #7950 in the State of Ohio.

All set iron pins are 5/8" x 30" with ID cap "CT Cons. Cook OH PS 7950"

SEYMOUR STATION

1931 SEYMOUR AVE., CINCINNATI, OH 45237



LDG
DEVELOPMENT



PRELIM DESIGN

SEYMOUR STATION

1931 SEYMOUR AVE.,
CINCINNATI, OH 45237

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BERARDI + PARTNERS, LLC
ARCHITECTS AND ENGINEERS
ALL RIGHTS RESERVED

THE ARRANGEMENTS DEPICTED HEREIN ARE THE SOLE PROPERTY OF BERARDI + PARTNERS, LLC ARCHITECTS AND ENGINEERS, AND MAY NOT BE REPRODUCED WITHOUT ITS WRITTEN PERMISSION

NOTE:
1. ALL BIDDERS SHALL VISIT THE SITE AND BECOME FAMILIAR WITH THE EXISTING CONDITIONS AND REQUIREMENTS OF THE PROJECT AND SHALL NOTIFY THE ARCHITECT OF ANY ERRORS AND OMISSIONS SUBSEQUENTLY DISCOVERED IN THE CONTRACT DOCUMENTS.
2. THE CONTRACT DOCUMENTS ARE COMPRISED OF THE DRAWINGS AND THE PROJECT MANUAL IN THEIR ENTIRETY. THE INFORMATION IN THESE DOCUMENTS IS DEPENDENT UPON AND COMPLEMENTARY OF EACH OTHER.
3. SEPARATION OF THE CONTRACT DOCUMENTS SHALL NOT BE PERMITTED. IF THE CONTRACTOR CHOOSES TO SEPARATE THE DOCUMENTS, THEY DO SO AT THEIR OWN RISK AND EXPENSE.
4. ADDITIONALLY, SEE GENERAL INFORMATION ON "14" SHEETS.
5. THE CLIENT ACKNOWLEDGES THE CONSULTANTS (ARCHITECT) DRAWINGS AND SPECIFICATION INCLUDING ALL DOCUMENTS ON ELECTRONIC MEDIA AS INSTRUMENTS OF THE CONSULTANTS (ARCHITECT) PROFESSIONAL SERVICE. THE CLIENT SHALL NOT REUSE OR MAKE OR PERMIT TO BE MADE ANY MODIFICATION TO THE DRAWINGS AND SPECIFICATIONS WITHOUT THE PRIOR WRITTEN AUTHORIZATION OF THE CONSULTANT (ARCHITECT). THE CLIENT AGREES TO WAIVE ANY CLAIM AGAINST THE CONSULTANT (ARCHITECT) ARISING FROM ANY UNAUTHORIZED TRANSFER, REUSE OR MODIFICATION OF THE DRAWINGS AND SPECIFICATIONS.
6. ARCHITECT CANNOT WARRANT THE ACCURACY OF DATA CONTAINED HEREIN. ANY USE OR REUSE OF ORIGINAL OR ALTERED CAD/DWG DESIGN MATERIALS BY THE USER OR OTHER PARTIES WITHOUT THE REVIEW AND WRITTEN APPROVAL OF THE ARCHITECT SHALL BE AT THE SOLE RISK OF THE USER. FURTHERMORE, USER AGREES TO DEFEND, INDEMNIFY, AND HOLD ARCHITECT HARMLESS FROM ALL CLAIMS, INJURIES, DAMAGES, LOSSES, EXPENSES, AND ATTORNEY'S FEES ARISING OUT OF THE MODIFICATION OR REUSE OF THESE MATERIALS.
7. THESE DRAWINGS AS PART OF THE CONTRACT DOCUMENTS ARE DIAGNOSTIC AND ARE NOT INTENDED TO BE EXACT QUANTITIES. LOCATIONS OR CODIFIED REQUIREMENTS THE DRAWINGS SHALL NOT BE SCALED. EXACT STATE AND LOCAL CODE REQUIREMENTS AND OTHER APPLICABLE CODE REQUIREMENTS SHALL BE VERIFIED BY AND ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. ANY INFORMATION WHICH DIRECTLY CONFLICTS WITH ANY OF THESE CODES OR ANY DISCREPANCIES FOUND IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT ARCHITECT.

