



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised

Budget and Finance Committee

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

Monday, January 29, 2024

1:00 PM

Council Chambers, Room 300

AGENDA

COMMUNITY REINVESTMENT AREA AGREEMENTS

1. [202400221](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/18/2024, **APPROVING, AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with The Beta Nu of Beta Theta Pi Building Company and the State of Ohio, for the use of the University of Cincinnati, thereby authorizing an eight-year tax exemption for 100 percent of the value of improvements made to real property located at 2630 University Court in the CUF neighborhood of Cincinnati, in connection with the remodeling of an existing building into nine residential units as well as meeting, academic, and social space consisting of approximately 12,690 square feet in aggregate, at a total remodeling costs of approximately \$5,084,640.

Sponsors: City Manager

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

COMMUNITY REINVESTMENT AREA AGREEMENT AMENDMENTS

2. [202400306](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Harris, from Emily Smart Woerner, City Solicitor, **AMENDING** Ordinance No. 275-2017, as previously amended by Ordinance Nos. 339-2018, 370-2020, and 24-2022, regarding the commercial policies of Community Reinvestment Area real property tax exemptions, to set a policy by which Council authorizes the Administration to approve the maximum Community Reinvestment Area real property tax exemption for projects awarded under the Notice of Funding Availability program and/or the Affordable Housing Leverage Fund program, without further approval by Council.

Sponsors: Harris

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

GRANTS

3. [202400292](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 1/24/2024, **AUTHORIZING** the City Manager to apply for and accept a grant from the Federal Emergency Management Agency Building Resilience in Communities Direct Technical Assistance grant program (ALN 97.047) to provide technical assistance on project plans focused on building resilience in communities facing severe storms, landslides, and stormwater challenges.

Sponsors: City Manager

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

4. [202400293](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/24/2024, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$15,000 from the Hamilton County R3Source program, Waste Reduction Innovation Grant, to purchase and install community freezers and associated supplies in Avondale and Millvale; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

Sponsors: City Manager

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

5. [202400291](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/24/2024, **ESTABLISHING** new capital improvement program project account no. 980x234x242384, "Lunken Runway 3L-21R 2024 FAA AIP Grant," for the purpose of decommissioning runway 3L-21R at Lunken Airport; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,400,000 from the Federal Aviation Administration Airport Improvement Program (ALN 20.106) to newly established capital improvement program project account no. 980x234x242384, "Lunken Runway 3L-21R 2024 FAA AIP Grant," for the purpose of decommissioning Runway 3L-21R at Lunken Airport; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x234x242384, "Lunken Runway 3L-21R 2024 FAA AIP Grant."

Sponsors: City Manager

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

6. [202400294](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 1/24/2024, **ESTABLISHING** new capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT,” for the purpose of completing the Red Bank Road Shared Use Path (SUP) project; **AUTHORIZING** the City Manager to accept and appropriate up to \$1,070,173.60 from the Ohio Department of Transportation (“ODOT”) (ALN 20.205) to newly established capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”; **AUTHORIZING** the Director of Finance to deposit ODOT resources in an amount up to \$1,070,173.60 into capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”; **AUTHORIZING** the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Red Bank Road Shared Use Path project; and **AUTHORIZING** the City Manager to do all things necessary to cooperate with the Director of ODOT in order to complete the Red Bank Road Shared Use Path project.

Sponsors: City Manager

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

ADJOURNMENT

January 18, 2024

To: Mayor and Members of City Council

202400221

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing a CRA Tax Exemption Agreement with the Beta Nu of Beta Theta Pi Building Co.

Attached is an Emergency Ordinance captioned:

APPROVING, AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with The Beta Nu of Beta Theta Pi Building Company and the State of Ohio, for the use of the University of Cincinnati, thereby authorizing an eight-year tax exemption for 100 percent of the value of improvements made to real property located at 2630 University Court in the CUF neighborhood of Cincinnati, in connection with the remodeling of an existing building into nine residential units as well as meeting, academic, and social space consisting of approximately 12,690 square feet in aggregate, at a total remodeling cost of approximately \$5,084,640.

STATEMENT

This project provides additional housing units for students at the University of Cincinnati, which continues to set record enrollment and strain the student housing supply. The project will also help improve the existing condition of the building extending the overall life of the structure.

BACKGROUND/CURRENT CONDITIONS

The project is located at 2630 University Court in the CUF neighborhood. Currently, the Beta Nu Chapter of Beta Theta Pi fraternity house provides room and board for 50 University of Cincinnati students and provides meeting, academic, and social facilities for an additional 80 students. The portion of the property that will be demolished and rebuilt was originally constructed in the early 1900s and in disrepair. Once completed, the rebuilt project will be comprised of 9 residential units (1 single, 3 doubles, and 3 triples), bringing the total number of units in the house to 29 and the ability to house 57 University of Cincinnati students. The project will include a newly amenities like a living room, a grand study, an exercise room, and meeting spaces for all chapter members.

