



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final-revised

Budget and Finance Committee

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

Monday, February 6, 2023

1:00 PM

Council Chambers, Room 300

AGENDA

REPORTS

1. [202300452](#) **REPORT**, dated 2/1/2023, submitted Sheryl M. M. Long, City Manager, regarding the Finance and Budget Monitoring Report for the Period Ending November 30, 2022.

Sponsors: City Manager

Attachments: [Transmittal](#)
[Attachment I](#)
[Attachment II](#)
[Attachment III](#)

GRANTS AND DONATIONS

2. [202300453](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$108,780.69 in FY 2022 Ohio Drug Law Enforcement funds from the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding personnel costs and equipment for investigations conducted pursuant to Title III of the federal Omnibus Crime Control and Safe Streets Act of 1968; and **AUTHORIZING** the Finance Director to deposit the grant funds into the Law Enforcement Grant Fund 368, Project Account No. 23ODLE.

Sponsors: City Manager

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

3. [202300454](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on

2/1/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$80,000 from the National Association of County and City Health Officials for the purpose of strengthening the Cincinnati Health Department's capacity for healthcare-associated infections and antimicrobial resistance prevention and response related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance project; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

Sponsors: City Manager

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

4. [202300458](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **AUTHORIZING** the establishment of capital improvement program project account nos. 980x164x231638, "Medpace ODOD 629 Roadwork Program - Grant," and 980x164x231639, "Medpace ODOD 629 Roadwork Program - Match," for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to apply for, accept, and appropriate grant resources in an amount up to \$200,000 from the State of Ohio Department of Development 629 Roadwork Program to newly established capital improvement program project account no. 980x164x231638, "Medpace ODOD 629 Roadwork Program - Grant," for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the transfer and return to source General Fund 050 of the sum of \$200,000 from existing capital improvement program project account no. 980x164x231600, "Economic Development Initiatives - GF," for the purpose of realigning resources with program needs; **AUTHORIZING** the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x164x231639, "Medpace ODOD 629 Roadwork Program - Match," for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources; and further **AUTHORIZING** the Finance Director to deposit the grant resources in an amount up to \$200,000 into newly established capital improvement program project account no. 980x164x231638, "Medpace ODOD 629 Roadwork Program - Grant."

Sponsors: City Manager

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

5. [202300455](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation in the amount of \$1,200 from Tri-State Trails for the purpose of planting trees along the Cincinnati Riding or Walking Network (CROWN) shared-use path at the Salway Recreation Complex; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Sponsors: City Manager

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

PROPERTY SALE AND LEASE AGREEMENTS

6. [202300464](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **AUTHORIZING** the City Manager to execute a Property Sale Agreement with the Port of Greater Cincinnati Development Authority, pursuant to which the City will sell certain real property generally located at the southwest corner of East Pete Rose Way and Butler Street in the Central Business District.

Sponsors: City Manager

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

7. [202300467](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **AMENDING** Ordinance No. 0174-2021 to correct the designated fund in which the Director of Finance is authorized to deposit proceeds received in connection with the sale of real property authorized by said ordinance.

Sponsors: City Manager

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

8. [202300456](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **AUTHORIZING** the City Manager to execute a Lease Agreement with Fifth Third Bank pursuant to which the City will lease for a term of up to 10 years a portion of City- owned property known as Smale Riverfront Park in the Central Business District for the purpose of Operating an ATM thereon.

Sponsors: City Manager

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

ASSESSMENTS

9. [202300457](#) **RESOLUTION (LEGISLATIVE)** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **DECLARING** the necessity of assessing for the control of blight and disease of shade trees, and for the planting, care, maintenance, trimming, and removal of public trees, in and along the streets and the public right-of-way within the City of Cincinnati's Urban Forestry Maintenance District for the year 2024.

Sponsors: City Manager

Attachments: [Transmittal](#)
 [Resolution](#)
 [2024budget](#)
 [2024wkpln](#)

10. [202300468](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 2/1/2023, **LEVYING** assessments to recover the unpaid costs for necessary sidewalk, sidewalk areas, curb, and gutter repairs conducted by the City of Cincinnati in the Northside neighborhood, in accordance with Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Chapter 729.

Sponsors: City Manager

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

February 1, 2023

To: Mayor and Members of City Council 202300452

From: Sheryl M. M. Long, City Manager

Subject: Finance and Budget Monitoring Report for the Period Ending November 30, 2022

The purpose of this report is to provide the City Council with the status of the City's Fiscal Year (FY) 2023 financial and operating budget conditions as of November 30, 2022, to note any significant variances, identify potential budget issues, and provide recommendations. The report is divided into two sections: revenues and expenditures. Various supplemental reports are attached to reflect forecasted revenue, actual revenue, expenditures, and commitments through November 30, 2022.

The following Citywide issues may impact the General Fund 050, Special Revenue Funds, and Enterprise Funds.

1. General Fund revenues are greater than projected by \$6.6 million through the end of November. However, this report highlights increased potential expenditure needs in the amount of \$6.1 million.
2. Overtime in the Cincinnati Fire Department (CFD) and the Cincinnati Police Department (CPD) is currently outpacing the budget. In CFD, the increased overtime is primarily driven by the increased attrition experienced over the past several years. The department is required to use overtime to backfill the vacant positions. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. In CPD, the increased overtime is primarily due to Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter.
3. The Approved FY 2022 Budget included a 2.0% wage increase for Cincinnati Organized and Dedicated Employees (CODE). The wage increase was not paid in FY 2022 as contract negotiations were still underway. Following the report of a fact finder in September 2022, which was approved by the City Council on

October 5, 2022, through Ordinance No. 0312-2022, the new labor agreement includes a 5.0% wage increase retroactive to March 2022. The City processed a one-time payment to CODE employees in November 2022 for the portion of the wage increase retroactive to March 2022. Across all funds, the retroactive payment totaled \$2.3 million, including \$631,000 in the General Fund. Supplemental appropriations may be required to cover the additional cost of the wage increase over the budgeted amount as well as the retroactive pay.

4. The Approved FY 2023 Budget Update included a 3.0% wage increase for CODE. The fact finder's report, which was approved by the City Council on October 5, 2022, through Ordinance No. 0312-2022, includes a 4.0% wage increase for March 2023. Supplemental appropriations may be required to cover the cost of the wage increase over the budgeted amount.
5. Parking meter revenue is below the estimate. However, many contractual service expenditures are based on revenue, so less revenue results in lower expenses in some cases. This should offset the reduction in revenue. The fund will be monitored closely to ensure expenditures do not outpace revenues.
6. The lasting impacts of the COVID-19 pandemic continue to impact supply chains and the costs of various goods and services. Departments report several areas of concern, including energy costs, vehicle repair and maintenance costs, and the supply of new vehicles. Trends in the energy sector show an increase in costs for natural gas, petroleum, etc. Supply chain issues have also resulted in the shortage of vehicle parts and semiconductor chips. Fleet repairs are becoming more difficult and more expensive in certain cases. The acquisition of new vehicles has also been affected by these issues. Fleet Services anticipates that new vehicles will be significantly delayed which may result in an operating budget need for vehicle leases until new vehicles become available and increased repair costs as older vehicles will remain in service for a longer than anticipated period of time. These issues will be monitored closely for budgetary and operational impacts.

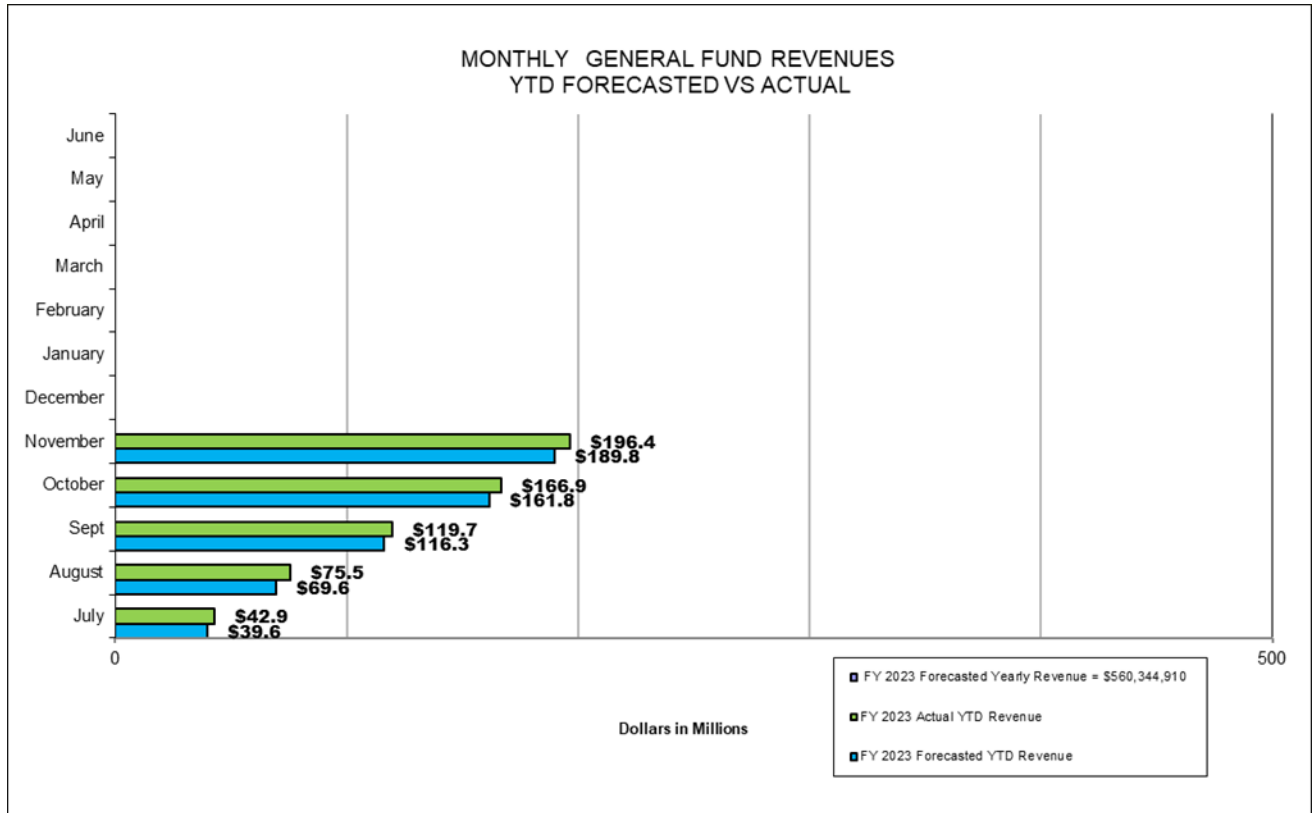
REVENUE

The following report provides an update on the City of Cincinnati's financial condition as of the month ending November 30, 2022. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue versus forecasted revenue and prior year actual revenue versus current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

I. GENERAL FUND 050

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through November 30, 2022 and shows that actual revenue of \$196.4 million was above forecasted revenue of \$189.8 million by \$6.6 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES

	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$1,534,628)
City Income Tax	5,776,518	
Admissions Tax	1,037,662	
Short Term Rental Excise Tax	535,141	
Licenses & Permits	364,631	
Fines, Forfeitures, & Penalties	467,949	
Investment Income	416,397	
Local Government	415,772	
Casino	461,182	
Police	153,935	
Buildings and Inspections		(\$9,390)
Fire	437,462	
Parking Meter	250	
Other		(\$1,925,324)
	10,066,899	(\$3,469,341)
Difference	6,597,557	

General Fund (favorable variance) is \$6.6 million above the amount forecasted through November in the FY 2023 Budget. This is the fifth month's report for the new fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

- 1. Property Tax (unfavorable variance) is \$1.5 million** below estimate due to the decrease in the millage for this half. The millage for the second half is set at a higher rate, which will offset this unfavorable variance. The Administration anticipates Property Tax revenue will be on target at year end. This is a semi-annual payment. The second payment will be received in late Spring.
- 2. Income Tax (favorable variance) is \$5.8 million** above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. The Administration will continue to watch the trends very closely.
- 3. Admission Tax (favorable variance) is \$1 million** above estimate. Many estimates have been set to pre-pandemic levels as businesses rebound. Finance will continue to monitor this group.
- 4. Short Term Rental Excise Tax (favorable variance) is up \$535k.** This variance is contributed to a higher than anticipated response through Airbnb.

5. Other (unfavorable variance) is \$1.9 million below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. Finance will continue to monitor these various revenue sources.

II. RESTRICTED FUNDS

A. Parking System Facilities (favorable variance) is \$689k above estimate. The estimate was very conservative this year as the decline from the pandemic is still lingering in this category. Finance is monitoring how many companies are bringing their employees back to the office and utilizing the lots and garages. The actuals are still down significantly from FY 2019 pre-pandemic amounts.

B. Convention Center (favorable variance) is \$770k above estimate. The venue started this fiscal year off better than it has in several years with many bookings taking place. The addition of many people returning to hotels has increased the transient occupancy tax revenue and that adds to the favorable variance.

C. Sawyer Point (unfavorable variance) is down \$490k. This variance is partly due to a large concert cancelling at the beginning of the fiscal year and parking at the riverfront being down.

D. Community Health Centers (favorable variance) is up \$2.6 million. Federal Emergency Management Agency (FEMA) reimbursements were received that cover prior year COVID expenses such as supplies and vaccine clinics. This was not estimated in FY 2023 as the timeliness of these reimbursements are difficult to know.

E. Streetcar Operations (favorable variance) is \$1.9 million above estimate. The Ohio Transit Partnership (OTP) and Formula grant payments were delayed from FY 2022 as were the voluntary tax incentive contribution agreement (VTICA) payments. These receipts were not estimated in FY 2023. This category will remain above estimate this fiscal year.

EXPENDITURES

The following provides an update on the City of Cincinnati's operating budget position as of the month ending November 30, 2022. The attached Fund Summary Report provides the current budget, expenditures, and commitments of each appropriated fund. This report is presented on a year-to-date basis.