location map



drawing index CSR

Sheet Number	Sheet Name	CSR 01-18-24	TECH CSR 03-28-24	TECH CSR 06-13-24	CSR MTG - 8-16-24
A.000	COVER SHEET	*	*	*	*
A.100	AERIAL SITE PLAN	*	*	*	*
A.110	BUILDING 1 FLOOR PLANS	*	*	*	*
A.112	BUILDING 2 FIRST FLOOR PLAN	*	*	*	*
A.113	BUILDING 2 SECOND THROUGH FOURTH FLRS	*	*	*	*
A.115	CLUBHOUSE FLOOR PLAN	*	*	*	*
A.128	BUILDING 1 ROOF PLAN	*	*	*	*
A.129	BUILDING 2 ROOF PLAN	*	*	*	*
A.201	BUILDING 1 EXT. ELEV. - RENDERINGS	*	*	*	*
A.202	BUILDING 2 EXT. ELEV. - RENDERINGS	*	*	*	*
A.203	BUILDING 1 EXT. ELEV. - TECHNICAL	*	*	*	*
A.204	BUILDING 2 EXT. ELEV. - TECHNICAL	*	*	*	*

LDG - BLDG 1 UNIT COUNT MIX

UNIT TYPE w/ balcony	Count
1BDRM	12
2BDRM	18
2BDRM END UNIT	6
3BDRM GRNK	6
3BDRM	12
TOTAL	54

LDG - BLDG 2 UNIT COUNT MIX

UNIT TYPE w/ balcony	Count
1BDRM	32
2BDRM	40
2BDRM GRNK	4
3BDRM	20
TOTAL	96

BUILDING AREA BY LEVEL BUILDING 1

Name	Area
Building 1	
1ST FLOOR	
1A1	754 SF
1B1	2,297 SF
2B1	7,045 SF
3A1	1,162 SF
3B1	1,162 SF
3B2	4,808 SF
CORRIDOR	2,638 SF
ELEV.	126 SF
MECH.	265 SF
PATIO	1,161 SF
STAIR	343 SF
STORAGE	0 SF
TRSH.	64 SF
1ST FLOOR	21,836 SF
2ND FLOOR	
1B1	3,011 SF
2A1	882 SF
2B1	6,163 SF
3A2	1,202 SF
3B1	2,325 SF
3B2	3,601 SF
BALCONY	1,161 SF
CORRIDOR	2,638 SF
MECH.	265 SF
STAIR	343 SF
STORAGE	126 SF
TRSH.	64 SF
2ND FLOOR	21,836 SF
3RD FLOOR	
1B1	3,011 SF
2B1	5,218 SF
2B2	1,761 SF
3A2	1,202 SF
3B1	2,325 SF
3B2	3,601 SF
BALCONY	1,161 SF
CORRIDOR	2,638 SF
MECH.	324 SF
STAIR	343 SF
STORAGE	126 SF
3RD FLOOR	21,836 SF
TOTAL W/ PATIO/BALC.	65,509 SF
TOTAL W/OUT PATIO/BALC.	62,007 SF

BUILDING AREA BY LEVEL BUILDING 2

Name	Area
Building 2	
1ST FLOOR	
1A1	745 SF
1B1	5,214 SF
2A1	882 SF
2A2	1,244 SF
2B1	7,958 SF
3A2	1,202 SF
3B2	4,808 SF
CORRIDOR	2,911 SF
ELEV.	152 SF
MECH.	260 SF
PATIO	1,338 SF
STAIR	656 SF
TRSH.	64 SF
1ST FLOOR	27,518 SF
2ND FLOOR	
1B1	5,954 SF
2A1	884 SF
2B1	7,943 SF
2B2	1,244 SF
3A2	1,203 SF
3B2	4,808 SF
BALCONY	1,338 SF
CORRIDOR	2,911 SF
ELEV.	152 SF
MECH.	63 SF
STAIR	656 SF
TRSH.	64 SF
2ND FLOOR	27,321 SF
3RD FLOOR	
1B1	5,954 SF
2A1	884 SF
2B1	7,943 SF
2B2	1,244 SF
3A2	1,203 SF
3B2	4,808 SF
BALCONY	1,338 SF
CORRIDOR	2,911 SF
ELEV.	152 SF
MECH.	63 SF
STAIR	656 SF
TRSH.	64 SF
3RD FLOOR	27,321 SF
4TH FLOOR	
1B1	5,954 SF
2A1	884 SF
2B1	9,181 SF
3A2	1,203 SF
3B2	4,808 SF
BALCONY	1,338 SF
CORRIDOR	2,911 SF
ELEV.	152 SF
MECH.	63 SF
STAIR	656 SF
TRSH.	64 SF
4TH FLOOR	27,321 SF
TOTAL W/ PATIO/BALC.	109,481 SF
TOTAL W/OUT PATIO/BALC.	104,124 SF