DEVELOPER INFORMATION

The Beta Nu of Beta Theta Pi Building Company was founded in 1914. The organization's Articles of Incorporation task the organization with activities related to the provision of housing, financing, and other related services to the Beta Theta Nu Chapter of the Beta Theta Pi Fraternity at the University of Cincinnati. Previously, the Beta Nu of Beta

Theta Pi Building Company oversaw the construction of an addition to the original building in the 1930s.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance.

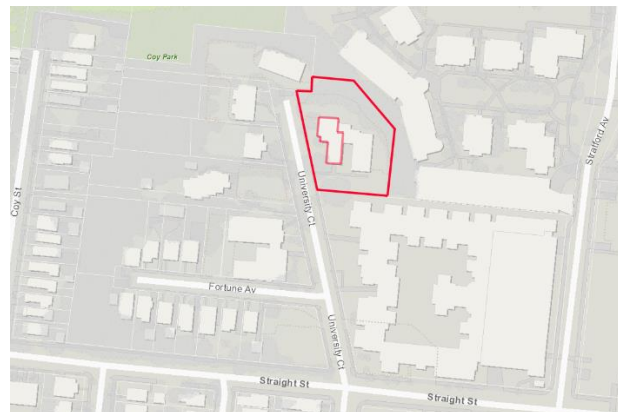
Attachment: Project Outline and Proposed Incentive

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

Project Outline

Project Name	Beta Nu of Beta Theta Pi Building Co. CRA
Street Address	2630 University Court
Neighborhood	CUF
Property Condition	Occupied Building
Project Type	New Construction (demolition to outdated portion of existing building to be replaced with a newly constructed one)
Project Cost	Acquisition Cost: \$0 Hard Construction Costs: \$5,084,640 Soft Costs: \$630,928 Total Project Cost: \$5,715,568
Private Investment	Private Financing: \$2,359,752 Developer Equity: \$3,355,816
Sq. Footage by Use	Residential: 12,690 SF
Number of Units and Rent Ranges	1 1-BR Units; Rent \$2,350 per student per semester 3 2-BR Units; Rent \$2,350 per student per semester 3 3-BR Units; Rent \$2,350 per student per semester 9 Total Units
Median 1-BD Rent Affordable To	Salary: \$23,500 City Job Classification: Design Specialist 2, Recreation Specialist. Note this housing will be provided to university students who are members of the fraternity.
Jobs and Payroll	Created FTE Positions: 2 Total Payroll for Created FTE Positions: \$50,000 Average Salary for Created FTE Positions: \$25,000 Construction FTE Positions: 26 Total Payroll for Construction FTE Positions: \$2.7MM
Location and Transit	Transit Score: 56
Community Engagement	Presented at CUF Neighborhood Association General Meeting on 6/20/2023.
Plan Cincinnati Goals	Live Initiative Goal 3 (p. 172-186)

Project Image and Site Map



Proposed Incentive

Incentive Terms	8-year, net 52%
Incentive Application Process	Commercial CRA – Neighborhood (Non-LEED)
“But For” (0-3 points)	Developer’s need to expand at its current location adjacent to the university indicates they will proceed with the project without provision of additional years so no “But For” points were awarded (0 points).
Environmental Building Certification (0-5 points)	Non-LEED (0 points)
VTICA (0-8 points)	Neighborhood VTICA – 15% (8 points)
SBE/MBE/WBE Goals	SBE Goal of 30%
Planning Commission Approval	N/A
Other Incentives & Approvals	N/A

Potential Taxes Forgone & Public Benefit

Taxes Forgone	Value
Annual Net Incentive to Developer	\$41,437
Total Term Incentive to Developer	\$331,496
City's Portion of Property Taxes Forgone (Term)	\$89,588
City's TIF District Revenue Forgone (Term)	\$0

Public Benefit		Value
CPS PILOT	Annual	\$26,297
	Total Term	\$210,372
VTICA	Annual	\$11,953
	Total Term	\$95,624
Income Tax Total Term (Maximum)		\$55,800
Total Public Benefit (CPS PILOT, VTICA, Income Tax)		\$361,796

Total Public Benefit ROI*	\$1.09
City's ROI**	\$4.04

* 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: 2023 Cincinnati MSA Area Median Income Limits

AMI	1	2	3	4	5	6	7	8
30%	\$21,250	\$24,300	\$27,350	\$30,350	\$32,800	\$35,250	\$37,650	\$40,100
50%	\$35,400	\$40,450	\$45,500	\$50,550	\$54,600	\$58,650	\$62,700	\$66,750
60%	\$42,480	\$48,540	\$54,600	\$60,760	\$65,520	\$70,380	\$75,240	\$80,100
80%	\$56,650	\$64,750	\$72,850	\$80,900	\$87,400	\$93,850	\$100,350	\$106,800

EMERGENCY

EVK

- 2024

APPROVING, AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with The Beta Nu of Beta Theta Pi Building Company and the State of Ohio, for the use of the University of Cincinnati, thereby authorizing an eight-year tax exemption for 100 percent of the value of improvements made to real property located at 2630 University Court in the CUF neighborhood of Cincinnati, in connection with the remodeling of an existing building into nine residential units as well as a meeting, academic, and social space consisting of approximately 12,690 square feet in aggregate, at a total remodeling cost of approximately \$5,084,640.