I. GENERAL FUND 050

As shown on the attached report, total expenditures are 38.6% of budget, and commitments are 43.3% of budget in General Fund 050 as compared to the estimated period ending November 30, 2022, or 41.7% of the fiscal year. "Non-personnel expenses" are trending higher at 60.4% committed year to date due to encumbering twelve months of expenditures for certain commodities such as gas and electric costs, contractual services, and materials and supplies. This is not unusual for this reporting period.

The majority of departments have indicated their FY 2023 General Fund 050 appropriation will meet their budgetary needs through the end of the fiscal year. However, budget transfers may be necessary to move funds from divisions and programs with savings to others within the respective departments that have budget needs. These transfers will be included in the Final Adjustment Ordinance (FAO), which will be presented to the City Council in May 2023.

A. Budget Savings Identified

As of November 30, 2022, one General Fund 050 department is projecting savings at the end of FY 2023. The identified savings will be available to support budget needs in other departments and programs as necessary. Interdepartmental transfers of funds from one department to another will be included in the FAO as appropriate.

1. Department of City Planning and Engagement (\$100,000)

The Department of City Planning and Engagement projects savings of \$100,000 due to position vacancy savings. However, these savings will likely be needed to fully offset needs related to non-personnel expenses for the new community engagement functions by fiscal year end. This includes computer equipment for the new staff as well as other expenses for community engagement efforts.

B. Budget Needs Identified

Based on current expenditure projections, the following General Fund 050 departments are forecasting a budget need in FY 2023. The departments have been advised to manage their appropriated resources so that supplemental appropriations will not be required. However, the Administration will continue to closely monitor these budgets in the coming months and work with the respective departments to mitigate the need for supplemental appropriations. As appropriate, any remaining budget needs will be addressed with the FAO.

1. Department of Human Resources (\$10,000)

The Department of Human Resources projects a need in non-personnel. The door at the main entrance is no longer functional and needs to be replaced to ensure

safety and security. The replacement is estimated at \$10,000. This need will be addressed by a future mid-year budget adjustment ordinance.

2. Citizen Complaint Authority (\$70,000)

The Citizen Complaint Authority (CCA) projects a possible personnel need of up to \$70,000 resulting from vacant positions that were filled at higher than anticipated salaries as well as anticipated equity salary adjustments. Additionally, the department is projecting a non-personnel need resulting from a FY 2022 computer expense that was not properly encumbered as well as telephone expenses for cell phones for investigators. Of the estimated need, \$15,000 will be addressed by a future mid-year budget adjustment ordinance.

3. Cincinnati Police Department (\$1.6 million)

The Cincinnati Police Department (CPD) projects an overall need of approximately \$1.6 million primarily due to personnel expense overages. Personnel overages are estimated at \$1.3 million and are attributed to increased Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter. Lump sum payments have also exceeded expectations due to the retirement of several veteran officers. Additionally, a non-personnel need of \$300,000 is projected due to unbudgeted annual software maintenance for the department's wireless mobile digital video (in-car camera) system. Personnel and non-personnel expenditures will be closely monitored over the next few months. A portion of the overtime need will be addressed by a future reallocation of American Rescue Plan (ARP) Act funds.

15. Department of Public Services (\$30,000)

The Department of Public Services (DPS) reports a \$30,000 need in non-personnel for a Cincinnati Police Department facility energy audit. DPS is also reporting a potential need related to increased utility costs due to stormwater rate increases. DPS projects utility expenses could create a budget need of approximately \$162,000. Additionally, DPS projects a potential need of \$23,000 due to the CODE retroactive salary adjustment implemented in November 2022 and other staffing adjustments. These needs may be partially offset by position vacancy savings as well as increased reimbursements. These needs will be monitored closely as the fiscal year continues.

4. Cincinnati Fire Department (\$4.1 million)

The Cincinnati Department (CFD) projects a total need of up to \$4.1 million primarily due to overtime. Increased attrition over the past several years has necessitated the use of overtime to backfill vacant positions. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of

2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. However, this need may be partially offset by non-personnel savings. Both the department and the Office of Budget and Evaluation will continue to closely monitor staffing trends and overtime needs.

5. Department of Economic Inclusion (\$120,000)

The Department of Economic Inclusion projects a potential personnel need of up to \$164,000 due to being fully staffed. However, this need may be partially offset through additional reimbursements from the Income Tax-Infrastructure Fund for eligible work for a total estimated net need of \$120,000.

6. Non-Departmental Accounts (\$201,000)

The Internal Revenue Service (IRS) limits the maximum employee benefit received from a defined contribution retirement plan. Per the Cincinnati Municipal Code (CMC), the City is responsible for covering the excess benefit amount, which is paid from the Contribution to Total Benefit Arrangement (Cincinnati Retirement System (CRS)) non-departmental account. An amount of \$1,000 is needed in this account in order to comply with IRS regulations. Additionally, the Law Department projects a potential need of up to \$200,000 in the Judgments Against the City non-departmental account for settlements. The timing of settlements may also impact the potential need. The Law Department will monitor this need closely. It is also expected that the City will owe a judgment of approximately \$3,280,000 in a future budget monitoring period due to the Ohio First District Court of Appeals upholding the finding, in *White v. Cincinnati, 2021-Ohio-4003*, that the false alarm fee imposed by the City under Cincinnati Municipal Code (CMC) Chapter 807 to be a tax which was determined to be unconstitutional. The finding will likely dictate the timing required for the payment of this judgment.

C. Within Budget, Intradepartmental Budget Transfers May Be Needed

Numerous General Fund 050 departments have indicated the ability to manage their resources within their appropriation. However, budget adjustments within their departments may be required. These transfers are referred to as Intradepartmental Budget Transfers. Unless noted otherwise, these Intradepartmental Budget Transfers will be included in the FAO, which will be presented to the City Council for approval in May 2023.

1. Clerk of Council

The Clerk of Council's Office projects a potential non-personnel need due to evening neighborhood meetings, which are held twice a month. Each meeting costs an estimated \$1,000. This ongoing expense will be monitored and addressed in a budget adjustment ordinance if necessary.

2. Enterprise Technology Solutions

The Department of Enterprise Technology Solutions projects no budget savings or need at this time, pending reimbursement processing.

3. City Manager's Office

The City Manager's Office projects no budget savings or need at this time. However, a potential non-personnel need may arise related to Infrastructure Investment and Jobs Act (IIJA) grant application consulting services.

4. City Manager's Office: Office of Communications

The Office of Communications projects no budget savings or need at this time.

5. City Manager's Office: Office of Human Relations

The Office of Human Relations projects a need of \$4,950 related to a cancelled prior-year encumbrance. This expense will be absorbed by the City Manager's Office and monitored.

6. City Manager's Office: Office of Budget and Evaluation

The Office of Budget and Evaluation projects no budget savings or need at this time, pending reimbursement processing.

7. City Manager's Office: Emergency Communications Center (ECC)

The Emergency Communications Center projects no budget savings or need at this time. However, a need may arise related to the 311 service line chat tool software.

8. City Manager's Office: Office of Environment and Sustainability

The Office of Environment and Sustainability projects no budget savings or need at this time.

9. City Manager's Office: Office of Procurement

The Office of Procurement projects no budget savings or need at this time, pending reimbursement processing.

10. City Manager's Office: Office of Performance and Data Analytics (OPDA)

The Office of Performance and Data Analytics projects potential personnel savings, which will be monitored. No savings or needs are anticipated in the non-personnel budget.

11. City Manager's Office: Internal Audit

Internal Audit projects a possible personnel need. The budget will be monitored for a possible shortfall, which can be resolved in the Final Adjustment Ordinance if necessary.

12. Department of Law

The Department of Law projects no budget savings or need at this time.

13. Department of Finance

The Department of Finance projects no budget savings or need at this time, pending reimbursement processing.

14. Department of Community and Economic Development

The Department of Community and Economic Development (DCED) projects a non-personnel need due to Shillito’s West annual operating expenses. Additionally, there is a potential personnel need in the Housing Division. These needs will be offset by personnel savings in the Economic Development Division. Transfers between agencies may be required as part of the Final Adjustment Ordinance.

16. Cincinnati Recreation Commission

The Cincinnati Recreation Commission projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, transfers between agencies may be requested as part of the Final Adjustment Ordinance.

17. Cincinnati Parks Department

The Parks Department projects no budget savings or need at this time, pending reimbursement processing. However, transfers between agencies may be required as part of the Final Adjustment Ordinance.

18. Department of Buildings and Inspections

The Department of Buildings and Inspections projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, due to staffing and hiring issues, the department is engaging an external contractor to assist with plan reviews. This contractual service need can be offset by position vacancy savings, but transfers will be required as part of the Final Adjustment Ordinance.

19. Department of Transportation and Engineering

The Department of Transportation and Engineering projects no personnel budget savings or needs, pending reimbursement processing.

II. ENTERPRISE FUNDS

Enterprise Funds account for any activity for which a fee is charged to external users for goods or services. If an activity's principal revenue source meets any one of the following criteria, it is required to be reported as an enterprise fund: (1) an activity

financed with debt that is secured solely by pledge of the net revenues from fees and charges for the activity; (2) laws or regulations which require that the activity's costs of providing services, including capital costs, be recovered with fees and charges, rather than with taxes or similar revenues; or (3) pricing policies which establish fees and charges designed to recover the activity's costs.

A. Water Works Fund 101

Water Works Fund 101 is 32.3% expended year to date. The Greater Cincinnati Water Works (GCWW) projects a potential need related to utility expenses, postage, and credit card processing fees, which can be offset by savings in expert services and savings generated from the delay of water meter acquisition. These needs will be monitored closely.

B. Parking System Facilities Fund 102

Parking System Facilities Fund 102 includes the budget for off-street parking enterprises, including garages. Fund 102 is currently 31.1% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development continues to experience an increase in rent expenses due to the rise in employee parking at the Seventh Street Garage and the Hennegan Lot. The division is responsible for covering the difference between what City employees pay and the contracted monthly rate. This need is expected to be offset with savings in contractual services.

C. Duke Energy Convention Center Fund 103

Duke Energy Convention Center Fund 103 is 47.7% expended year to date. Contractual service expenses are trending slightly high due to increased Convention Center operating costs for the first quarter. However, the Finance Department projects no savings or need at this time.

D. General Aviation Fund 104

General Aviation Fund 104 is 29.9% expended year to date. The Department of Transportation and Engineering may have personnel and fringe benefits savings in Fund 104 due to position vacancies, which will be monitored. Possible non-personnel needs related to auto repairs and maintenance will also be monitored.

E. Municipal Golf Fund 105

Municipal Golf Fund 105 is 58.3% expended year to date, which reflects expenses for the calendar year (CY) 2022 golf season and meets expectations. The Cincinnati Recreation Commission projects no budget savings or need.

F. Stormwater Management Fund 107

Stormwater Management Fund 107 provides resources to various City departments. The major recipient of resources from this fund is the Stormwater Management Utility (SMU). The Department of Public Services, the Parks Department, and the Department of Buildings and Inspections, among others,

also receive appropriations from this fund. The Stormwater Management Fund is 35.0% expended year to date. SMU, the Parks Department, and the Department of Buildings and Inspections project no budget savings or need at this time. The Department of Public Services projects potential savings in personnel due to position vacancies.

III. DEBT SERVICE FUNDS

Debt Service Funds account for the accumulation of resources for, and the payment of, principal and interest on the City's bonds issued in support of governmental activities.

A. Bond Retirement Fund 151

Bond Retirement Fund 151 is 54.8% expended year to date. The Finance Department projects no budget savings or need for FY 2023.

IV. APPROPRIATED SPECIAL REVENUE FUNDS

Special Revenue Funds account for the proceeds of specific revenue sources (other than trusts for individuals, private organizations, or other governments, or for major capital projects) that are legally restricted to expenditures for specific purposes.

The Office of Budget and Evaluation, in cooperation with various City departments, reviewed appropriated special revenue funds to ensure the Approved FY 2023 Budget Update remains in balance. Based on expenditures and revenues through November 30, 2022, most special revenue funds are on target with regards to their budget and require no additional appropriations at this time. Any identified issues are highlighted in the narrative summaries provided below. If warranted, budget adjustments will be addressed in the FAO later in the fiscal year.

A. Street Construction, Maintenance & Repair Fund 301

Street Construction, Maintenance & Repair Fund 301 is 27.1% expended year to date. The Department of Transportation and Engineering projects no budget savings or need in FY 2023. The Department of Public Services anticipates personnel and fringe benefit savings in Fund 301; however, these savings are anticipated to be partially offset by automotive maintenance and repair expenses as well as increased winter emergency operations expenses due to the projected inclement weather conditions over the next few months.

B. Income Tax-Infrastructure Fund 302

Income Tax-Infrastructure Fund 302 provides resources to several City departments. The Department of Transportation and Engineering is the largest

recipient of resources from this fund. The Department of Public Services also receives Income Tax-Infrastructure Fund resources. Fund 302 is 35.5% expended year to date. The Department of Transportation and Engineering projects potential personnel savings due to position vacancies, which is offset by a potential non-personnel need related to natural gas expenses. Transfers between agencies may also be required as part of the Final Adjustment Ordinance. The Department of Public Services projects a possible personnel need related to overtime expenses and the CODE retroactive salary adjustment implemented in November 2022.

C. Parking Meter Fund 303

Parking Meter Fund 303 includes the budget for on-street parking enterprises, including parking meters. Fund 303 is currently 35.9% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development projects neither a savings nor a need in the fund.

D. Municipal Motor Vehicle License Tax Fund 306

Municipal Motor Vehicle License Tax Fund 306 is 26.5% expended year to date. The Department of Transportation and Engineering projects potential personnel savings, which will be monitored. The Department of Public Services currently projects a possible fringe benefits savings at this time. However, depending on weather conditions over the next few months, a potential need could arise related to winter emergency operation expenses.

E. Sawyer Point Fund 318

Sawyer Point Fund 318 is 18.1% expended year to date. The Parks Department projects no budget savings or need in Fund 318.

F. Recreation Special Activities Fund 323

Fund 323 is currently 33.6% expended year to date. The Cincinnati Recreation Commission projects no budget savings or need in Fund 323.

G. Cincinnati Riverfront Park Fund 329

Cincinnati Riverfront Park Fund 329 is the appropriated fund for Smale Park. Fund 329 is currently 9.7% expended year to date. The Parks Department projects no budget savings or need in Fund 329.