perspective



BUILDING AREA BY LEVEL CLUBHOUSE

Name	Area
1ST FLOOR	
ASST. MGR.	146 SF
COMMUNITY	129 SF
KITCHEN	418 SF
COMMUNITY ROOM	418 SF
CORR.	276 SF
FILE STORAGE	9 SF
FITNESS	264 SF
IT. CLOS.	24 SF
LEASING AREA	315 SF
MAIL ROOM	372 SF
MAINTENANCE	168 SF
MANAGER	148 SF
MECH.	64 SF
PANTRY	74 SF
RESTROOM	135 SF
SERVICE COORD.	150 SF
VESTIBULE	202 SF
WATER ROOM	173 SF
WORK ROOM	174 SF
TOTAL	3,241 SF

site plan



PROJECT INFORMATION

PROJECT TYPE: NEW CONSTRUCTION
ADDRESS: 1931 SEYMOUR AVE., CINCINNATI, OH 45237
COUNTY: HAMILTON
CLIMATE ZONE: 6A
SEISMIC ZONE: SEISMIC DESIGN CATEGORY B; SITE CLASS D
DESIGN WIND SPEED: 10 NOMINAL
FEMA FLOOD ZONE: n8
USE GROUP: R2
CONSTRUCTION TYPE: 5A
SPRINKLER SYSTEM SPECIFICATION
BLDG 1: NFPA 13R
BLDG 2: NFPA 13R
CLUBHOUSE: NFPA 13

BUILDING CODE ANALYSIS

APPLICABLE BUILDING CODES:
CODE LIST IS NOT NECESSARILY EXHAUSTIVE OF ALL AHJs

2024 OHIO BUILDING CODE
2024 OHIO PLUMBING CODE
2024 OHIO MECHANICAL CODE
2024 NATIONAL ELECTRIC CODE - NFPA 70
2015 INTERNATIONAL FUEL GAS CODE
SAFE HARBOR
ANSI A117.1/2011
2012 INTERNATIONAL ENERGY CONSERVATION CODE
2010 ASHRAE 90.1
NATIONAL FIRE ALARM & SIGNALING CODE - NFPA 12-16
AUTOMATIC SPRINKLER SYSTEMS - NFPA 13R
2024 OHIO FIRE CODE

OHIO ADMINISTRATIVE CODE
CITY OF CINCINNATI BUILDING & ZONING ORDINANCES
CODE LIST IS NOT NECESSARILY EXHAUSTIVE OF ALL CODES HAVING JURISDICTION

USE & OCCUPANCY CLASSIFICATION (CHAPTER 9):

GROUND FLOOR [R-2](OCCUPANCY)
SECOND FLOOR [R-2](OCCUPANCY)
THIRD FLOOR [R-2](OCCUPANCY)
FOURTH FLOOR [R-2](OCCUPANCY)

architect:
Berardi + Partners, LLC
Columbus, Ohio

civil:
Evans Engineering
Cincinnati, Ohio

NOT FOR CONSTRUCTION

PRELIM DESIGN

PROJECT DATE: 06-26-24
PROJECT #: 23174

#	Description	Date
---	-------------	------

COVER SHEET

A.000

BERARDI+
ARCHITECTURE | INTERIOR DESIGN | ENGINEERING
1398 GOODALE BOULEVARD, COLUMBUS, OHIO 43212
P 614.221.1110 | berardipartners.com



SEYMOUR STATION

1931 SEYMOUR AVE.,
CINCINNATI, OH 45237

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PRELIM DESIGN

PROJECT DATE: 06-26-24
PROJECT #: 23174

#	Description	Date

AERIAL SITE PLAN

A.100

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NOT FOR CONSTRUCTION

Planned Development District 38
Development Program Statement

PD-38 consists of two distinct residential developments.