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, sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area; and

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

WHEREAS, The Beta Nu of Beta Theta Pi Building Company (the “Company”) desires to remodel an existing building into nine residential units as well as a meeting, academic, and social space consisting of approximately 12,690 square feet in aggregate on real property at 2630 University Court located within the corporate boundaries of the City of Cincinnati (the “Improvements”), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

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

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

WHEREAS, the Board of Education of the Cincinnati City School District (the “Board of Education”), pursuant to that certain Tax Incentive Agreement effective as of April 28, 2020 (as may be amended, the “Board of Education Agreement”), has approved exemptions of up to

100 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 \$41,437; 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 neighborhood 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 with The Beta Nu of Beta Theta Pi Building Company and the State of Ohio, for the use of the University of Cincinnati (the "Agreement"), thereby authorizing an eight-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 2630 University Court in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into nine residential units as well as a meeting, academic, and social space consisting of approximately 12,690 square feet in aggregate, to be completed at a total remodeling cost of approximately \$5,084,640.

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 take effect and be in force from and after the earliest period allowed by law. 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

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"), THE BETA NU OF BETA THETA PI BUILDING COMPANY, an Ohio non-profit corporation (the "Company"), and THE STATE OF OHIO, for the use of the University of Cincinnati, a state university (the "Partial Owner").

Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. Partial Owner and the Company are the owners of certain real property within the City, located at 2630 University Court, Cincinnati, Ohio 45219 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Partial Owner intends to convey fee title of its portion of the Property to the Company following the execution of this Agreement. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.

- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past 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.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. The Company acknowledges that the CUF neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the CUF neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the CUF neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- P. This Agreement has been authorized by Ordinance No. _____-2024, passed by Cincinnati City Council on _____, 2024.
- Q. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

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

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building on the Property into 9 residential units as well as a meeting, academic, and social space consisting of approximately 12,690 square feet (the "Improvements") at an estimated aggregate cost of \$5,084,640 to commence after the execution of this Agreement and to be completed no later than March 1, 2026; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of eight (8) years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the exemption commences the first tax year for which the Improvements would first be taxable were the

Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2026 nor extend beyond the earlier of (i) tax year 2033 or (ii) the end of the eighth (8th) 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(B), 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), if for any reason the City revokes the designation of the City of Cincinnati as a Community

Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

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

Section 11. Small Business Enterprise Program.

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

- (i) Including qualified SBEs on solicitation lists.
- (ii) Assuring that SBEs are solicited whenever they are potential sources.

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

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

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

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

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

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

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

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The company agrees to use its best efforts to create (i) 2 full-time permanent jobs, and (ii) 26 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$50,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$2,700,000 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

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

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

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

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

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(B), 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 (C) 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. 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 Partial Owner:
240 Van Wormer Hall
2614 University Circle,
PO Box 210623
Cincinnati Ohio 45221-0623

To the Company:

The Beta Nu of Beta Theta Pi Building Company
Attention: William Gerth
3519 Zumstein Avenue
Cincinnati, OH 45208

Beta Theta Pi Foundation and Administrative Office
Attention: John Reineke
5134 Bonham
Oxford, OH 45056

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; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

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

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

CITY OF CINCINNATI,
an Ohio municipal corporation

THE BETA NU OF BETA THETA PI BUILDING COMPANY,
an Ohio non-profit corporation

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

By: _____

Date: _____, 2023

Printed Name: _____

Title: _____

Date: _____, 2023

Authorized by resolution dated _____

THE STATE OF OHIO,
for the use of the University of Cincinnati, a state university

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

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: 2630 University Court, Cincinnati, Ohio 45219

Auditor's Parcel ID: 098-0004-0137-00

Situated in Section 20, Town 3, F.R. 2, City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Beginning at a 3/4" iron pin found at the northwest corner of The Collegiate as recorded in Plat Book 463 Page 10, said 3/4" iron pin being in the easterly right of way of University Court;

Thence with said easterly right-of-way N 16°51'00" W for a distance of 189.07 feet to a 3/4" iron pin found, corner to lands of Figueiredo Properties Ohio II, LLC as recorded in O.R. 13610 Pg. 0048;

Thence leaving said right-of-way with the south and then east line of said Figueiredo the following two (2) courses and distances:

- (1) S 89°22'00" E for a distance of 25.00 feet to a 5/8" iron pin found;
- (2) N 00°38'00" E for a distance of 28.61 feet to a 5/8" iron pin found at the west corner of lands of the State of Ohio as recorded in Plat Book 381 Page 63;

Thence with the lines of said Plat Book 381 Page 63 the following three (3) courses and distances;

- (1) S 89°22'00" E for a distance of 75.83 feet to a 5/8" iron pin found;
- (2) S 45°52'00" E for a distance of 118.57 feet to a 5/8" iron pin found;
- (3) S 00°56'00" W for a distance of 127.33 feet to a 5/8" iron pin found in the north line of said The Collegiate;

Thence with said north line N 89°22'00" W for a distance of 129.37 feet to the place of beginning.