H. Hazard Abatement Fund 347

Hazard Abatement Fund 347 is 3.1% expended year to date. The Department of Buildings and Inspections projects no budget savings or need at this time.

I. 9-1-1 Cell Phone Fees Fund 364

9-1-1 Cell Phone Fees Fund 364 is the appropriated fund that governs the City portion of state collected revenue from mobile device fees. Fund 364 is currently

7.4% expended year to date. The Emergency Communications Center projects no budget savings or need in Fund 364.

J. Safe and Clean Fund 377

Safe and Clean Fund 377 is the appropriated fund that collects revenue associated with billboard leases. These resources are allocated to Keep Cincinnati Beautiful (KCB) expenditures. This fund is currently 1.7% expended year to date. The Department of Public Services projects no budget savings or need.

K. Community Health Center Activities Fund 395

Community Health Center Activities Fund 395 is 32.8% expended year to date. The Cincinnati Health Department (CHD) projects potential non-personnel needs related to temporary staffing, uniform expenses, and the unbudgeted repair and replacement of equipment. However, these needs may be offset by personnel savings resulting from position vacancies.

L. Cincinnati Health District Fund 416

General operational support to the Cincinnati Health Department is provided by Cincinnati Health District Fund 416. This fund is 33.3% expended year to date. The Cincinnati Health Department (CHD) projects a non-personnel need, primarily in contractual services related to the search for the next Health Commissioner, uniform expenses, building repair costs, and temporary personnel services. Additionally, the department projects a personnel need in the Technical Resources Division and the Community Health Services Division. Personnel needs are exacerbated by unbudgeted expenses resulting from the new CODE labor agreement, including the retroactive salary adjustment implemented in November 2022. These needs can be fully offset by personnel savings in the Office of the Commissioner and the Primary Health Care Centers Division. Transfers may be required as part of the Final Adjustment Ordinance.

M. Cincinnati Area Geographic Information System (CAGIS) Fund 449

Cincinnati Area Geographic Information System Fund 449 is 27.8% expended year to date. Enterprise Technology Solutions projects no budget savings or need at this time.

N. Streetcar Operations Fund 455

Streetcar Operations Fund 455 is 34.4% expended year to date. The Department of Transportation and Engineering projects a total non-personnel need of \$504,000, primarily due to police security details and Southwest Ohio Regional Transit Authority (SORTA) expenses. These needs may be covered by anticipated Ohio Department of Transportation (ODOT) grant resources as well as possible position vacancy savings. These needs will be monitored closely.

O. County Law Enforcement Applied Regionally (CLEAR) Fund 457

The CLEAR Fund is 20.3% expended year to date. Enterprise Technology Solutions projects no budget savings or need for FY 2023.

Summary

Through November 30, 2022, major budget issues include overtime needs for both the Police Department and Fire Department, revenue decline in Parking Meter Fund 303, unbudgeted wage items resulting from collective bargaining agreements, and lasting impacts from the COVID-19 pandemic related to supply chain issues and the costs of various goods and services. Departments have identified possible savings and shortfalls, which will continue to be monitored and updated monthly.

Submitted herewith are the following Office of Budget & Evaluation reports:

1. Fund Summary Report for the month ended November 30, 2022.

Submitted herewith are the following Department of Finance reports:

2. Comparative Statement of Revenue (Actuals, Forecast and Prior Year) as of November 30, 2022.
3. Audit of the City Treasurer's Report for the month ended October 31, 2022.
4. Statement of Balances in the various funds as of November 30, 2022.

By approval of this report, City Council appropriates the revenues received in the various restricted funds on the attached Statement of Balances and as stated in greater detail on the records maintained by the Department of Finance, Division of Accounts & Audits. Such revenues are to be expended in accordance with the purposes for which the funds were established.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director
Andrew M. Dudas, Budget Director

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 11/30/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
050	General	PERSONNEL SERVICES	277,879,940.00	104,268,053.14	37.5%	.00	104,268,053.14	37.5%	173,611,886.86
		EMPLOYEE BENEFITS	111,509,260.00	49,595,100.48	44.5%	345,321.45	49,940,421.93	44.8%	61,568,838.07
		NON-PERSONNEL EXPENSES	84,547,922.89	29,039,480.75	34.3%	22,054,667.78	51,094,148.53	60.4%	33,453,774.36
		PROPERTIES	25,860.00	.00	0.0%	.00	.00	0.0%	25,860.00
		*TOTAL FUND_CD 050	473,962,982.89	182,902,634.37	38.6%	22,399,989.23	205,302,623.60	43.3%	268,660,359.29
101	Water Works	PERSONNEL SERVICES	43,725,650.00	13,752,951.44	31.5%	.00	13,752,951.44	31.5%	29,972,698.56
		EMPLOYEE BENEFITS	17,620,410.00	6,954,753.72	39.5%	.00	6,954,753.72	39.5%	10,665,656.28
		NON-PERSONNEL EXPENSES	54,648,230.00	15,950,969.68	29.2%	18,186,049.21	34,137,018.89	62.5%	20,511,211.11
		DEBT SERVICE	45,233,480.00	15,382,935.54	34.0%	28,750.00	15,411,685.54	34.1%	29,821,794.46
		*TOTAL FUND_CD 101	161,227,770.00	52,041,610.38	32.3%	18,214,799.21	70,256,409.59	43.6%	90,971,360.41
102	Parking System Facilities	PERSONNEL SERVICES	378,710.00	119,216.11	31.5%	.00	119,216.11	31.5%	259,493.89
		EMPLOYEE BENEFITS	142,290.00	67,706.42	47.6%	.00	67,706.42	47.6%	74,583.58
		NON-PERSONNEL EXPENSES	4,946,200.00	1,240,175.62	25.1%	1,990,967.95	3,231,143.57	65.3%	1,715,056.43
		DEBT SERVICE	2,187,280.00	951,461.42	43.5%	.00	951,461.42	43.5%	1,235,818.58
		*TOTAL FUND_CD 102	7,654,480.00	2,378,559.57	31.1%	1,990,967.95	4,369,527.52	57.1%	3,284,952.48
103	Convention-Exposition Center	PERSONNEL SERVICES	91,070.00	19,093.18	21.0%	.00	19,093.18	21.0%	71,976.82
		EMPLOYEE BENEFITS	38,440.00	6,191.34	16.1%	.00	6,191.34	16.1%	32,248.66
		NON-PERSONNEL EXPENSES	9,931,930.00	4,658,968.62	46.9%	196,122.08	4,855,090.70	48.9%	5,076,839.30
		DEBT SERVICE	299,580.00	255,176.54	85.2%	.00	255,176.54	85.2%	44,403.46
		*TOTAL FUND_CD 103	10,361,020.00	4,939,429.68	47.7%	196,122.08	5,135,551.76	49.6%	5,225,468.24
104	General Aviation	PERSONNEL SERVICES	891,610.00	266,894.93	29.9%	.00	266,894.93	29.9%	624,715.07
		EMPLOYEE BENEFITS	367,700.00	120,793.05	32.9%	.00	120,793.05	32.9%	246,906.95
		NON-PERSONNEL EXPENSES	962,490.00	248,787.36	25.8%	110,659.99	359,447.35	37.3%	603,042.65
		DEBT SERVICE	44,420.00	40,394.64	90.9%	.00	40,394.64	90.9%	4,025.36
		*TOTAL FUND_CD 104	2,266,220.00	676,869.98	29.9%	110,659.99	787,529.97	34.8%	1,478,690.03
105	Municipal Golf	PERSONNEL SERVICES	224,490.00	52,108.89	23.2%	.00	52,108.89	23.2%	172,381.11
		EMPLOYEE BENEFITS	80,740.00	17,960.37	22.2%	.00	17,960.37	22.2%	62,779.63
		NON-PERSONNEL EXPENSES	4,700,510.00	2,886,763.71	61.4%	516,382.28	3,403,145.99	72.4%	1,297,364.01
		DEBT SERVICE	614,550.00	319,437.50	52.0%	.00	319,437.50	52.0%	295,112.50
		*TOTAL FUND_CD 105	5,620,290.00	3,276,270.47	58.3%	516,382.28	3,792,652.75	67.5%	1,827,637.25

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 11/30/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
107	Stormwater Management	PERSONNEL SERVICES	9,545,820.00	2,989,339.45	31.3%	.00	2,989,339.45	31.3%	6,556,480.55
		EMPLOYEE BENEFITS	4,063,860.00	1,304,514.87	32.1%	.00	1,304,514.87	32.1%	2,759,345.13
		NON-PERSONNEL EXPENSES	11,846,260.00	3,781,413.60	31.9%	2,002,765.90	5,784,179.50	48.8%	6,062,080.50
		PROPERTIES	50,000.00	.00	0.0%	47,175.00	47,175.00	94.4%	2,825.00
		DEBT SERVICE	1,957,310.00	1,542,426.68	78.8%	.00	1,542,426.68	78.8%	414,883.32
		*TOTAL FUND_CD 107	27,463,250.00	9,617,694.60	35.0%	2,049,940.90	11,667,635.50	42.5%	15,795,614.50
151	Bond Retirement - City	PERSONNEL SERVICES	298,180.00	68,960.40	23.1%	.00	68,960.40	23.1%	229,219.60
		EMPLOYEE BENEFITS	111,490.00	24,537.10	22.0%	.00	24,537.10	22.0%	86,952.90
		NON-PERSONNEL EXPENSES	3,528,470.00	375,392.33	10.6%	96,800.00	472,192.33	13.4%	3,056,277.67
		DEBT SERVICE	125,523,250.00	70,445,054.86	56.1%	.00	70,445,054.86	56.1%	55,078,195.14
		*TOTAL FUND_CD 151	129,461,390.00	70,913,944.69	54.8%	96,800.00	71,010,744.69	54.9%	58,450,645.31
301	Street Construction Maintenance & Repair	PERSONNEL SERVICES	6,750,870.00	1,939,202.94	28.7%	.00	1,939,202.94	28.7%	4,811,667.06
		EMPLOYEE BENEFITS	2,959,660.00	1,060,460.61	35.8%	.00	1,060,460.61	35.8%	1,899,199.39
		NON-PERSONNEL EXPENSES	6,963,000.00	1,512,021.54	21.7%	1,498,406.57	3,010,428.11	43.2%	3,952,571.89
		*TOTAL FUND_CD 301	16,673,530.00	4,511,685.09	27.1%	1,498,406.57	6,010,091.66	36.0%	10,663,438.34
302	Income Tax-Infrastructure	PERSONNEL SERVICES	13,383,110.00	4,218,822.74	31.5%	.00	4,218,822.74	31.5%	9,164,287.26
		EMPLOYEE BENEFITS	5,233,660.00	2,120,952.46	40.5%	.00	2,120,952.46	40.5%	3,112,707.54
		NON-PERSONNEL EXPENSES	5,878,120.00	2,346,147.19	39.9%	317,583.55	2,663,730.74	45.3%	3,214,389.26
		*TOTAL FUND_CD 302	24,494,890.00	8,685,922.39	35.5%	317,583.55	9,003,505.94	36.8%	15,491,384.06
303	Parking Meter	PERSONNEL SERVICES	1,827,660.00	546,871.24	29.9%	.00	546,871.24	29.9%	1,280,788.76
		EMPLOYEE BENEFITS	794,580.00	323,010.22	40.7%	.00	323,010.22	40.7%	471,569.78
		NON-PERSONNEL EXPENSES	2,298,250.00	894,566.42	38.9%	647,636.51	1,542,202.93	67.1%	756,047.07
		*TOTAL FUND_CD 303	4,920,490.00	1,764,447.88	35.9%	647,636.51	2,412,084.39	49.0%	2,508,405.61
306	Municipal Motor Vehicle License Tax	PERSONNEL SERVICES	1,577,010.00	483,247.83	30.6%	.00	483,247.83	30.6%	1,093,762.17
		EMPLOYEE BENEFITS	785,010.00	267,480.61	34.1%	.00	267,480.61	34.1%	517,529.39
		NON-PERSONNEL EXPENSES	1,611,270.00	300,506.95	18.7%	175,128.22	475,635.17	29.5%	1,135,634.83
		*TOTAL FUND_CD 306	3,973,290.00	1,051,235.39	26.5%	175,128.22	1,226,363.61	30.9%	2,746,926.39

CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 11/30/2022

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
318	Sawyer Point	PERSONNEL SERVICES	410,810.00	55,044.35	13.4%	.00	55,044.35	13.4%	355,765.65
		EMPLOYEE BENEFITS	115,560.00	18,717.50	16.2%	.00	18,717.50	16.2%	96,842.50
		NON-PERSONNEL EXPENSES	693,570.00	147,495.89	21.3%	150,622.94	298,118.83	43.0%	395,451.17
		*TOTAL FUND_CD 318	1,219,940.00	221,257.74	18.1%	150,622.94	371,880.68	30.5%	848,059.32
323	Recreation Special Activities	PERSONNEL SERVICES	3,663,260.00	1,014,625.92	27.7%	.00	1,014,625.92	27.7%	2,648,634.08
		EMPLOYEE BENEFITS	284,470.00	99,072.18	34.8%	.00	99,072.18	34.8%	185,397.82
		NON-PERSONNEL EXPENSES	1,669,070.00	779,672.93	46.7%	171,718.07	951,391.00	57.0%	717,679.00
		PROPERTIES	13,720.00	.00	0.0%	.00	.00	0.0%	13,720.00
		*TOTAL FUND_CD 323	5,630,520.00	1,893,371.03	33.6%	171,718.07	2,065,089.10	36.7%	3,565,430.90
329	Cincinnati Riverfront Park	PERSONNEL SERVICES	670,710.00	.00	0.0%	.00	.00	0.0%	670,710.00
		EMPLOYEE BENEFITS	342,840.00	6,242.50	1.8%	.00	6,242.50	1.8%	336,597.50
		NON-PERSONNEL EXPENSES	505,010.00	141,669.01	28.1%	132,906.24	274,575.25	54.4%	230,434.75
		*TOTAL FUND_CD 329	1,518,560.00	147,911.51	9.7%	132,906.24	280,817.75	18.5%	1,237,742.25
347	Hazard Abatement Fund	PERSONNEL SERVICES	455,010.00	7,482.86	1.6%	.00	7,482.86	1.6%	447,527.14
		EMPLOYEE BENEFITS	231,830.00	10,757.36	4.6%	.00	10,757.36	4.6%	221,072.64
		NON-PERSONNEL EXPENSES	10,720.00	3,283.85	30.6%	.00	3,283.85	30.6%	7,436.15
		*TOTAL FUND_CD 347	697,560.00	21,524.07	3.1%	.00	21,524.07	3.1%	676,035.93
364	9-1-1 Cell Phone Fees	PERSONNEL SERVICES	573,480.00	.00	0.0%	.00	.00	0.0%	573,480.00
		EMPLOYEE BENEFITS	243,880.00	.00	0.0%	.00	.00	0.0%	243,880.00
		NON-PERSONNEL EXPENSES	646,160.00	108,374.21	16.8%	9,772.73	118,146.94	18.3%	528,013.06
		*TOTAL FUND_CD 364	1,463,520.00	108,374.21	7.4%	9,772.73	118,146.94	8.1%	1,345,373.06
377	Safe & Clean	NON-PERSONNEL EXPENSES	52,040.00	904.68	1.7%	50,615.32	51,520.00	99.0%	520.00
		*TOTAL FUND_CD 377	52,040.00	904.68	1.7%	50,615.32	51,520.00	99.0%	520.00
395	Community Health Center Activities	PERSONNEL SERVICES	13,050,900.00	4,067,739.05	31.2%	.00	4,067,739.05	31.2%	8,983,160.95
		EMPLOYEE BENEFITS	5,547,470.00	1,956,999.22	35.3%	.00	1,956,999.22	35.3%	3,590,470.78
		NON-PERSONNEL EXPENSES	8,675,950.00	2,914,634.78	33.6%	4,073,006.46	6,987,641.24	80.5%	1,688,308.76
		*TOTAL FUND_CD 395	27,274,320.00	8,939,373.05	32.8%	4,073,006.46	13,012,379.51	47.7%	14,261,940.49

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 11/30/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
416	Cincinnati Health District	PERSONNEL SERVICES	13,018,010.00	4,227,079.30	32.5%	.00	4,227,079.30	32.5%	8,790,930.70
		EMPLOYEE BENEFITS	5,175,870.00	1,836,145.88	35.5%	.00	1,836,145.88	35.5%	3,339,724.12
		NON-PERSONNEL EXPENSES	1,367,550.00	451,525.44	33.0%	544,121.30	995,646.74	72.8%	371,903.26
		PROPERTIES	2,980.00	.00	0.0%	.00	.00	0.0%	2,980.00
		*TOTAL FUND_CD 416	19,564,410.00	6,514,750.62	33.3%	544,121.30	7,058,871.92	36.1%	12,505,538.08
449	Cincinnati Area Geographic Information Systems (CAGIS)	PERSONNEL SERVICES	1,934,950.00	612,724.80	31.7%	.00	612,724.80	31.7%	1,322,225.20
		EMPLOYEE BENEFITS	666,210.00	277,127.73	41.6%	.00	277,127.73	41.6%	389,082.27
		NON-PERSONNEL EXPENSES	2,180,710.00	441,806.91	20.3%	71,606.24	513,413.15	23.5%	1,667,296.85
		*TOTAL FUND_CD 449	4,781,870.00	1,331,659.44	27.8%	71,606.24	1,403,265.68	29.3%	3,378,604.32
455	Streetcar Operations	PERSONNEL SERVICES	619,270.00	181,482.79	29.3%	.00	181,482.79	29.3%	437,787.21
		EMPLOYEE BENEFITS	164,660.00	14,230.50	8.6%	.00	14,230.50	8.6%	150,429.50
		NON-PERSONNEL EXPENSES	4,356,489.00	1,572,974.97	36.1%	2,697,700.14	4,270,675.11	98.0%	85,813.89
		*TOTAL FUND_CD 455	5,140,419.00	1,768,688.26	34.4%	2,697,700.14	4,466,388.40	86.9%	674,030.60
457	County Law Enforcement Applied Regionally (CLEAR)	PERSONNEL SERVICES	1,572,400.00	357,619.64	22.7%	.00	357,619.64	22.7%	1,214,780.36
		EMPLOYEE BENEFITS	479,030.00	146,408.53	30.6%	.00	146,408.53	30.6%	332,621.47
		NON-PERSONNEL EXPENSES	3,494,640.00	623,923.90	17.9%	598,246.79	1,222,170.69	35.0%	2,272,469.31
		*TOTAL FUND_CD 457	5,546,070.00	1,127,952.07	20.3%	598,246.79	1,726,198.86	31.1%	3,819,871.14
TOTAL			940,968,831.89	364,836,071.17	38.8%	56,714,732.72	421,550,803.89	44.8%	519,418,028.00

February 1, 2023

To: Mayor and Members of City Council 202300453
From: Sheryl M. M. Long, City Manager
Subject: Ordinance – Police: FY 2022 Ohio Drug Law Enforcement Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$108,780.69 in FY 2022 Ohio Drug Law Enforcement funds from the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding personnel costs and equipment for investigations conducted pursuant to Title III of the federal Omnibus Crime Control and Safe Streets Act of 1968; and **AUTHORIZING** the Finance Director to deposit the grant funds into the Law Enforcement Grant Fund 368, Project Account No. 23ODLE.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$108,780.69 in FY 2022 Ohio Drug Law Enforcement funds from the Ohio Department of Public Safety (ODPS), Office of Criminal Justice Services (OCJS) for the purpose of funding personnel costs and equipment for investigations conducted pursuant to Title III of the federal Omnibus Crime Control and Safe Streets Act of 1968. This Ordinance also authorizes the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23ODLE.

Electronic surveillance is cost-intensive, progressive, and requires tremendous amounts of manpower. These grant resources will supplement Cincinnati Police Department (CPD) resources to aid in the disruption and dismantling of drug trafficking organizations operating in Cincinnati, thereby abating the operations of drug trafficking organizations, reducing illicit drug distribution, decreasing overdoses and overdose fatalities, and reducing drug-related violence and crime.

CPD applied for the grant prior to receiving City Council approval to meet the grant application deadline. Should this Ordinance not be approved, the grant award will not be accepted.

The grant does require local matching resources of \$36,263.95. This match will be provided from CPD Narcotics Unit investigators' on-duty time. There are no new FTEs associated with this grant.

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

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$108,780.69 in FY 2022 Ohio Drug Law Enforcement funds from the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding personnel costs and equipment for investigations conducted pursuant to Title III of the federal Omnibus Crime Control and Safe Streets Act of 1968; and **AUTHORIZING** the Finance Director to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23ODLE.

WHEREAS, there is a grant available in the amount of up to \$108,780.69 from the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding personnel costs and equipment for investigations conducted pursuant to Title III of the federal Omnibus Crime Control and Safe Streets Act of 1968, which establishes procedures for lawful electronic surveillance; and

WHEREAS, electronic surveillance is cost-intensive, progressive, and requires a tremendous amount of manpower; and

WHEREAS, this grant will supplement Cincinnati Police Department (“CPD”) resources to aid in the disruption and dismantling of drug trafficking organizations operating in Cincinnati, thereby abating the operations of drug trafficking organizations, reducing illicit drug distribution, decreasing overdoses and overdose fatalities, and reducing drug-related violence and crime; and

WHEREAS, CPD has already applied for the grant but will not accept any grant funds without approval of Council; and

WHEREAS, local matching resources of \$36,263.95 are required, which will be provided from CPD Narcotics Unit investigators’ on-duty time; and

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

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

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant in the amount of up to \$108,780.69 in FY 2022 Ohio Drug Law Enforcement funds from

the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of funding personnel costs and equipment for investigations conducted pursuant to Title III of the federal Omnibus Crime Control and Safe Streets Act of 1968.

Section 2. That the Finance Director is hereby authorized to deposit the grant resources into Law Enforcement Grant Fund 368, Project Account No. 23ODLE.

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

February 1, 2023

To: Mayor and Members of City Council 202300454

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Health: NACCHO Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance Project Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$80,000 from the National Association of County and City Health Officials for the purpose of strengthening the Cincinnati Health Department’s capacity for healthcare-associated infections and antimicrobial resistance prevention and response related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance project; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant of up to \$80,000 from the National Association of County and City Health Officials (NACCHO) for the purpose of strengthening the Cincinnati Health Department’s capacity for healthcare-associated infections and antimicrobial resistance prevention and response related to the Healthcare-Associated Infections and Antimicrobial Resistance project. This Ordinance also authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

The objectives of the Healthcare-Associated Infections (HAI) and Antimicrobial Resistance (AR) project include supporting local health department capacity for HAI prevention and response, advancing local health department engagement in AR-related initiatives and activities, enhancing coordination and connection with the State Health Department HAI/AR programs, developing and identifying resources and best practices for other LHDs, and building strategic approaches to HAI/AR to address health equity.

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

The Cincinnati Health Department applied for the grant on December 13, 2022, and was notified of receipt of the award on December 22, 2022. However, the grant will not be accepted without City Council approval.

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

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$80,000 from the National Association of County and City Health Officials for the purpose of strengthening the Cincinnati Health Department’s capacity for healthcare-associated infections and antimicrobial resistance prevention and response related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance project; and **AUTHORIZING** the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8571.

WHEREAS, a grant is available from the National Association of County and City Health Officials (“NACCHO”) to strengthen the Cincinnati Health Department’s capacity for healthcare-associated infections (“HAI”) and antimicrobial resistance (“AR”) prevention and response related to the Local Health Department (“LHD”) Healthcare-Associated Infections and Antimicrobial Resistance Project (the “HAI/AR Project”); and

WHEREAS, the goal of the HAI/AR Project is to pilot and implement the Centers for Disease Control and Prevention Local Health Department strategy for HAI and AR; and

WHEREAS, the objectives of the HAI/AR Project include supporting LHD capacity for HAI prevention and response, advancing LHD engagement in AR-related initiatives and activities, enhancing coordination and connection with the State Health Department HAI/AR programs, developing and identifying resources and best practices for other LHDs, and building strategic approaches to HAI/AR to address health equity; and

WHEREAS, no local matching funds or additional FTEs are associated with the NACCHO grant; and

WHEREAS, the Cincinnati Health Department applied for the NACCHO grant on December 13, 2022 and was notified of receiving the \$80,000 award on December 22, 2022; and

WHEREAS, no grant funds will be accepted without Council approval; and

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

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

Section 1. That the City Manager is hereby authorized to apply for, accept, and appropriate a grant of up to \$80,000 from the National Association of County and City Health Officials for the purpose of strengthening the Cincinnati Health Department's capacity for healthcare-associated infections and antimicrobial resistance prevention and response related to the Local Health Department Healthcare-Associated Infections and Antimicrobial Resistance project.

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

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

February 1, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202300458

Subject: Emergency Ordinance – DCED: Medpace Way and Red Bank Expressway Infrastructure Improvements Grant

Attached is an Emergency Ordinance captioned:

AUTHORIZING the establishment of capital improvement program project account nos. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” and 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to apply for, accept, and appropriate grant resources in an amount up to \$200,000 from the State of Ohio Department of Development 629 Roadwork Program to newly established capital improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the transfer and return to source General Fund 050 of the sum of \$200,000 from existing capital improvement program project account no. 980x164x231600, “Economic Development Initiatives - GF,” for the purpose of realigning resources with program needs; **AUTHORIZING** the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources; and further **AUTHORIZING** the Finance Director to deposit the grant resources in an amount up to \$200,000 into newly established capital improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant.”

Approval of this Emergency Ordinance will authorize the establishment of new capital improvement program project account nos. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” and 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way. This Emergency Ordinance also authorizes the City Manager to apply for, accept, and appropriate \$200,000 from the State of Ohio Department of Development (ODOD) 629 Roadwork Program to newly established capital

improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way. This Emergency Ordinance authorizes the transfer and return to source, General Fund 050, the sum of \$200,000 from existing capital improvement program project account no. 980x164x231600, “Economic Development Initiatives - GF” for the purpose of realigning resources with program needs. Furthermore, this Emergency Ordinance authorizes the transfer and appropriation of \$200,000 from the unappropriated surplus of the General Fund to newly established capital improvement program project account no. 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

The improvements planned at the intersection of Red Bank Expressway and Medpace Way are needed for the safety of the users who access the campus from Red Bank Expressway. The improvements will also improve traffic flow resulting from the anticipated addition of 1,500 new jobs at the campus.

The improvements for the intersection include a new traffic signal, signal heads, poles, control cabinet, wiring, and other related improvements. The roadway improvements include new pavement markings, adjustment of the existing elevated medians to allow for proper vehicle movement, and miscellaneous items such as new traffic-related street signage.

The Ohio Department of Development 629 Roadwork Program grant requires local matching resources in an amount totaling \$200,000, which will be available in newly established capital improvement program project account no. 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match.” There are no new FTE requirements associated with this grant.

Infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way are in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity,” as described on pages 103-113 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to ensure that necessary funding is in place to meet deadlines required by the grant for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

The Administration recommends passage of this Emergency Ordinance.

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



Attachments

EMERGENCY

LES

- 2023

AUTHORIZING the establishment of capital improvement program project account nos. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” and 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to apply for, accept, and appropriate grant resources in an amount up to \$200,000 from the State of Ohio Department of Development 629 Roadwork Program to newly established capital improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the transfer and return to source General Fund 050 of the sum of \$200,000 from existing capital improvement program project account no. 980x164x231600, “Economic Development Initiatives - GF,” for the purpose of realigning resources with program needs; **AUTHORIZING** the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources; and further **AUTHORIZING** the Finance Director to deposit the grant resources in an amount up to \$200,000 into newly established capital improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant.”