The first is The Villages of Daybreak, which consists of single-family homes and condominium units that were constructed by Allen Temple-Tryed Stone Development, Ltd., an Ohio limited liability company.

The second is Seymour Station, a multi-family residential development to be constructed by MBL DerbyCity Development, LLC, a Texas limited liability company, on the real property located at 1931 East Seymour Avenue (Hamilton County, Ohio Auditor's Parcel Id. No. 117-0003-0113-00). MBL DerbyCity Development, LLC shall cause 150 residential units to be constructed on the aforementioned property, along with associated utilities, parking areas, and landscaping.

**Honorable City Planning Commission
Cincinnati, Ohio**

SUBJECT: A report and recommendation on a proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill.

GENERAL INFORMATION:

Location: 1931 E. Seymour Avenue, Cincinnati OH, 45237

Petitioner: MBL DerbyCity Development, LLC
1502 Vine Street, 4th Floor, Cincinnati OH, 45202

Owner: Allen Temple-Tryed Stone Development Ltd.
7700 Shawnee Run Road, Cincinnati OH, 45243

Request: A proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, in Bond Hill, to establish a multifamily use and corresponding development parameters at 1931 E. Seymour Avenue.

ATTACHMENTS:

Provided in addition to this report are the following exhibits:

- Exhibit A – PD-38 Concept Plan Map
- Exhibit B – Major Amendment Application
- Exhibit C – Application Cover Letter
- Exhibit D – Amended Development Program Statement
- Exhibit E – Updated Concept Plan
- Exhibit F – Updated Renderings
- Exhibit G – May 2024 Letter to Adjacent Property Owners
- Exhibit H – July 2024 Community Engagement Session Flyer
- Exhibit I – August 2024 Community Engagement Session Flyer
- Exhibit J – September 2023 Draft Community Benefits Agreement
- Exhibit K – Expert Opinion from a Certified Professional Planner
- Exhibit L – Letter from Current Property Owner
- Exhibit M – Conservation Easement
- Exhibit N – Purchase and Sale Agreement
- Exhibit O – Legal Description
- Exhibit P – The Villages of Daybreak Letter of Opposition and Signed Petition
- Exhibit Q – Written Comment

BACKGROUND:

Planned Development #38 (PD-38), The Villages of Daybreak, was established on November 24, 2004 by Ordinance 368-2004, in which City Council approved the zone change and Concept Plan and Development Program Statement. The project consisted of the redevelopment of 60-acres of land formerly occupied by the Huntington Meadows Apartments into roughly 300 units, consisting primarily of detached single-family homes with some condominiums. It also included new utilities, roadways, sidewalks and landscaping, and was to be completed through six total phases. To date, the vast majority of the project has been constructed.

A Final Development Plan for Phases 1-3 was approved by the City Planning Commission on November 19, 2004. The subject property, located at 1931 E. Seymour Avenue, is considered Phase 3B of the project and was

intended to be the last phase constructed. The property consists of 4.3 acres, and the previously approved Final Development Plan proposed 43 attached condominium units, the same as the existing adjacent condo units within the PD. However, this phase was ultimately never constructed, and 1931 E. Seymour Avenue remains vacant.

The petitioner, MBL DerbyCity Development, is an affiliate of LDG Development based in Louisville, KY. The petitioner is currently under contract to purchase the property from Allen Temple-Tryed Stone Development, the developers of the other phases of The Villages of Daybreak. The petitioner's new proposal requires a Major Amendment to the Concept Plan and Development Program Statement of PD-38.

The proposed Major Amendment and accompanying Final Development Plan were reviewed and held at the June 21, 2024 City Planning Commission meeting. The motion to hold the items called for the project to return to the City Planning Commission pending a meeting between the petitioner, residents of The Villages of Daybreak, and The Villages of Daybreak Homeowner's Association (HOA). Two meetings hosted by the petitioner were held on July 2 and August 6 of 2024, and a meeting hosted by the HOA was held on July 13, 2024. The application materials were also revised following the June 21, 2024 public hearing according to feedback from residents; the revisions are outlined in the Proposed Development and Changes to Concept Plan section below.