Said property contains 0.6807 acre and being easements of record.

The above described real estate is part of the same premises described as recorded in Deed Book 9326 Page 5512 of the Hamilton County, Ohio, Deed Records and identified as parcel 098-0004-0137 on the Tax Maps of said County.

Being the result of a field survey and plat dated 10/12/2023 made under the supervision of Andrew R. Ament registration No. 5684 in the State of Ohio.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

Date: January 24, 2024

To: Councilmembers Reggie Harris
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – Expanding the City’s CRA Program through Amending Ordinance No. 275-2017**

Transmitted herewith is a notwithstanding ordinance captioned as follows:

AMENDING Ordinance No. 275-2017, as previously amended by Ordinance Nos. 339-2018, 370-2020, and 24-2022, regarding the commercial policies of Community Reinvestment Area real property tax exemptions, to set a policy by which Council authorizes the Administration to approve the maximum Community Reinvestment Area real property tax exemption for projects awarded under the Notice of Funding Availability program and/or the Affordable Housing Leverage Fund program, without further approval by Council.

EESW/EVK(dmm)
Attachment
395722

EMERGENCY

City of Cincinnati

EVK

FEESW

An Ordinance No. _____

- 2024

AMENDING Ordinance No. 275-2017, as previously amended by Ordinance Nos. 339-2018, 370-2020, and 24-2022, regarding the commercial policies of Community Reinvestment Area real property tax exemptions, to set a policy by which Council authorizes the Administration to approve the maximum Community Reinvestment Area real property tax exemption for projects awarded under the Notice of Funding Availability program and/or the Affordable Housing Leverage Fund program, without further approval by Council.

WHEREAS, Ordinance No. 274-2017, passed by Council 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 Sections 3735.65 through 3735.70 (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, Ordinance No. 275-2017, passed by Council on September 27, 2017, as amended by Ordinance Nos. 339-2018, 370-2020, and 24-2022 passed by Council on October 31, 2018, November 12, 2020, and February 2, 2022, respectively (as amended, the "Commercial Policy Ordinance"), sets forth certain additional policies, conditions, and limitations regarding newly constructed or remodeled commercial structures (including residential structures of five units or more) in the Community Reinvestment Area; and

WHEREAS, pursuant to Ordinance No. 24-2022, Council authorized the Administration to approve the maximum Community Reinvestment Area real property tax exemption for projects awarded Low-Income Housing Tax Credits by the Ohio Housing Finance Agency without further approval by Council; and

WHEREAS, Motion No. 202202016, as adopted by Council on October 26, 2022, attached for reference hereto, established the Administration's priorities in funding affordable housing projects through the Notice of Funding Availability program and the Affordable Housing Leverage Fund program; and

WHEREAS, Council finds that there is an existing shortage of affordable housing units in the City of Cincinnati and Council desires to remove additional barriers for developers undertaking the construction or renovation of affordable housing units so that they can be constructed at the earliest possible time; and

WHEREAS, documentation regarding proof of financing is required as a part of the application process for certain affordable housing projects to be funded through (1) the City's Notice of Funding Availability program, and (2) the Affordable Housing Leverage Fund program, as overseen by Cincinnati Development Fund, Inc., which program leverages City resources (collectively, "Affordable Housing Awards"); and

WHEREAS, local affordable housing projects could come to market more expeditiously if the City could negotiate terms of commercial real property tax exemptions simultaneously with making Affordable Housing Awards, without an additional contingency of obtaining subsequent authorizations by Council of commercial real property tax exemptions pursuant to the Statute; and

WHEREAS, Council desires to amend the Commercial Policy Ordinance to set a policy by which Council authorizes the Administration to approve the maximum Community Reinvestment Area real property tax exemption for projects receiving Affordable Housing Awards without further approval by Council; now, therefore,

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

Section 1. That Section 2 of Ordinance No. 275-2017, passed by Council on September 27, 2017, as amended by Ordinance Nos. 339-2018, 370-2020, and 24-2022, passed by Council on October 31, 2018, November 12, 2020, and February 2, 2022, respectively (as amended, the "Commercial Policy Ordinance"), is hereby amended to set a policy by which Council authorizes the Administration to approve the maximum Community Reinvestment Area real property tax exemption ("CRA") for projects awarded funds pursuant to the City's Notice of Funding Availability program and/or the Affordable Housing Leverage Fund program without further approval by Council. The existing Section 2 of the Commercial Policy Ordinance is hereby repealed in its entirety and replaced with the following:

Section 2. That City Council hereby authorizes (i) the City Administration to approve the maximum real property tax exemption pursuant to the Reauthorizing Ordinance (as defined below) for Commercial Improvements (as defined below) for affordable housing projects awarded Low-Income Housing Tax Credits by the Ohio Housing Finance Agency ("LIHTCs"), funds through the City's Notice of Funding Availability program, and/or funds through the Affordable Housing Leverage Fund program (collectively, "Affordable Housing Projects"), subject to any agreements between the City and the Board of Education of the Cincinnati City School District, without any further authorization by City Council; and (ii) the City Manager to execute all related CRA Agreements (as defined below) if such CRA Agreement to be executed

is substantially consistent with the form of CRA Agreement attached to this ordinance as Exhibit C (such form as may be updated, amended, or modified by the City Solicitor or his or her designee, in his or her sole discretion). City Council requests that the City Administration submit monthly reports to City Council with an update on all Affordable Housing Projects receiving the benefits of real property tax exemptions pursuant to sub-section (i) above. City Council further requests that the City Administration include a determination consistent with the point system attached hereto as Exhibit A (the "Points Determination") when transmitting all other Community Reinvestment Area ("CRA") real property tax exemption ordinances to City Council pertaining to the remodeling or new construction of a commercial structure, a mixed-use structure or a residential structure containing five or more units (excluding owner-occupied residential condominium structures) (collectively, "Commercial Improvements") and located outside of the area depicted on Exhibit B (the area depicted on such exhibit being the "Streetcar VTICA Area"). The period and percentage of the real property tax exemption determined by the City Administration shall be in accordance with the Points Determination except as described in Section 3 below.

Section 2. That this ordinance shall only apply to CRA applications for commercial projects (including residential projects containing five or more units) received on and after the date of passage of this ordinance.

Section 3. That all applications made, exemption agreements executed, and exemptions granted pursuant to the Commercial Policy Ordinance shall continue in force in accordance with the provisions of the ordinance applicable to that application, agreement, or exemption in effect at the time of the application, execution of the agreement, or grant of exemption, respectively.

Section 4. That existing Sections 1 and 3-20 of the Commercial Policy Ordinance shall remain in full force and effect.

Section 5. That the proper City officials are hereby authorized to do all things necessary to carry out the provisions of this ordinance.

Section 6. That the Clerk of Council is directed to send a certified copy of this ordinance to the County Auditor of Hamilton County as a matter of information.

Section 7. 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 expedite the approvals of CRAs so that developers of affordable housing projects receiving awards of funds pursuant to the City's Notice of Funding Availability program and/or the Affordable Housing Leverage Fund program can secure financing and thereafter commence construction at the earliest possible time, getting housing to market as quickly as possible.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.



Reggie Harris
Councilmember

October 25, 2022

MOTION

Councilmember Reggie Harris Motion on Housing Funding Priorities

WE MOVE that the City Administration, through amending its contract with the Cincinnati Development Fund (CDF) establish the following priorities regarding all City contributions to the “Fund of Funds”:

1. City dollars are highly leveraged by CDF
2. Funding projects that are mixed income when possible
3. Funding projects in high opportunity neighborhoods that do not concentrate subsidized housing
4. Funding projects in the lower AMI range where there is the greatest need (0-60%)
5. FY’ 23 Carryover dollars being directed to CDF would only be used for projects up to 80% AMI

WE MOVE that the Department of Community & Economic Development (DCED) shall establish as a priority in its annual Notice of Funding Availability (NOFA) projects targeted at 0-60% AMI.

Reggie Harris, Councilmember

Mark Jeffreys, Councilmember

STATEMENT

Since this council and administration took office in January of 2022, tangible progress has been made on creating effective systems to address the affordable housing shortage in Cincinnati. A significant step in this direction was the partnership with Cincinnati Development Fund (CDF). This body authorized the administration to execute a contract with CDF via Ordinance Nos. 53-2022 and 191-2022, passed by City Council on March 2, 2022, and June 23, 2022, respectively. Since then, CDF has successfully leveraged \$15M on top of the approval of Hamilton County’s \$15M commitment, the \$34M HUD Section 108 loan and the over \$10M the city has contributed through the new stabilization policy and ARP allocation, bringing the “Fund of Funds” to just over \$76 million.

Today, through the Mayor and Council’s leadership the Housing Advisory Board is finally active, and the Trust Fund is dispersing much-needed funding to Affordable Housing Projects for the first time. It is the role of this council to clearly



Reggie Harris
Councilmember

articulate to CDF and the Housing Advisory Board what our values and priorities are of vibrant, mixed-income communities. This motion affirmatively states an alignment on what projects we would like to see our NOFA and Trust Fund Dollars go towards, specifically addressing the communities with the greatest need.