WHEREAS, infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way are needed for the safety of users accessing the campus from Red Bank Expressway and to improve the traffic flow resulting from the anticipated addition of 1,500 new jobs at the Medpace Campus; and

WHEREAS, the improvements for the intersection, which include a new traffic signal, signal heads, poles, control cabinet, wiring, and related improvements, fit within the existing roadway cross section and therefore require limited roadwork; and

WHEREAS, the roadway improvements include new pavement markings, adjustment of the existing elevated medians to allow for proper vehicle movement, and additional improvements such as new traffic-related street signage; and

WHEREAS, a grant in an amount up to \$200,000 is available from the State of Ohio Department of Development (“ODOD”) 629 Roadwork Program for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; and

WHEREAS, acceptance of the grant requires local matching resources in an amount totaling \$200,000, and these local matching funds are available from existing capital improvement program project account no. 980x164x231600, “Economic Development Initiatives - GF,” from which funds will be returned to source and then transferred and appropriated to a new capital improvement program project account with a specific scope of work for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way; and

WHEREAS, there are no new FTEs associated with the ODOD 629 Roadwork Program grant; and

WHEREAS, the infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way are in accordance with the “Compete” goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity,” as described on pages 103-113 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the establishment of capital improvement program project account nos. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” and 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” is hereby authorized for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

Section 2. That the City Manager is hereby authorized to apply for, accept, and appropriate grant resources in an amount up to \$200,000 from the State of Ohio Department of Development 629 Roadwork Program to newly established capital improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant,” for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

Section 3. That the Director of Finance is hereby authorized to deposit the grant resources in an amount up to \$200,000 into newly established capital improvement program project account no. 980x164x231638, “Medpace ODOD 629 Roadwork Program – Grant.”

Section 4. That the transfer and return to source General Fund 050 of the sum \$200,000 from existing capital improvement program project account no. 980x164x231600, “Economic Development Initiatives - GF,” is hereby authorized for the purpose of realigning resources with program needs.

Section 5. That the transfer and appropriation of \$200,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x164x231639, “Medpace ODOD 629 Roadwork Program – Match,” is hereby authorized for the purpose of providing resources for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

Section 6. That the City Manager is authorized to enter into any agreements necessary for the receipt and administration of these grant resources.

Section 7. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and Sections 1 through 6 hereof.

Section 8. 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 ensure that necessary funding is in place to meet deadlines required by the

grant for infrastructure improvements at the intersection of Red Bank Expressway and Medpace Way.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

February 1, 2023

To: Mayor and Members of City Council 202300455

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Cincinnati Recreation Commission (CRC): Tri-State Trails Donation**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation in the amount of \$1,200 from Tri-State Trails for the purpose of planting trees along the Cincinnati Riding or Walking Network (CROWN) shared-use path at the Salway Recreation Complex; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

Approval of this Ordinance would authorize the City Manager to accept and appropriate a donation in the amount of \$1,200 from Tri-State Trails for the purpose of planting trees along the Cincinnati Riding or Walking Network (CROWN) shared-use path at the Salway Recreation Complex. This Ordinance further authorizes the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

The Salway Recreation Complex is part of the Mill Creek Greenway and the CROWN regional biking and walking path network. Tri-State Trails has offered a donation to cover the cost of planting the trees along the shared use path to promote personal and environmental health in the Spring Grove Village neighborhood.

There are no new FTEs or matching funds associated with this donation.

The installation of trees at Salway Recreation Complex is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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



Attachment

AUTHORIZING the City Manager to accept and appropriate a donation in the amount of \$1,200 from Tri-State Trails for the purpose of planting trees along the Cincinnati Riding or Walking Network (CROWN) shared-use path at the Salway Recreation Complex; and **AUTHORIZING** the Finance Director to deposit the donated funds into Contributions for Recreation Purposes Fund 319 revenue account no. 319x8571.

WHEREAS, Tri-State Trails has generously offered a donation in the amount of \$1,200 to the Cincinnati Recreation Commission for the purpose of planting trees along the Cincinnati Riding or Walking Network (CROWN) shared-use path at the Salway Recreation Complex; and

WHEREAS, acceptance of the donation requires no matching funds, and there are no FTEs associated with the donation; and

WHEREAS, the installation of trees at Salway Recreation Complex 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 hereby authorized to accept and appropriate a donation in the amount of \$1,200 from Tri-State Trails for the purpose of planting trees along the Cincinnati Riding or Walking Network (CROWN) shared-use path at the Salway Recreation Complex.

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

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

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

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: February 1, 2023

202300464

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: ORDINANCE – PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY
SALE AGREEMENT

Attached is an ordinance captioned as follows:

AUTHORIZING the City Manager to execute a Property Sale Agreement with the Port of Greater Cincinnati Development Authority, pursuant to which the City will sell certain real property generally located at the southwest corner of East Pete Rose Way and Butler Street in the Central Business District.

The City of Cincinnati owns an approximately 0.0075-acre tract of real property in the Central Business District, located at the southwest corner of East Pete Rose Way and Butler Street (“Property”), which is under the management and control of the City’s Department of Transportation and Engineering (“DOTE”).

The Port of Greater Cincinnati Development Authority (“Petitioner”) desires to purchase the Property from the City for consolidation with Petitioner’s adjoining real property.

The City Manager, upon consultation with DOTE, has determined that the Property is not needed for transportation or any other municipal purpose, that there is good cause to sell the Property, and that such sale will not be detrimental to the general interest.

The approximate fair market value of the Property is \$5,500, which Petitioner has agreed to pay.

The City Planning Commission approved the sale of the Property at its meeting on January 20, 2023.

The Administration recommends passage of the attached ordinance.

Attachment I – Property Sale Agreement

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

AUTHORIZING the City Manager to execute a *Property Sale Agreement* with the Port of Greater Cincinnati Development Authority, pursuant to which the City will sell certain real property generally located at the southwest corner of East Pete Rose Way and Butler Street in the Central Business District.

WHEREAS, the City holds title to an approximately 0.0075-acre tract of real property in the Central Business District located at the southwest corner of East Pete Rose Way and Butler Street and identified as Hamilton County, Ohio Auditor's Parcel ID Nos. 084-0005-0159-00 and 084-0005-0160-00, and more particularly described in the *Property Sale Agreement* attached to this ordinance as Attachment A and incorporated herein by reference ("Property"), which Property is under the management of the City's Department of Transportation and Engineering ("DOT"); and

WHEREAS, the Port of Greater Cincinnati Development Authority, an Ohio port authority and body corporate and politic organized and existing under Ohio law ("Petitioner"), holds title to certain real property abutting the Property at 601 East Pete Rose Way, identified as Hamilton County, Ohio Auditor's Parcel ID No. 084-0005-0311-00, and more particularly depicted on Attachment A ("Petitioner's Property"); and

WHEREAS, Petitioner has petitioned the City to sell the Property for consolidation with Petitioner's Property; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City Manager, being the officer having custody and control of the Property, and upon consultation with DOTE, has determined that the City does not need the Property for transportation or any other municipal purpose; and

WHEREAS, the City's Real Estate Services Division has determined, by a professional appraisal, that the approximate fair market value of the Property is \$5,500, which Petitioner has agreed to pay; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City and eliminating competitive bidding in connection with the City's sale of the Property is appropriate because, as a practical matter, no

one other than an abutting property owner would have any use for it and Petitioner holds title to all non-City-controlled real property adjoining the Property; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Property at its regularly scheduled meeting on January 20, 2023; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Property Sale Agreement* with the Port of Greater Cincinnati Development Authority, an Ohio port authority and body corporate and politic organized and existing under Ohio law (“Petitioner”), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference (“Agreement”), pursuant to which the City of Cincinnati will sell to Petitioner an approximately 0.0075-acre tract of real property in the Central Business District located at the southwest corner of East Pete Rose Way and Butler Street and identified as Hamilton County, Ohio Auditor’s Parcel ID Nos. 084-0005-0159-00 and 084-0005-0160-00, as more particularly described in the Agreement (“Property”).

Section 2. That the Property is not needed for transportation or other municipal purposes.

Section 3. That the City’s Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Property is approximately \$5,500.00, which Petitioner has agreed to pay.

Section 4. That eliminating competitive bidding in connection with the City’s sale of the Property is in the best interest of the City because, as a practical matter, no one other than an abutting property owner would have any use for it and Petitioner holds title to all non-City-controlled real property adjoining the Property.

Section 5. That the proceeds from the sale of the Property, if any, shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the sale, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City’s Finance Director is authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, “Street Improvements,” in which “YY” represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement, including, without limitation, executing any and all ancillary agreements, deeds, plats, or other documents described in or contemplated by the Agreement, to create new encumbrances or release existing encumbrances associated with title of the Property, as deemed necessary or appropriate by the City Manager.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Contract No. _____

Property: Surplus of undedicated East Pete Rose Way
and Butler Street right-of-way

PROPERTY SALE AGREEMENT

This Property Sale Agreement (this “**Agreement**”) is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which for purposes of this Agreement is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”) and **PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY**, an Ohio port authority and body corporate and politic organized and existing under Ohio law, the address of which is 3 East Fourth Street, Suite 300, Cincinnati, Ohio 45202 (the “**Port**”).

Recitals:

A. The City owns certain real property identified as Hamilton County, Ohio Auditor’s Parcel Nos. 084-0005-0159-00 and 084-0005-0160-00, comprising approximately 0.0075 acres in the Central Business District of Cincinnati, Ohio, as more particularly described on Exhibit A (Legal Description- the Sale Property) hereto (the “**Sale Property**”), which Sale Property is under the management of the City’s Department of Transportation and Engineering (“**DOT**”).

B. The Port owns certain real property adjoining the Sale Property, as depicted on Exhibit B (Site Survey) hereto (the “**Port Property**”), and desires to purchase from the City the Sale Property to consolidate said Sale Property with the Port’s Property.

C. The City has determined that the Sale Property is not needed for transportation or other municipal purpose and that the sale of the Sale Property will not be detrimental to the public interest.

D. The City’s Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Sale Property is \$5,500.00, which the Port has agreed to pay.

E. The City has determined that eliminating competitive bidding in connection with the City’s sale of the Sale Property is justified because the Port’s Property abuts the Sale Property, and as a practical matter no one other than an abutting property owner would have any use for it.

F. Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

G. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to the Port at its meeting on January 20, 2023.

H. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. []-2023, passed on [], 2023.

NOW, THEREFORE, the parties agree as follows:

1. **Purchase Price.** Subject to the terms and conditions set forth herein, the City hereby agrees to sell the Sale Property to the Port, and the Port hereby agrees to purchase the Sale Property from the City for \$5,500.00 (the “**Purchase Price**”). The Port acknowledges that it is familiar with the condition of the Sale Property, and, at Closing (as defined below), the City shall convey the Sale Property to the Port in “as is” condition. The City makes no representations or warranties to the Port with respect to the condition of the Sale Property and, from and after the Closing, the City shall have no liability of any kind to the Port for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

{00377575-1}

2. Closing.

(A) Conditions. The closing on the City's sale of the Sale Property to the Port (the "**Closing**") shall not occur unless and until the following conditions have been satisfied (the "**Conditions**"); *provided however*, that if the City, in its sole discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Quitclaim Deed to the Port or handle such Conditions post-Closing. The Port shall perform all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

- (i) Title & Survey: The Port's approval of title to the Sale Property and, if obtained by the Port, an ALTA property survey of the Sale Property;
- (ii) Inspections, Utilities & Zoning/Building Code Requirements: The Port's approval of inspections of the Sale Property, including without limitation environmental assessments and soil assessments, all matters pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;
- (iii) Plats, Legal Descriptions and Deed: The Port shall have provided the City with all plats and legal descriptions as required by DOTE, the Department of City Planning and Engagement, and the Hamilton County Auditor and Recorder in connection with the City's sale of the Sale Property, including, but not limited to: [x] an acceptable deed of record evidencing the Port as the vested legal owner as to the Port's Property; and [y] an acceptable survey plat and legal description with closure of the Sale Property to accompany the transfer and recording of the Quitclaim Deed in substantially the form attached as Exhibit C – (Form of Quitclaim Deed – Sale Property).

(iv) Coordinated Report Conditions (CR #43-2022):

(a) DOTe:

1. Any and all existing utilities must be granted easements or relocated at the Port's expense.
2. No Auditor's parcels shall be landlocked by this sale. Landlocked parcels shall be consolidated with parcels having legal street frontage.
3. The Port is required, at own expense, to provide the City with an acceptable legal description for the Sale Property that meets the recordable standards of the Hamilton County Recorder's Office.
4. The Port is required at own expense to survey any portion of the Sale Property that contains the public sidewalk to be retained as right-of-way.
5. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

(b) Duke Energy: Duke Energy has gas facilities in the area running on the southernmost edge of the E. Pete Rose Way right-of-way. If the gas main is located across any portion of the Sale Property, Duke will need to acquire an easement for said gas facilities prior to sale.

{00377575-1}

(c) altafiber: Altafiber has existing underground telephone facilities in the area. Such facilities must remain in place, in service and able to be accessed. Any damage done to the facilities, or any work done to relocate the facilities as a result as of this request will be handled entirely at the Port's expense.

(d) Buildings & Inspections:

1. The Sale Property shall be consolidated with the Port's Property immediately upon sale.

(B) Right to Terminate. If either party determines, after exercising good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **90 days** after the Effective Date, this Agreement and all rights and obligations of the parties hereunder shall automatically terminate.

(C) Closing Date. Provided the Conditions have been satisfied, the Closing shall take place **30 days** after the Effective Date, or on such earlier or later date as the parties may agree upon.

(D) Closing Costs and Closing Documents. At the Closing, (i) City shall confirm that the Port has paid the Purchase Price in full, and (ii) the City shall convey all its right, title and interest in and to the Sale Property to the Port by *Quitclaim Deed* in the form of Exhibit C. The Port shall pay all Hamilton County, Ohio recording fees, transfer tax, and any and all other customary closing costs associated with the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, the Port shall pay all real estate taxes and assessments thereafter becoming due. At Closing, the parties shall execute a settlement statement and all other customary closing documents that are necessary for the Closing, in such forms as are approved by the City. The City shall not however be required to execute a title affidavit at Closing or other similar documents pertaining to title, it being acknowledged by the Port that the City is selling the Property "as is." Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing, the Port shall pay to the City all unpaid related and unrelated fines, penalties, judgments, water or other utility charges, and any and all other outstanding amounts owed by the Port to the City. The provisions of this Agreement shall survive the City's execution and delivery of the *Quitclaim Deed* and shall not be deemed to have been merged therein.

3. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. regular or certified mail, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Agreement. If the Port sends a notice to the City alleging that the City is in default under this Agreement, the Port shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. Notices shall be deemed given on the date of receipt.

4. Representations, Warranties, and Covenants of the Port. The Port makes the following representations, warranties and covenants to induce the City to enter into this Agreement:

(i) The Port is a body corporate and politic, duly created and organized and validly existing under the laws of the State of Ohio and is not in violation of any laws of the State of Ohio relevant to the transactions contemplated by this Agreement.

(ii) The Port has the full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed, and delivered by the Port, and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of the Port.

{00377575-1}

(iii) The Port's execution, delivery, and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or any mortgage, contract, agreement or other undertaking to which the Port is a party or which purports to be binding upon the Port or upon any of its assets, nor is the Port in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings, or governmental investigations pending, or to the knowledge of the Port, threatened against or affecting the Port, at law or in equity or before or by any governmental authority that could reasonably be expected to substantially interfere with its ability to fulfill its obligations under this Agreement.

(v) The Port shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute or governmental proceedings or investigation affecting the Port that could reasonably be expected to interfere substantially or materially and adversely affect its financial condition or its purchase of the Sale Property.

(vi) The statements made in the documentation provided by the Port to the City have been reviewed by the Port and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) Neither the Port, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

5. General Provisions.

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

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

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

(D) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and assigns. The Port shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City's sole discretion, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

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

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

{00377575-1}

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

(H) Brokers. The Port represents to the City that the Port has not dealt with any real estate brokers and agents in connection with its purchase of the Sale Property.

(I) Official Capacity. All representations, warranties, covenants, agreements, and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements, or obligations shall be deemed to be a representation, warranty, covenant, agreement, or obligation of any present or future officer, agent, employee or attorney of the City in other than his or her official capacity.

(J) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the property sale shall have any personal financial interest, direct or indirect, in the property sale, and the Port shall take appropriate steps to assure compliance.

(K) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(L) Counterparts; E-Signature. This Agreement may be executed via electronic signature and in one or more counterparts, each of which shall be deemed an original and all of which taken together shall constitute but one and the same instrument.

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

- Exhibit A – *Legal Description -the Sale Property*
- Exhibit B – *Site Survey*
- Exhibit C – *Form of Quit Claim Deed*

Executed by the parties on the dates indicated below their respective signatures, effective as of the latest of such dates (the “**Effective Date**”).

**PORT OF GREATER CINCINNATI
DEVELOPMENT AUTHORITY,**
an Ohio port authority

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

[City signatures on the following page]

{00377575-1}

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Recommended by:

John Brazina, Director
Department of Transportation and
Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A

to Property Sale Agreement

Legal Description - the Sale Property

Auditor's Parcel Nos.: 084-0005-0159-00 and 084-0005-0160-00

Property Address: None

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

BEGINNING at a set cross notch at the intersection of the new south line of Pete Rose Way and the new west line of Butler Street as shown on a dedication plat recorded in Plat Book _____, Page _____ of the Hamilton County Recorder's Office;

Thence with the new west line of said Butler Street, South 43°12'16" East, 21.05 feet to a set cross notch in the existing west line of Butler Street;

Thence with the existing west line of said Butler Street, South 37°39'53" East, 9.16 feet to a set cross notch at a corner of a tract conveyed to Port of Greater Cincinnati Development Authority in Official Record 13997, Page 999;

Thence with the north line of said Port of Greater Cincinnati Development Authority, along a curve deflecting to the left, having a radius of 85.00 feet, an arc length of 41.38 feet, a delta angle of 27°53'35", and being subtended by a chord bearing North 80°16'27" West, 40.97 feet to a set cross notch in the new south line of said Pete Rose Way;

Thence with the new south line of said Pete Rose Way, North 52°26'26" East, 25.71 feet to the **POINT OF BEGINNING**.

Containing 0.0075 Acres and being subject to all legal easements and highways of record.

The above described parcel being all of Hamilton County Auditor's Parcels 084-0005-0159 & 084-0005-0160 as conveyed to the City of Cincinnati in Deed Book 3605, Page 177 of the Hamilton County Recorder's Office.

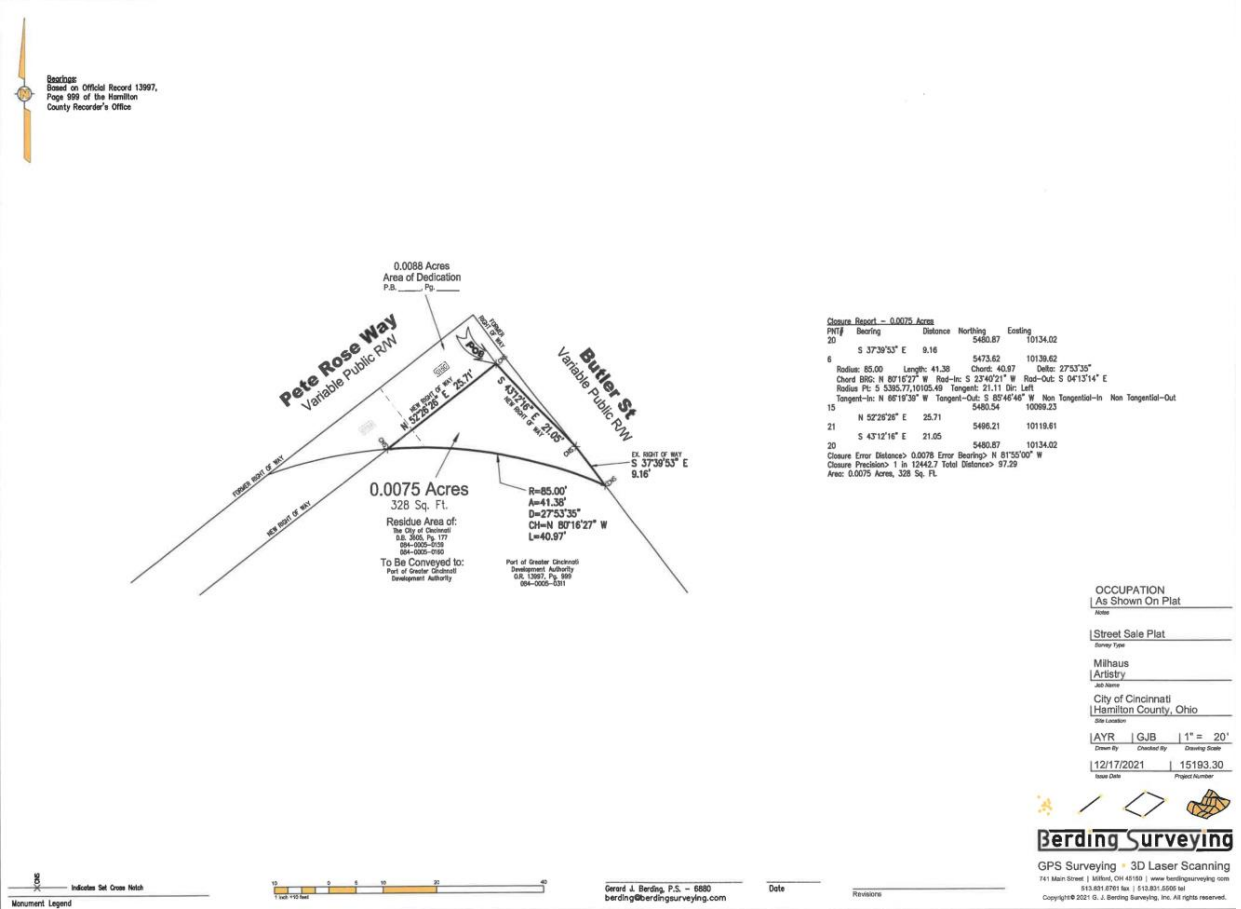
Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC".

Prepared by G.J. BERDING SURVEYING, INC. on December 17, 2021. Based on a Street Sale Plat prepared by G.J. BERDING SURVEYING, INC. on December 17, 2021.

{00377575-1}

EXHIBIT B
to Property Sale Agreement
Site Survey



{00377575-1}

EXHIBIT C
to Property Sale Agreement
Form of Quitclaim Deed

[SEE ATTACHED]

{00377575-1}

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the “**City**”), for valuable consideration paid, hereby grants and conveys to the **PORT OF GREATER CINCINNATI DEVELOPMENT AUTHORITY**, an Ohio port authority and body corporate and politic organized and existing under Ohio law, the address of which is 3 East Fourth Street, Suite 300, Cincinnati, Ohio 45202 (“**Grantee**”), all of the City’s right, title and interest in and to the real property depicted on Exhibit A (Survey Plat) and described on Exhibit B (Legal Description) hereto (the “**Property**”).

Property Address: None
Auditor’s Parcel ID No.: 084-0005-0159-00 and 084-0005-0160-00
Prior instrument reference: D.B. 3605, Pg. 177, Hamilton County, Ohio Records.

This conveyance is subject to the restriction set forth below. Grantee, its successors, and assigns shall forever hold, develop, encumber, lease, occupy, improve, build upon, use, and convey the Property subject to such restriction, which shall “run with the land” and be binding upon Grantee and its successors-in-interest with respect to the Property.

(A) Consolidation. This conveyance shall not create an additional building site. Upon transfer of the Property to Grantee, Grantee shall consolidate the Property with Grantee’s adjoining property. Grantee may not convey the Property separately from Grantee’s adjoining parcel without the prior approval of the authority having jurisdiction of plats.

This conveyance was authorized by Ordinance No. ___-2023, passed by Cincinnati City Council on _____, 2023.

The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Survey Plat*
Exhibit B – *Legal Description*

[SIGNATURE PAGE FOLLOWS]

Executed on _____, 2023.

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgment. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public:
My commission expires: _____

Approved as to Form:

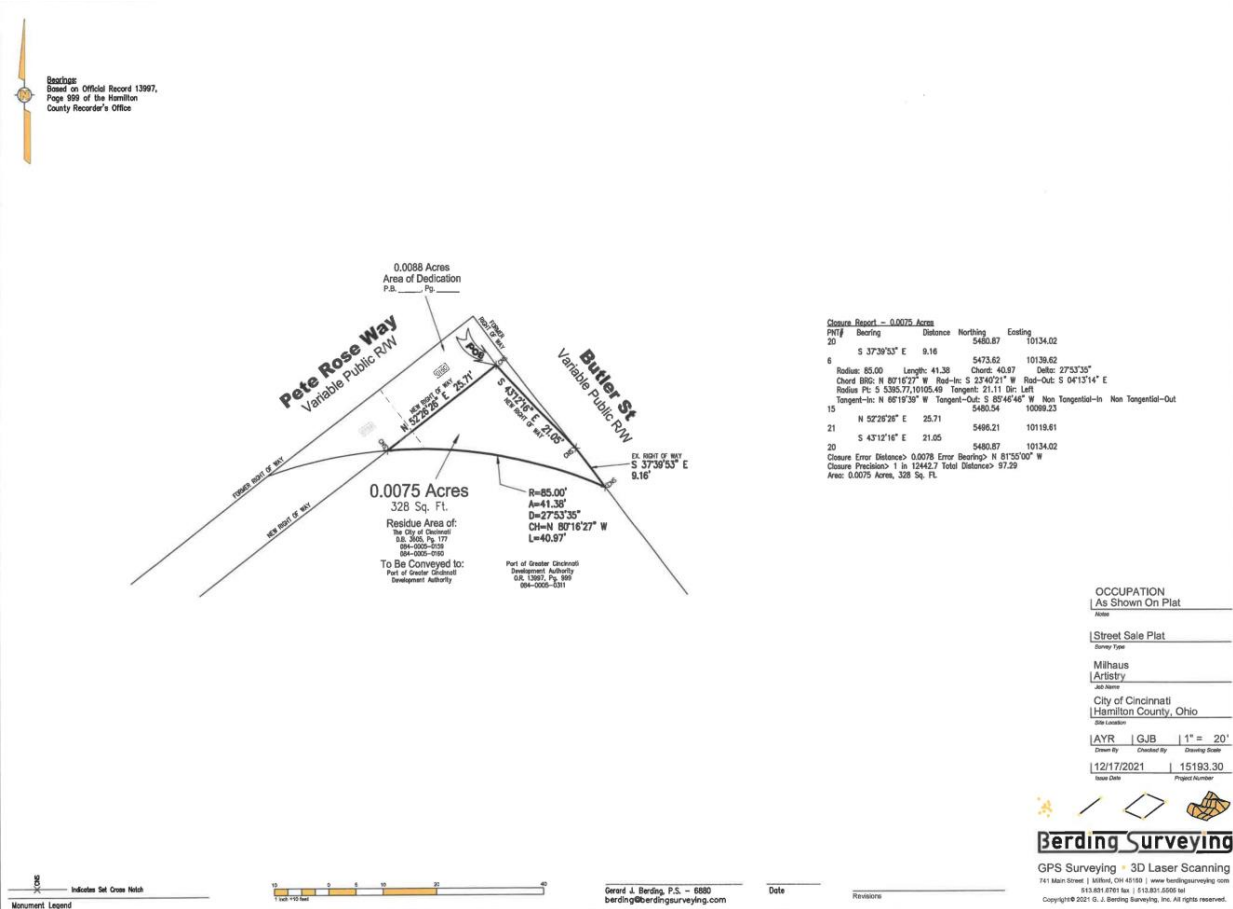
Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department,
801 Plum Street, Suite 214,
Cincinnati, Ohio 45202

{00377575-1}

EXHIBIT A to Quitclaim Deed Survey Plat



{00377575-1}

EXHIBIT B
to Quitclaim Deed
Legal Description

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

BEGINNING at a set cross notch at the intersection of the new south line of Pete Rose Way and the new west line of Butler Street as shown on a dedication plat recorded in Plat Book _____, Page _____ of the Hamilton County Recorder's Office;

Thence with the new west line of said Butler Street, South 43°12'16" East, 21.05 feet to a set cross notch in the existing west line of Butler Street;

Thence with the existing west line of said Butler Street, South 37°39'53" East, 9.16 feet to a set cross notch at a corner of a tract conveyed to Port of Greater Cincinnati Development Authority in Official Record 13997, Page 999;

Thence with the north line of said Port of Greater Cincinnati Development Authority, along a curve deflecting to the left, having a radius of 85.00 feet, an arc length of 41.38 feet, a delta angle of 27°53'35", and being subtended by a chord bearing North 80°16'27" West, 40.97 feet to a set cross notch in the new south line of said Pete Rose Way;

Thence with the new south line of said Pete Rose Way, North 52°26'26" East, 25.71 feet to the **POINT OF BEGINNING**.