ADJACENT LAND USE AND ZONING:

The site is currently zoned Planned Development (PD-38). The adjacent zoning and land uses are as follows:

North:

Zoning: Planned Development (PD)
Use: Vacant land (MidPointe Crossing site)

East:

Zoning: Residential Multi-family (RMX)
Use: Multifamily residences (Roselawn Village Apartments)

South:

Zoning: Planned Development (PD-38)
Use: Attached condominiums

West:

Zoning: Planned Development (PD-38)
Use: Single-family residential

PROPOSED DEVELOPMENT AND CHANGES TO CONCEPT PLAN:

The petitioner is proposing to develop the currently vacant site into an affordable multifamily development entitled Seymour Station. The proposed project consists of two multifamily residential buildings, with three stories and 54 units in Building 1 and four stories and 96 units in Building 2. Units will include a mix of one-, two-, and three-bedroom layouts, each with a patio or balcony. The developer is using Low-Income Housing Tax Credits (LIHTC), and units will be affordable to tenants making 50%, 60%, and 70% of the Area Median Income (AMI). In addition to the two residential buildings, the project also includes a clubhouse, playground, and six-foot privacy fence surrounding the property. The proposal includes 190 parking spaces, and the site will be accessed from Seymour Avenue. Emergency vehicles will have additional access through a locked gate where the property meets Sunwalk Drive.

Changes to the original application following the June 21, 2024 City Planning Commission meeting are outlined in the Application Cover Letter (Exhibit C), and include the following: removed the proposed pool, reduced the height of Building 1 from four stories to three, reduced the total unit count from 168 to 150, added an additional 20 parking spaces, included additional landscaping and preserved the existing oak tree on site, replaced the proposed bollards at Sunwalk Drive with a locked gate, and moved the clubhouse location further away from the adjacent single-family homes. Additional materials were also provided, including a letter of professional opinion that the project is compatible and necessary in the City (Exhibit K), and a letter from the current property owner expressing that the current site plan is no longer economically viable (Exhibit L).

The development proposes a change in density and use from the single-family residential proposal established in the previously approved Concept Plan and Development Program Statement. The change is considered a Major Amendment to establish a multi-family use and the corresponding development parameters.

BASIC REQUIREMENTS OF A PLANNED DEVELOPMENT DISTRICT:

According to §1429-05 of the Cincinnati Zoning Code, *Basic Requirements*, PD Districts and development within PD Districts must comply with the following:

- a. **Minimum Area** – *The minimum area of a PD must be two contiguous acres.*

The existing Planned Development consists of 60 contiguous acres.

- b. **Ownership** – *Evidence that the petitioner has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development are required.*

The petitioner has provided the purchase and sale agreement for the property at 1931 E. Seymour Avenue (Exhibit N) with the current owner, Allen Temple-Tryed Stone Development.

- c. **Multiple Buildings on a Lot** – *More than one building is permitted on a lot.*

The proposed Major Amendment includes two residential buildings, a clubhouse building, and a playground on the site.

- d. **Historic Landmarks and Districts** – *Whenever a Planned Development application is filed for a property wholly or partially located within a historic landmark, historic district, or involving a historic structure, the Historic Conversation Board shall advise the City Planning Commission relating to approval of the Final Development Plan.*

No portion of the site is located within a historic district, nor contains any historic landmark.

- e. **Hillside Overlay Districts** – *Whenever a Planned Development application is filed for a property wholly or partially located within a Hillside Overlay District, the City Planning Commission shall approve the Final Development Plan.*

No portion of the site is located within the Hillside Overlay District.

- f. **Urban Design Overlay District** – *Whenever a Planned Development application is filed for a property wholly or partially located within an Urban Design Overlay District, the City Planning Commission shall approve the Final Development Plan.*

No portion of the site is located within an Urban Design Overlay District.

CONCEPT PLAN AND DEVELOPMENT PROGRAM STATEMENT:

According to §1429-09 of the Cincinnati Zoning Code, *Concept Plan and Development Program Statement*, a petition to rezone a property to PD must include a Concept Plan and Development Program Statement. The purpose is to describe the proposed use or uses to be conducted in the PD District. The Concept Plan and Development Program Statement must include text or diagrams that specify:

- a. **Plan Elements** – *A survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage. Additionally, the plan should include the location in general terms, of land areas to be developed, including: type and description of proposed land uses, buildings and structures; street rights-of-way and driveways; parcel boundaries and proposed lots, including set back lines; building heights; pedestrian circulation systems and open space or other facilities; and proposed topography, drainage, landscaping and buffer plantings.*

The petitioner has submitted a proposed Major Amendment to the Concept Plan and Development Program Statement that includes sufficient information regarding proposed uses, building locations, street access, pedestrian circulation systems, and open space and landscaping.