We recognize we will only solve these problems with a comprehensive approach, which includes serious land use reform and an intentional realignment of our tax incentives to promote the construction of affordable housing. It is also only through close collaboration with those who are doing the work, like the Cincinnati Development Fund, that we will be successful.

January 24, 2024

To: Mayor and Members of City Council

202400292

From: Sheryl M. M. Long, City Manager

**Subject: Ordinance – OES: FEMA Building Resilience in Communities
Direct Technical Assistance Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for and accept a grant from the Federal Emergency Management Agency Building Resilience in Communities Direct Technical Assistance grant program (ALN 97.047) to provide technical assistance on project plans focused on building resilience in communities facing severe storms, landslides, and stormwater challenges.

This Ordinance authorizes the City Manager to apply for and accept a grant from the Federal Emergency Management Agency (FEMA) Building Resilience in Communities Direct Technical Assistance grant program (ALN 97.047) to provide technical assistance on project plans focused on building resilience in communities facing severe storms, landslides, and stormwater challenges.

The City intends to utilize the grant to target environmentally vulnerable neighborhoods including East Price Hill, Lower Price Hill, Queensgate, North Fairmount, South Fairmount, Camp Washington, English Woods, Millvale, South Cumminsville, Northside, and Spring Grove Village.

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

The grant deadline is February 29, 2024, and the City intends to apply for the grant potentially before the effective date of this ordinance. However, no grant resources will be accepted without approval by the City Council.

Building resilience in Cincinnati neighborhoods 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 well as the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 181-186 and 208-209 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for and accept a grant from the Federal Emergency Management Agency Building Resilience in Communities Direct Technical Assistance grant program (ALN 97.047) to provide technical assistance on project plans focused on building resilience in communities facing severe storms, landslides, and stormwater challenges.

WHEREAS, a nonmonetary grant for technical assistance is available from the Federal Emergency Management Agency Building Resilience in Communities Direct Technical Assistance grant program (ALN 97.047) to provide technical assistance on project plans focused on building resilience in communities facing severe storms, landslides, and stormwater challenges; and

WHEREAS, the City intends to utilize the grant to target environmentally vulnerable neighborhoods including East Price Hill, Lower Price Hill, Queensgate, North Fairmount, South Fairmount, Camp Washington, English Woods, Millvale, South Cumminsville, Northside, and Spring Grove Village; and

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

WHEREAS, the grant deadline is February 29, 2024, and the City intends to apply for the grant potentially before this ordinance is effective, but no grant resources will be accepted without approval by Council; and

WHEREAS, building resilience in Cincinnati neighborhoods 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 well as the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” as described on pages 181-186 and 208-209 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for and accept a grant from the Federal Emergency Management Agency Building Resilience in Communities Direct Technical Assistance grant program (ALN 97.047) to provide technical assistance on project plans focused on building resilience in communities facing severe storms, landslides, and stormwater challenges.

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



January 24, 2024

To: Mayor and Members of City Council

202400293

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Health: Waste Reduction Innovation Grant

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant of up to \$15,000 from the Hamilton County R3Source program, Waste Reduction Innovation Grant, to purchase and install community freezers and associated supplies in Avondale and Millvale; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

Approval of this Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$15,000 from the Hamilton County R3Source program, Waste Reduction Innovation Grant, for the purpose of purchasing and installing community freezers and associated supplies in Avondale and Millvale. This Emergency Ordinance further authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

This pilot program by the Cincinnati Health Department (CHD), Healthy Communities Program is in coordination with the Cincinnati Recreation Commission (CRC) Hirsch and Millvale Recreation Centers. The goal of the program is to address food insecurity in the Avondale and Millvale food systems. Freezers will be stocked with meals produced from rescued food with a goal of providing approximately 1,170 meals per week in each neighborhood. Freezers will be placed indoors at both CRC locations for community members to have access to rescued foods that would otherwise end up in landfills without screening and free of judgement. An estimated 44,980 pounds of food would be diverted by this program.

This grant requires a 25% in-kind local match valued at up to \$3,750, which CHD will satisfy by assigning an existing Food Equity Coordinator from the Healthy Communities Program to implement the community freezer program. No additional FTEs/full time equivalents are required to accept this grant.

The City has already applied for this grant, but no grant funds will be accepted without approval by the City Council.

Acceptance of this grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept the funds within the deadline established by the Grant as well as deploy the Grant resources in a timely manner.