Containing 0.0075 Acres and being subject to all legal easements and highways of record.

The above described parcel being all of Hamilton County Auditor's Parcels 084-0005-0159 & 084-0005-0160 as conveyed to the City of Cincinnati in Deed Book 3605, Page 177 of the Hamilton County Recorder's Office.

Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC".

Prepared by G.J. BERDING SURVEYING, INC. on December 17, 2021. Based on a Street Sale Plat prepared by G.J. BERDING SURVEYING, INC. on December 17, 2021.

{00377575-1}

Date: February 1, 2023

To: Mayor and Members of City Council 202300467
From: Sheryl M. M. Long, City Manager
Subject: EMERGENCY ORDINANCE – AMENDING ORDINANCE NO. 174-2021 TO CORRECT FUND

Attached is an emergency ordinance captioned as follows:

AMENDING Ordinance No. 0174-2021 to correct the designated fund in which the Director of Finance is authorized to deposit proceeds received in connection with the sale of real property authorized by said ordinance.

On May 19, 2021, City Council approved Ordinance No. 0174-2021 authorizing the City to sell certain real property adjacent to Interstate 75 in the Central Business District and West End neighborhoods to ODOT in furtherance of ODOT's HAM 75 – 00.22 project.

Section 6 of Ordinance No. 0174-2021 authorized the proceeds from the property sale to be deposited into an incorrect fund.

The reason for the emergency is the immediate need to deposit the proceeds from the sale of real property authorized by Ordinance No. 0174-2021 into the correct fund.

The Administration recommends passage of the attached ordinance.

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

EMERGENCY

CHM

- 2023

AMENDING Ordinance No. 0174-2021 to correct the designated fund in which the Director of Finance is authorized to deposit proceeds received in connection with the sale of real property authorized by said ordinance.

WHEREAS, Council passed Ordinance No. 0174-2021 on May 19, 2021, authorizing the City to convey certain interests in City-owned real property in furtherance of Ohio Department of Transportation (“ODOT”) HAM 75 – 00.22 Project, as amended by Ordinance No. 0023-2022 passed by Council on February 2, 2022, to accept additional compensation offered by ODOT for residual damage to certain property interests retained by the City arising from the project; and

WHEREAS, Section 6 of Ordinance No. 0174-2021 authorized the Finance Director to deposit the proceeds from the property sale in an incorrect fund; and

WHEREAS, Council hereby amends Ordinance No. 0174-2021 to authorize the Finance Director to deposit the proceeds from the property sale in the correct fund; now, therefore,

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

Section 1. That Section 6 of Ordinance No. 0174-2021, passed by Council on May 19, 2021 is hereby amended as follows:

Section 6. That the proceeds from the sale of the Property, if any, shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City's Real Estate Services Division in connection with the sale, and that the City's Finance Director is hereby authorized to deposit amounts in excess thereof into ~~Miscellaneous Permanent Improvement Fund 757~~ Expressways/Gateways Permanent Improvement Fund 753.

Section 2. That existing Section 6 of Ordinance No. 0174-2021 is hereby repealed.

Section 3. That existing Section 7 of Ordinance No. 0174-2021 is hereby repealed in its entirety.

Section 4. That all terms of Ordinance No. 0174-2021 neither amended by Ordinance No. 0023-2022 nor this ordinance remain in full force and effect.

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 deposit the proceeds from the sale of real property authorized by Ordinance No. 0174-2021, as amended by Ordinance No. 0023-2022, into the correct fund.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.

February 1, 2023

To: Mayor and Members of City Council

202300456

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – ATM Lease Smale Park

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a Lease Agreement with Fifth Third Bank pursuant to which the City will lease for a term of up to 10 years a portion of City- owned property known as Smale Riverfront Park in the Central Business District for the purpose of Operating an ATM thereon.

The Board of Park Commissioners at their **January 19, 2023**, meeting approved the lease renewal.

The Administration recommends passage of this Ordinance.

cc: Jason Barron, Director of Parks

EMERGENCY

CHM

- 2023

AUTHORIZING the City Manager to execute a *Lease Agreement* with Fifth Third Bank pursuant to which the City will lease for a term of up to 10 years a portion of City-owned property known as Smale Riverfront Park in the Central Business District for the purpose of operating an ATM thereon.

WHEREAS, the City of Cincinnati owns certain real property commonly known as Smale Riverfront Park located in the Central Business District (“Park”), which is under the management and control of the Board of Park Commissioners for the City of Cincinnati (“Park Board”); and

WHEREAS, pursuant to a *Lease Agreement* authorized by Ordinance No. 500-2012, passed by Council on December 19, 2012, Fifth Third Bank, a National Association (“Lessee”), leases a portion of the Park for the purpose of operating an ATM thereon, as shown on the *Lease Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (“Leased Premises”), and Lessee desires to enter a new lease on the terms and conditions, as more particularly detailed on Attachment A; and

WHEREAS, the City Manager, in consultation with the Park Board, has determined that (i) the Leased Premises is not needed for municipal purposes for the duration of the lease, and (ii) leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises or the Park; and

WHEREAS, the City’s Real Estate Services Division has determined by appraisal that the fair market rental value of the Leased Premises is approximately \$10,000 per year, which Lessee has agreed to pay; and

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

WHEREAS, the Park Board approved the *Lease Agreement* at its meeting on January 19, 2023; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the lease of the Leased Premises at its meeting on October 7, 2022; now, therefore,

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

Section 1. That the City Manager is hereby authorized to execute a *Lease Agreement* with Fifth Third Bank, a National Association (“Lessee”), in substantially the form attached as Attachment A to this ordinance and incorporated herein by reference, pursuant to which the City of Cincinnati will lease for a term of up to 10 years a portion of Smale Riverfront Park, as more particularly depicted in the *Lease Agreement* (“Leased Premises”) for purposes of operating an ATM thereon.

Section 2. That the Leased Premises is not needed for municipal purposes for the duration of the lease.

Section 3. That leasing the Leased Premises to Lessee is not adverse to the City’s retained interest in the Leased Premises.

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

Section 5. That the fair market value of the lease, as determined by appraisal by the City’s Real Estate Services Division, is approximately \$10,000 per year, which Lessee has agreed to pay.

Section 6. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the provisions and intent of this ordinance and the *Lease Agreement*, including executing any and all ancillary documents associated with the *Lease Agreement*, such as amendments or supplements to the *Lease Agreement* deemed by the City Manager to be in the vital and best interests of the City.

Section 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 execute the *Lease Agreement* so that the City of Cincinnati may receive the economic and noneconomic benefits of the *Lease Agreement* at the earliest time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Attachment A

Contract no.: _____

LEASE AGREEMENT
(Fifth Third Bank ATM near Moerlein Lager House)

This Lease Agreement ("**Lease**") is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, the address of which is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), and **FIFTH THIRD BANK, NATIONAL ASSOCIATION**, the address of which is Fifth Third Center, 38 Fountain Square Plaza, Cincinnati, OH 45263 (the "**Lessee**").

Recitals:

A. The City is the owner of property located in downtown Cincinnati as shown on Exhibit A (Site Plan) hereto (the "**Property**"), which is under the control and management of the Cincinnati Park Board.

B. Pursuant to a *Lease Agreement* dated February 4, 2013, by and between the City and the Lessee (the "**Existing Lease**"), the Lessee currently leases a portion of the Property to maintain and operate a remotely-controlled ATM machine (the ATM machine, together with any and all Installations, as such term is defined herein, being hereinafter referred to as the "**ATM**"), as shown on Exhibit A (the "**Leased Premises**").

C. The Existing Lease expires on February 3, 2023, and the Lessee desires to continue to occupy the Leased Premises for an additional term of up to five years.

D. The City has determined that the Leased Premises are currently not needed for any municipal purpose during the term of this Lease that leasing the Leased Premises to the Lessee is not adverse to the City's retained interest in the Leased Premises.

E. That the City conducted a competitive bidding process for the Existing Lease under which the City determined that the Lessee's proposal was the most advantageous to an in the best interests of the City. The City has determined that eliminating competitive bidding in connection with the City's renewed lease of the Leased Premises is in the best interest of the City because the Lessee has been a good and responsible tenant, and the City desires to retain Lessee as a tenant.

F. The rent set forth in this Lease reflects the current fair market rental value of the Leased Premises, as determined by appraisal by the City's Real Estate Services Division.

G. City Planning Commission, having the authority to approve the change in use of City-owned property, approved of the City's lease of the Leased Premises to the Lessee at its meeting on October 7, 2022.

H. The execution of this Lease was authorized by Ordinance No. ____-2023, passed by City Council on _____, 2023.

NOW THEREFORE, the parties hereby agree as follows:

1. **Grant.** The City does hereby lease the Leased Premises to the Lessee, and the Lessee does hereby lease the Leased Premises from the City, on the terms and conditions set forth herein. The rights herein granted to the Lessee are subject and subordinate to any and all existing covenants, easements, restrictions and other matters of record affecting the Leased Premises. The City makes no representations or warranties to the Lessee concerning the physical condition of the Leased Premises or the Property or the condition of the City's title to the Leased Premises or the Property, and, on the Commencement Date (as defined below), the Lessee shall accept the Leased Premises in "as is" condition.

2. Term.

(A) **Initial Term.** The term (“**Term**”) of this Lease shall commence on February 4, 2023 (also referred to herein as the “**Commencement Date**”) and, unless extended or sooner terminated as herein provided, shall expire on the day immediately preceding the fifth (5th) anniversary of the Commencement Date.

(B) **Renewal Option.** Provided the Lessee is not in default under this Lease at the time it delivers its notice of renewal to the City, the Lessee shall have one (1) option to renew the initial Term of this Lease for a renewal period of five (5) years by giving the City written notice thereof no less than sixty (60) days prior to the end of the initial Term. As used in this Lease, the “**Term**” of this Lease means the initial Term and, if applicable, the renewal period.

(C) **Lessee's Right to Terminate on 30 Days Notice.** The Lessee shall have the right to terminate this Lease, by giving the City no less than thirty (30) days prior written notice thereof, if (i) the Lessee determines that the operation of the ATM is not profitable, or (ii) the ATM is damaged by vandalism, fire or otherwise and the Lessee elects not to repair or replace it. All obligations of the Lessee under this Lease that have accrued but have not been fully performed as of the effective date of termination shall survive such termination until fully performed.

3. Rent. Beginning on the Commencement Date and continuing thereafter throughout the Term of this Lease, the Lessee shall pay rent to the City in the amount of \$10,000 per year, payable in advance on the first day of each quarter in equal quarterly installments of \$2,500 each, without notice, demand, or setoff. Any payment that remains outstanding for longer than thirty days past the due date shall bear interest at the rate of fifteen percent per annum until paid. The Lessee shall send all rent payments, payable to the “City of Cincinnati-Treasurer”, to: City of Cincinnati, 801 Plum Street, Cincinnati, Ohio 45202 or to such other address as the City may from time to time designate in writing.

4. Permitted Use. The Lessee shall use the Leased Premises solely for the operation of the ATM and for no other purpose. The Lessee shall install, operate, and maintain the ATM in compliance with all applicable federal, state and local laws, codes, regulations and other governmental requirements.

5. Lighting, Signage, and Theft Deterrent Devices. The City hereby grants its consent to the Lessee's installation of the following items within the perimeter of the Leased Premises: (i) lighting for the ATM, including electrical wiring and associated electrical installations, (ii) identification signage, and (iii) theft deterrent devices (e.g., dye packs, audible alarms, smoke packs, and visual alarms) (collectively, and together with any and all other installations, attachments or alterations that the Park Board may from time to time approve in writing, the “**Installations**”). If any of the Lessee's proposed Installations will be located *outside* the perimeter of the Leased Premises, the Lessee may install such Installations only with the prior written consent of the Park Board, such approval not to be unreasonably withheld. Once the Park Board initially approves of the Lessee's proposed Installations, the Lessee may thereafter make minor modifications thereto without the consent of the Park Board (provided that the Lessee shall not be permitted to use a larger area or different area outside the perimeter of the Leased Premises without the Park Board's consent). *All Installations shall be installed, operated, and maintained by the Lessee at no expense to the City.*

6. Utilities & Other Expenses. (i) During the Term of this Lease, the Lessee shall pay (i) all utility expenses associated with the ATM, and (ii) all other expenses associated with the ATM and Leased Premises, including without limitation costs associated with the installation, operation, maintenance, repair, replacement, and removal of the ATM. *During the Term of this Lease, the City shall not be liable for any expenses associated with the ATM or Leased Premises.*

7. Maintenance and Repairs. The Lessee shall, at its sole expense, keep and maintain the ATM and Leased Premises in good, safe, orderly, sanitary, and clean condition and repair, ordinary wear and tear excepted. The Lessee shall not permit garbage or other unsightly or odorous materials to accumulate within the Leased Premises. In the event of damage to the ATM or Leased Premises caused by fire or other casualty, and unless the Lessee exercises its right to terminate this Lease under paragraph 2(C) above, the Lessee shall promptly repair such damage at its sole expense. *During the Term of this Lease, the City shall have no maintenance or repair obligations with respect to the ATM or the Leased Premises.*

8. Access. The Lessee shall ensure continuous access to the Leased Premises (24 hours/day, 7 days/week, 52 weeks/year) by the Park Board, the City's Police and Fire Departments, and any and all other utility companies that have utility lines or other utility installations within or near the Leased Premises for the inspection, maintenance, repair, modification and replacement thereof. The Lessee shall not construct any structures or other improvements above any existing utility lines within the Leased Premises that would interfere with the operation or maintenance thereof. If the Lessee constructs any improvements within the Leased Premises or undertakes any other action that interfere with the access rights reserved to the City and third parties herein, the same shall constitute an immediate default of the Lessee under this Lease, whereupon the City shall be permitted to take all actions reasonably necessary to eliminate such interference. The City shall not be responsible for any damage to the ATM or the Leased Premises resulting from the entry by utility companies and others having the right to enter upon the Leased Premises. If the Lessee or others under its control cause damage to utility lines or other utility installations located within or near the Leased Premises, Lessee shall immediately notify the appropriate utility provider. All costs of repairing such damage caused by the Lessee (and not utility providers), including without limitation, all costs of replacing any damaged utility facilities that are not capable of being properly repaired as determined by the applicable utility provider in its sole discretion, shall be borne by the Lessee and shall be payable by the Lessee within thirty (30) days after the Lessee receives documentation substantiating such costs. If any utility provider damages or must remove any improvements installed by the Lessee within the Leased Premises in connection with its inspection, operation, maintenance, repair, or replacement of its existing utility facilities in the area, the Lessee shall be solely responsible for all costs associated with the repair, replacement, or relocation of such improvements.