- b. **Ownership** – Evidence that the petitioner has sufficient control over the tract of land to affect the proposed plan, including a list of all ownership and beneficial interests in the tract of land and the proposed development.

The petitioner has provided the purchase and sale agreement for the property at 1931 E. Seymour Avenue (Exhibit N) with the current owner, Allen Temple-Tryed Stone Development.

- c. **Schedule** – Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two-year time period.

The project will be constructed in a single phase.

- d. **Preliminary Reviews** – A preliminary review of geo-technical, sewage, water, drainage and refuse collection.

The project has gone through both Development and Technical Design Reviews available through the City’s Coordinated Site Review Process (see “Coordinated Site Review”).

- e. **Density and Open Space** – Calculations of density and open space area.

The project has a proposed density of 35 units per acre and 30% of the site is set aside as open space (approximately 56,323 square feet).

MAJOR AMENDMENT:

The Cincinnati Zoning Code § 1429-12 allows for amendments to the Concept Plan and Development Program Statement. Major Amendments must be approved by the City Planning Commission and City Council. A Major Amendment to the Concept Plan and Development Program Statement has been requested as the petitioner wishes to change the permitted uses. The Major Amendment includes:

- A change in the uses from single-family residential to multi-family residential
- An increase in density by more than ten percent

FINAL DEVELOPMENT PLAN:

According to §1429-13 *Final Development Plan*, a Final Development Plan must be submitted for any portion of an approved Concept Plan that the petitioner wishes to develop following approval of the Concept Plan and Development Program Statement and the Planned Development (PD) designation by City Council. The Final Development Plan must substantially conform to the approved Concept Plan and Development Program Statement. A Final Development Plan for 1931 E. Seymour Avenue was submitted concurrently with the proposed Major Amendment to the Concept Plan and Development Program Statement. The petitioner has filed for a Final Development Plan, which is filed under a separate request and will be considered as Item 3 on the August 16, 2024 agenda.

COORDINATED SITE REVIEW:

The project was reviewed at the Development Design Review level through the City’s Coordinated Site Review (CSR) process in February of 2024, and the Technical Design Review level in May of 2024; no concerns were identified. The Department of Transportation and Engineering has reviewed the submitted Traffic Impact study for this project and approved its finding that no changes to the existing right-of-way are necessary.

PUBLIC COMMENT AND NOTIFICATION:

A combined notice for the June 5, 2024, Public Staff Conference and the June 21, 2024, City Planning Commission meeting was sent to all property owners within 400 feet of the site, The Villages of Daybreak Homeowner’s Association (HOA), the Bond Hill Community Council, the Roselawn Community Council, and the Bond Hill Roselawn Collaborative.

The June 5, 2024 virtual Public Staff Conference was held for both the proposed Major Amendment and Final Development Plan. There were a total of 11 members of the public in attendance, as well as members of City staff and the development team. Attendees were curious about the level of engagement with the Bond Hill Community Council and The Villages of Daybreak HOA, to which Planning staff and the petitioner explained how the two organizations had been involved in the process to date. There were some concerns about recent instances of surveyors trespassing on the residential properties without notice, which the petitioner addressed. There were a number of questions related to project specifics, including the building design and orientation, the proposed privacy fence along the perimeter of the property, vehicle access, the affordability component, and if the project will be affiliated with The Villages of Daybreak HOA, all of which the petitioner addressed. Attendees seemed generally supportive of the project and the vacant land finally being developed.

A letter of opposition and accompanying petition with 142 signatures was submitted as additional correspondence to the City Planning Commission on June 20, 2024 (Exhibit P). The concerns outlined in the letter included the proposed density of the project, the increased density of rental units in the area, the traffic impact on the neighborhood, noise and light pollution, safety concerns, impact on surrounding property values, and an insufficient level of community engagement. Thirteen members of the public spoke at the June 21, 2024 City Planning Commission hearing in opposition to the project, and both items related to it were held pending further engagement with the community.