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, accept, and appropriate a grant of up to \$15,000 from the Hamilton County R3Source program, Waste Reduction Innovation Grant, to purchase and install community freezers and associated supplies in Avondale and Millvale; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

WHEREAS, a Waste Reduction Innovation Grant (the “Grant”) is available from the Hamilton County R3Source program for the purpose of reducing waste in Hamilton County; and

WHEREAS, the Cincinnati Health Department (“CHD”), through its Healthy Communities Program, will use the Grant funds to install community freezers at the Cincinnati Recreation Commission’s Hirsch Recreation Center in Avondale and Millvale Recreation Center in Millvale; and

WHEREAS, the City will work with community partners to stock the community freezers with meals that are produced from rescued food, with the goal of providing roughly 1,170 meals per week in each neighborhood and diverting an estimated 44,980 pounds of food from landfills in the program’s first year; and

WHEREAS, the community freezers will be placed indoors and in a public space at each location for community members to access without screening or judgment; and

WHEREAS, the Grant requires a 25% in-kind local match valued at up to \$3,750, which CHD will satisfy by assigning an existing Food Equity Coordinator from the Healthy Communities Program to implement the community freezer program; and

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

WHEREAS, the City applied for the Grant on December 11, 2023, but funding will not be accepted without authorization from Council; and

WHEREAS, acceptance of the Grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$15,000 from the Hamilton County R3Source program, Waste Reduction Innovation Grant

(the “Grant”), to purchase and install community freezers and associated supplies in Avondale and Millvale.

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

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of the Grant and 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 accept the funds within the deadline established by the Grant as well as deploy the Grant resources in a timely manner.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

January 24, 2024

To: Mayor and Members of City Council

202400291

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DOTE: Federal Aviation Administration (FAA) Airport Improvement Program Grant for Lunken Airport

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant,” for the purpose of decommissioning runway 3L-21R at Lunken Airport; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,400,000 from the Federal Aviation Administration Airport Improvement Program (ALN 20.106) to newly established capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant.”

Approval of this Emergency Ordinance authorizes the following:

1. the establishment of new capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant,” for the purpose of decommissioning runway 3L-21R at Lunken Airport;
2. the City Manager to apply for, accept, and appropriate a grant of up to \$1,400,000 from the Federal Aviation Administration Improvement Program (ALN 20.106) to newly established capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport; and
3. the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant.”

Runway 3L-21R is classified as an “additional” runway by the FAA and will not be eligible for future AIP resources. Decommissioning Runway 3L-21R and converting it into a taxiway is included in the approved Airport Layout Plan for Lunken Airport, as it will enable the City to develop additional areas of Lunken Airport in the future.

The FAA/AIP Grant requires a 10% local match of up to \$140,000, half of which will be provided from capital improvement program project account no. 980x234x222352, “FAA/ODOT Local Match.” The remaining half will be provided from future Ohio

Department of Transportation (ODOT) Airport program grant resources. No new FTEs/full time equivalents are associated with the FAA/AIP Grant.

Decommissioning Runway 3L-21R at Lunken Airport is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality,” as described on page 139 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to apply for and accept the grant by the applicable deadlines.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

IMD

-2024

ESTABLISHING new capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant,” for the purpose of decommissioning runway 3L-21R at Lunken Airport; **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant of up to \$1,400,000 from the Federal Aviation Administration Airport Improvement Program (ALN 20.106) to newly established capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport; and **AUTHORIZING** the Director of Finance to deposit the grant resources into capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant.”

WHEREAS, a grant of up to \$1,400,000 is available from the Federal Aviation Administration (“FAA”) Airport Improvement Program (“AIP”) (ALN 20.106) (the “FAA/AIP Grant”) to provide resources to decommission Runway 3L-21R at Lunken Airport; and

WHEREAS, Runway 3L-21R is classified as an “additional” runway by the FAA and will not be eligible for future AIP resources; and

WHEREAS, decommissioning Runway 3L-21R and converting it into a taxiway is included in the approved Airport Layout Plan for Lunken Airport, as it will enable the City to develop additional areas of Lunken Airport in the future; and

WHEREAS, the FAA/AIP Grant requires a ten percent local match of up to \$140,000, half of which will be provided from capital improvement program project account no. 980x234x222352, “FAA/ODOT Local Match,” and half of which will be provided from future Ohio Department of Transportation Airport program grant resources; and

WHEREAS, there are no new FTEs/full-time equivalents associated with the FAA/AIP Grant;

WHEREAS, decommissioning Runway 3L-21R at Lunken Airport is in accordance with the “Connect” goal to “[d]evelop a regional transportation system that promotes economic vitality,” as described on page 139 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That new capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R 2024 FAA AIP Grant,” is hereby established for the purpose of decommissioning runway 3L-21R at Lunken Airport.

Section 2. That the City Manager is authorized to apply for, accept, and appropriate a grant of up to \$1,400,000 from the Federal Aviation Administration (“FAA”) Airport Improvement Program (ALN 20.106) (the “FAA/AIP Grant”) to newly established capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R FAA AIP Grant,” for the purpose of decommissioning Runway 3L-21R at Lunken Airport.

Section 3. That the Director of Finance is authorized to deposit the FAA/AIP Grant resources into capital improvement program project account no. 980x234x242384, “Lunken Runway 3L-21R FAA AIP Grant.”

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

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to apply for and accept the grant by the applicable deadlines.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

January 24, 2024

To: Mayor and Members of City Council 202400294
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance – DOTE: ODOT Resources for Red Bank Road Shared Use Path**

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT,” for the purpose of completing the Red Bank Road Shared Use Path (SUP) project; **AUTHORIZING** the City Manager to accept and appropriate up to \$1,070,173.60 from the Ohio Department of Transportation (“ODOT”) (ALN 20.205) to newly established capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”; **AUTHORIZING** the Director of Finance to deposit ODOT resources in an amount up to \$1,070,173.60 into capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”; **AUTHORIZING** the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Red Bank Road Shared Use Path project; and **AUTHORIZING** the City Manager to do all things necessary to cooperate with the Director of ODOT in order to complete the Red Bank Road Shared Use Path project.

Approval of this Emergency Ordinance authorizes the following:

1. the establishment of new capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT,” for the purpose of completing the Red Bank Road Shared Use Path (SUP) project;
2. the City Manager to accept and appropriate up to \$1,070,173.60 from the Ohio Department of Transportation (“ODOT”) (ALN 20.205) to newly established capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”;
3. the Director of Finance to deposit ODOT resources in an amount up to \$1,070,173.60 into capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”;
4. the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Red Bank Road Shared Use Path project; and
5. the City Manager to do all things necessary to cooperate with the Director of ODOT to complete the Red Bank Road Shared Use Path project.

ODOT approached the City with an opportunity to use these resources on an eligible multi-modal improvement along the Eastern Corridor. The Red Bank Road Shared Use Path meets these requirements.

Accepting ODOT resources requires matching resources of up to \$267,543.40, which will be provided from a combination of existing “Bicycle Transportation Program” capital improvement program project accounts and future capital improvement program project accounts. No new FTEs/full time equivalents are associated with the acceptance of these resources.

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

The reason for the emergency is the immediate need to accept and appropriate ODOT resources and begin work on the Red Bank Road Shared Use Path project to meet established deadlines.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

IMD

- 2024

ESTABLISHING new capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT,” for the purpose of completing the Red Bank Road Shared Use Path (SUP) project; **AUTHORIZING** the City Manager to accept and appropriate up to \$1,070,173.60 from the Ohio Department of Transportation (“ODOT”) (ALN 20.205) to newly established capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”; **AUTHORIZING** the Director of Finance to deposit ODOT resources of up to \$1,070,173.60 into capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT”; **AUTHORIZING** the City Manager to enter into a Local Public Agency Agreement with the Director of ODOT to complete the Red Bank Road Shared Use Path project; and **AUTHORIZING** the City Manager to do all things necessary to cooperate with the Director of ODOT in order to complete the Red Bank Road Shared Use Path project.

WHEREAS, the Ohio Department of Transportation (“ODOT”) did not require the City to complete a formal application to receive resources and approached the City with an opportunity to use the resources on an eligible multi-modal improvement along the Eastern Corridor, and the Red Bank Road Shared Use Path meets these requirements; and

WHEREAS, accepting ODOT resources requires matching resources of up to \$267,543.40, which will be provided from a combination of existing “Bicycle Transportation Program” capital improvement program project accounts and future capital improvement program project accounts; and

WHEREAS, there are no new FTEs/full time equivalents associated with the acceptance of these resources; and

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

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

Section 1. That Council authorizes the establishment of capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT,” for the purpose of completing the Red Bank Road Shared Use Path project.

{00395942-4}

Section 2. That the City Manager is authorized to accept and appropriate up to \$1,070,173.60 from the Ohio Department of Transportation (“ODOT”) (ALN 20.205) to newly established capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT.”

Section 3. That the Director of Finance is authorized to deposit ODOT resources of up to \$1,070,173.60 into capital improvement program project account no. 980x232x242380, “Red Bank Rd SUP (PID 86461) ODOT.”

Section 4. That the City Manager is authorized to enter into a Local Public Agency Agreement with the Director of ODOT and do all things necessary to cooperate with the Director of ODOT to complete the Red Bank Road Shared Use Path project.

Section 5. That the City consents to the Director of ODOT moving forward to complete the Red Bank Road Shared Use Path project and shall cooperate, as necessary.

Section 6. That the proper City officials are authorized to use and expend \$1,070,173.60 in accordance with the provisions of Sections 1 through 5 and the conditions associated with the ODOT resources.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept and appropriate ODOT resources and begin work on the Red Bank Road Shared Use Path project to meet established deadlines.

Passed: _____, 2024

Aftab Pureval, Mayor

Attest: _____
Clerk

{00395942-4}