A meeting hosted by LDG Development was held on July 2, 2024 with over 50 members of the public and one member of City staff in attendance (flyer is included as Exhibit H). LDG presented information about the company, other projects completed, and an economic analysis of the site. The main concerns expressed by attendees were that the development was incompatible with its surroundings due to the proposed density and increase in rental units abutting a single-family area; the project was not what they were told would be done on the site when they purchased their homes; a desire for ownership products on the site; a potential negative impact on property values; and inadequate engagement with the community by the petitioner. A number of residents were opposed to the affordability component of the project, but not all. Other concerns voiced during the meeting included exacerbated traffic issues on Seymour Avenue, increased noise, and insufficient parking.

The Villages of Daybreak HOA hosted its annual meeting on July 13, 2024, at which the proposed project was discussed. Residents of The Villages of Daybreak and representatives from the applicant team were in attendance, however no members of City staff were present.

Another meeting hosted by LDG Development was held on August 6, 2024 with approximately 50 members of the public and one member of City staff in attendance (flyer is included as Exhibit I). LDG staffed information stations related to various community concerns and answered questions. Resident's questions were primarily about how many of the prospective tenants would be using Section 8 vouchers, the use and hours of the clubhouse, and the safety measures for the property. Residents reiterated concerns about noise, crime and safety, parking, traffic on Seymour, density, and trash management.

Notice of the August 16, 2024 City Planning Commission meeting was sent to all property owners within 400 feet of the site, The Villages of Daybreak HOA, the Bond Hill Community Council, the Roselawn Community Council, and the Bond Hill Roselawn Collaborative. Additionally, email notification was sent to all who attended the June 5, 2024 Public Staff Conference and signed in at the June 21, 2024 City Planning Commission meeting.

The petitioner has outlined all community engagement efforts related to the project thus far in the Application Cover Letter (Exhibit C). The Bond Hill Community Council issued a letter of support for the project in October of 2023, but rescinded the letter in July of 2024. Two pieces of written comment have been received by City staff, both of which are included as Exhibit Q.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed Major Amendment is consistent with the Live Initiative Area of *Plan Cincinnati (2012)*, including the goal to “Provide a full spectrum of housing options,” (p. 164) and the strategy to “Offer housing options of varied sizes and types for residents at all stages of life” (p. 169). The project will bring 168 units of affordable housing to Bond Hill, with a variety of unit sizes and bedrooms to accommodate differing household needs.

Bond Hill + Roselawn Plan (2016)

The proposed Major Amendment is inconsistent with the Future Land Use plan in the *Bond Hill + Roselawn Plan (2016)*, which calls for low density residential use of the site (p. 19). However, during the time since this plan was approved, the property has sat vacant. This indicates that some level of change to the currently approved low-density residential use of the site is necessary to facilitate any new development there.

The project is consistent with the Housing Theme of the *Bond Hill + Roselawn Plan (2016)*, including the goal to “Increase homeownership and diversity of housing options, including expanding access to a variety of market-rate and affordable housing choices in Bond Hill” (p. 15), and the Action Steps to “Increase the quality and diversity of existing rental property” and “Identify private investors to improve existing properties and build new ones” (p. 32). While the proposed development is not increasing homeownership, it addresses the rest of the goal in the Housing Theme by providing affordable rental units to the area with a diversity of sizes and bedroom options. The proposed development will improve the quality of the rental stock in Bond Hill by aligning with the second Action Step to create new, quality rental housing units in the neighborhood on a currently vacant site.

CITY PLANNING COMMISSION ACTION:

According to Section §1429-11(a) of the Cincinnati Zoning Code, City Planning Commission may recommend approval or conditional approval, with restrictions on the establishment of a PD District on finding that all of the following circumstances apply:

1. *The PD concept plan and development program statement are consistent with applicable plans and policies and is compatible with surrounding development;*

The proposal is partially consistent with the Housing Theme of the *Bond Hill + Roselawn Plan (2016)*, and consistent with the Live Initiative Area of *Plan Cincinnati (2012)* (see “Consistency with Plans”). It is also compatible with surrounding development as it is adjacent to lower-density multifamily condominiums to the south, which act as a transition into the low-density single-family housing; the multifamily Roselawn Village Apartments complex to the north; and the proposed high-density, mixed-use Midpointe Crossing site to the west.

2. *The PD concept plan and development program statement enhance the potential for superior urban design in comparison with the development under the base district regulations that would apply if the plan were not approved;*

The proposal is an amendment to an already approved and established Planned Development district. The subject property has sat vacant for decades, indicating that under the current regulations established in the Concept Plan and Development Program Statement, development is infeasible. The proposed amendment allows for an achievable development on the parcel, thus enhancing the district.

3. *Deviations from the base district regulations applicable to the property at the time of the PD application are justified by compensating benefits of the PD concept plan and development program statement;*

The proposal is an amendment to an already approved and established Planned Development. As described above, the fact that the subject property has been vacant and unused for two decades indicates that deviations to the current regulations established in the Concept Plan and

Development Program Statement are necessary to facilitate any new development on the site.

4. *The PD Concept Plan and Development Program Statement includes adequate provisions for utility services, refuse collection, open space, landscaping and buffering, pedestrian circulation, traffic circulation, building design and building location.*

All aspects are covered in the submitted Concept Plan and Development Program Statement and the concurrently submitted Final Development Plan.

ANALYSIS:

The proposed Major Amendment to the Concept Plan and Development Program Statement would establish a new multifamily use at 1931 E. Seymour Avenue located within Planned Development District #38, The Villages of Daybreak, and its associated development parameters. The proposed development would contain two high-density multifamily residential buildings with amenities, compared to the originally proposed attached single-family residences.

The current regulations for the property located at 1931 E. Seymour Avenue as established by the Concept Plan and Development Program Statement, as well as the Final Development Plan for Planned Development #38, have proven unsuccessful in fostering new development on the site since their establishment. This is illustrated by the fact that the property has remained vacant and underutilized for over two decades, despite the completion of all other phases of The Villages of Daybreak development. Thus, some level of change to the Planned Development district for this property is required.

The Seymour Station project proposes a productive development that will provide 150 designated affordable housing units with amenities to Bond Hill, and will complete the last remaining large parcel in The Villages of Daybreak. The petitioner has engaged with the community (including the Bond Hill Community Council, The Villages of Daybreak HOA, and nearby residents) on several occasions, and has revised the project to accommodate a number of their concerns.

FINDINGS:

It is the opinion of staff of the Department of City Planning and Engagement that the proposed Major Amendment to the Concept Plan and Development Program Statement is in compliance with §1429-12 *Amendments to a Planned Development Concept Plan*. The proposal is consistent with the purpose of the Planned Development District Regulations, and the petitioner has successfully met all basic requirements of the Planned Development District. The Major Amendment will not negatively impact the existing character of the surrounding area.

RECOMMENDATION:

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

1. **ADOPT** the Department of City Planning and Engagement Findings as detailed in this report; and
2. **APPROVE** the proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in this report.

Respectfully submitted:

Approved:



Gabrielle Couch, City Planner
Department of City Planning & Engagement

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

September 10, 2024

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

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

APPROVING a major amendment to the concept plan and development program statement governing Planned Development No. 38 to change the density and uses permitted within the planned development to allow for greater density and to facilitate the construction of a new multi-family residential development at 1931 E. Seymour Avenue in the Bond Hill neighborhood.

Summary:

MBL DerbyCity Development LLC, on behalf of LDG Development, has submitted an application for a Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 – The Villages of Daybreak in Bond Hill. This request is to facilitate the construction of a 150-unit affordable housing development using LIHTC credits at 1931 E. Seymour Avenue. The currently approved Concept Plan and Development Program Statement proposes 43 attached condominium units, which were never developed. The site is currently vacant.

The City Planning Commission recommended the following on August 16, 2024 to City Council:

ADOPT the Department of City Planning and Engagement Findings as detailed in this report; and

APPROVE the proposed Major Amendment to the Concept Plan and Development Program Statement for Planned Development #38 (PD-38), The Villages of Daybreak, as outlined in this report.

Motion to Approve:	Mr. Weber	Ayes:	Ms. Beltran
Seconded:	Ms. Beltran		Mr. Samad
			Mr. Weber
		Nays:	Mr. Stallworth

THE CITY PLANNING COMMISSION



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