9. Insurance; Indemnification.

(A) **Insurance.** Throughout the Term, the Lessee shall maintain (i) Commercial General Liability insurance with respect to the Leased Premises in an amount not less than One Million Dollars (\$1,000,000) per occurrence, combined single limit, Two Million Dollars (\$2,000,000) aggregate, naming the City as an additional insured, (ii) special form property insurance on the ATM in the amount of the full replacement cost thereof, and (iii) such additional insurance as the City's Division of Risk Management may from time to time reasonably require. All insurance shall be issued by insurance companies reasonably acceptable to the City. Prior to the Commencement Date and promptly after the insurance policies renew annually, the Lessee shall furnish to the City a certificate of insurance evidencing the insurance required hereunder, which certificate shall evidence that such insurance shall not be cancelled, nor coverage reduced, without at least thirty (30) days prior written notice to the City.

(B) **Waiver of Subrogation.** The ATM and all equipment and other personal property of every kind that may at any time be on the Leased Premises shall be on the Leased Premises at the Lessee's sole risk, and under no circumstances shall the City be liable for any loss or damage thereto, no matter how such loss or damage is caused. The Lessee hereby waives, as against the City, its employees, agents and contractors, all claims and liability, and on behalf of the Lessee's insurers, the rights of subrogation, with respect to property damaged or destroyed by fire or other casualty or any other cause, it being the agreement of the parties that the Lessee shall at all times protect itself against such loss or damage by carrying adequate insurance.

(C) **Indemnification.** The Lessee shall defend (with counsel reasonably acceptable to the City), indemnify and hold the City harmless from and against any and all claims, causes of action, losses, costs, judgments, fines, liability and damages relating to the ATM or the Leased Premises and accruing during or with respect to the Term of this Lease, including without limitation any of the foregoing that may occur or be claimed with respect to any death, personal injury or loss of or damage to property on or about the Leased Premises; excluding, however, any of the foregoing caused by the negligence or willful misconduct of the City, its employees, agents or contractors.

10. Default. Should the Lessee fail to pay the rent or to perform any other obligation under this Lease within ten (10) days after receiving written notice thereof from the City (herein, a "default"), the City, at its option, immediately or at any time during the continuance of the default, may terminate this Lease by delivering a written notice of termination to the Lessee. The Lessee shall pay to the City, upon demand, all costs and damages suffered or incurred by the City in connection with the Lessee's default or the City's termination or enforcement of this Lease. Without limitation of the City's other rights and remedies hereunder, upon the occurrence of a default, the City may, but shall not be obligated to, cure or attempt to cure such default at the Lessee's sole expense and

may, if necessary, enter upon the Leased Premises to undertake such cure. The Lessee shall pay the City within ten (10) days after the City's written demand an amount equal to all costs paid or incurred by the City in effecting compliance with the Lessee's obligations under this Lease, together with interest thereon from the date that the City incurs such costs at an annual rate of fifteen percent. The rights and remedies of the City under this Lease are cumulative and are not intended to be exclusive of, and the City shall be entitled to, any and all other rights and remedies to which the City may be entitled hereunder, at law or in equity. The City's failure to insist in any one or more cases on strict performance of any provision of this Lease or to exercise any right herein contained shall not constitute a waiver in the future of such right.

11. Notices. All notices required to be given hereunder by either party shall be in writing and personally delivered, sent by UPS, Federal Express or other recognized overnight courier that in the ordinary course of business maintains a record of each delivery, or mailed by U.S. certified mail, postage prepaid, return receipt requested, addressed to the parties at the following addresses or such other address as either party may from time to time specify by notice to the other. Notices shall be deemed to have been given on the date of receipt if personally delivered, on the following business day if sent by an overnight courier, and on the date noted on the return receipt if mailed by U.S. certified mail.

To the Lessee: Fifth Third Bank, Fifth Third Center, 38 Fountain Square Plaza,
MD 10903K, Cincinnati, OH 45263, Attention: SVP Corporate Facilities

with a copy to: Fifth Third Bank, Fifth Third Center, 38 Fountain Square Plaza,
MD 10903K, Cincinnati, OH 45263, Attention: ATM Administrator

To the City: Cincinnati Park Board, 950 Eden Park Drive, Cincinnati, OH 45202

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

12. Surrender; Holdover.

(A) **Surrender; Holdover.** At the end of the Term, the Lessee shall surrender the Leased Premises to the City in the condition in which the Lessee is required to maintain the Leased Premises under the terms of this Lease. If the Lessee remains in possession of the Leased Premises after the end of the Term, then, at the City's option, such holdover shall create a tenancy from month-to-month on the same terms and conditions as set forth in this Lease, except that rent payable during such month-to-month tenancy shall be equal to one hundred twenty-five percent (125%) of the rent that was in effect under this Lease immediately prior to the commencement of the month-to-month tenancy. Regardless of whether the City elects to extend the Term of this Lease on a month-to-month basis, the Lessee shall be liable to the City for all costs and damages suffered or incurred by the City as a result of the Lessee's failure to surrender possession of the Leased Premises upon the expiration or termination of the initial Term (or, if applicable, the renewal Term).

(B) **Removal of ATM.** Throughout the Term, the ATM shall be deemed to be the property of the Lessee. At the end of the Term, the Lessee shall remove the ATM and repair any and all damage to the Leased Premises and the Property caused by the installation or removal thereof and generally restore the affected areas to a condition that is satisfactory to the Park Board. If the Lessee fails to timely remove the ATM, it shall be deemed abandoned by the Lessee, whereupon the City may remove, store, keep, sell, discard, or otherwise dispose of it, and the Lessee shall pay all costs incurred by the City in so doing within ten (10) days after the City's written demand.

13. Successors and Assigns. The Lessee shall not assign its interests under this Lease or sublet any portion of the Leased Premises without the prior written consent of the City, which consent may be withheld in the City's sole discretion. The City hereby consents to the Lessee's assignment of its interests under this Lease to (i) a subsidiary entity, parent entity, or "sister" entity, or (ii) the surviving entity in a merger or consolidation involving the Lessee or to an entity to which the Lessee sells all or substantially all of its stock or business assets; provided that, in each instance, the Lessee shall notify the City in writing prior to the effective date of such assignment and shall provide the City with documentation substantiating that the assignment was permitted

hereunder.

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

15. Authority of the Park Board. The Lessee acknowledges the legal authority of the Park Board to act on behalf of the City with respect to matters affecting the Property and agrees that, in instances under this Lease when the Lessee is required to obtain the City's consent, or the City is required to act, the Lessee shall accept the decisions and actions of the Park Board.

16. General Provisions.

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

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

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

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

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

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

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

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

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

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

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

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

(M) Counterparts and Electronic Signatures. This Lease may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original. This Lease may be executed and delivered by electronic signature.

17. Exhibits. The following exhibit is attached hereto and made a part hereof:
Exhibit A – Site Plan

[Remainder of Page Intentionally Blank; Signature Pages Follow]

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

**FIFTH THIRD BANK,
NATIONAL ASSOCIATION**

By: _____

Printed name: _____

Title: _____

and by: _____

Printed name: _____

Title: _____

Date: _____, 2023

STATE OF _____)
) ss:
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of **FIFTH THIRD BANK**, an Ohio national banking corporation, on behalf of the corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

[City Signature Page Follows]

CITY OF CINCINNATI

By: _____

Printed name: _____

Title: _____

Date: _____, 2023

STATE OF OHIO)
) ss:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023 by _____, the _____ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the municipal corporation. The notarial act certified hereby is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified to hereby.

Notary Public
My commission expires: _____

Recommended by:

Jason Barron,
Director, Cincinnati Park Board

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

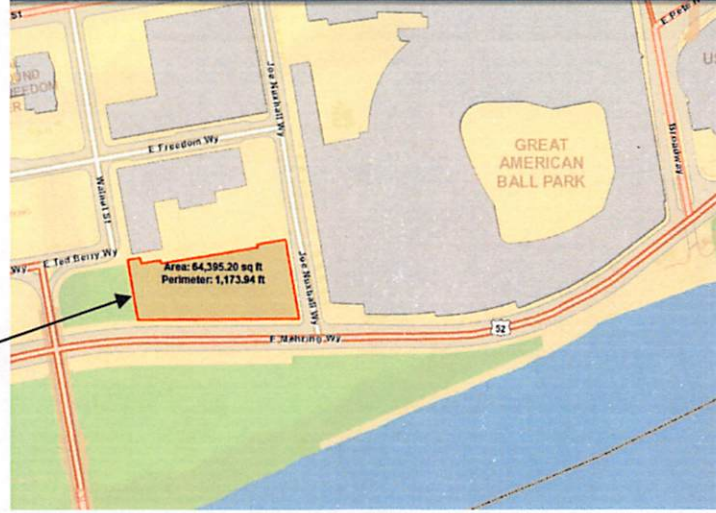
Fund/Code: _____

Amount: _____

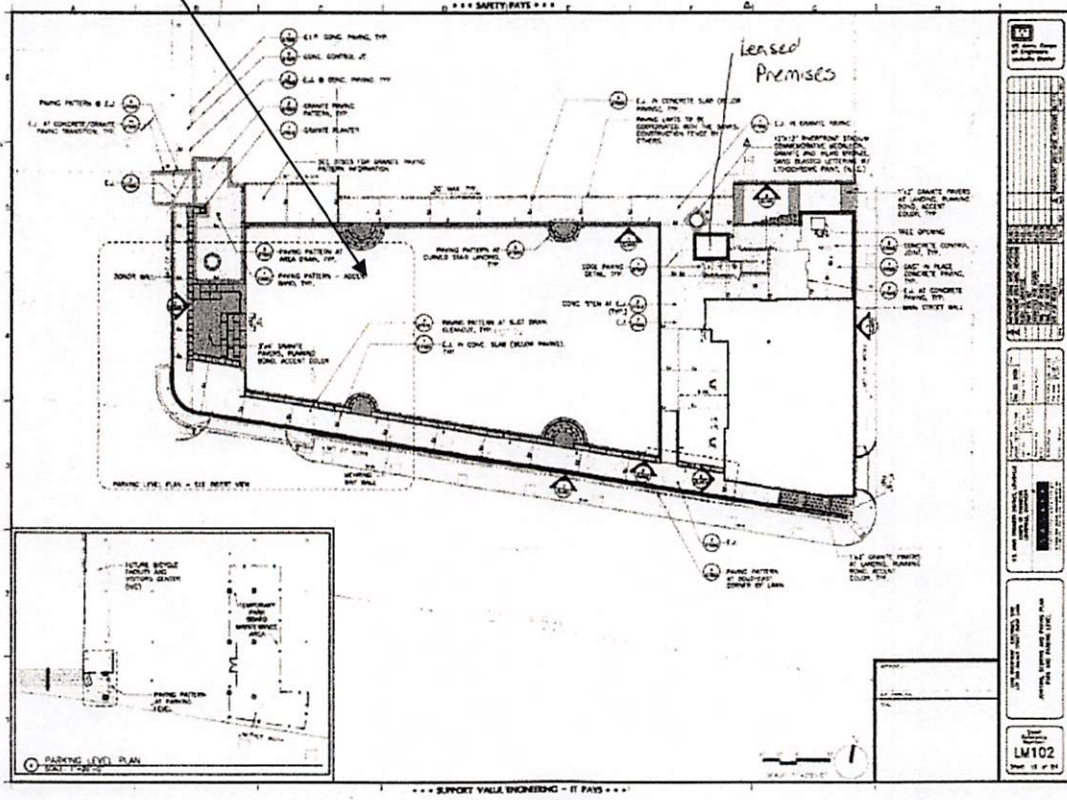
By: _____
Karen Alder, City Finance Director

EXHIBIT A
to
Lease Agreement

SITE PLAN



PROPERTY



Date: February 1, 2023

202300457

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Legislative Resolution – 2024 Urban Forestry Assessment Procedure**

Attached is a Legislative Resolution captioned as follows:

DECLARING the necessity of assessing for the control of blight and disease of shade trees, and for the planting, care, maintenance, trimming, and removal of public trees, in and along the streets and the public right-of-way within the City of Cincinnati's Urban Forestry Maintenance District for the year 2024.

The Board of Park Commissioners at their **December 15, 2022**, meeting recommended an assessment rate of \$0.31 per front foot to continue funding of street tree maintenance and planting services in 2024.

It was determined that this rate of funding is sufficient to continue current service levels and various program activities.

The Administration recommends the adoption of this Legislative Resolution.

cc: Jason Barron, Director of Parks
Robin O. Hunt, Supervisor of Urban Forestry
Emily Smart Woerner, City Solicitor

Legislative Resolution

KKF

RESOLUTION NO. _____ - 2023

DECLARING the necessity of assessing for the control of blight and disease of shade trees, and for the planting, care, maintenance, trimming, and removal of public trees, in and along the streets and the public right-of-way within the City of Cincinnati's Urban Forestry Maintenance District for the year 2024.

WHEREAS, the City of Cincinnati created an Urban Forestry Maintenance District for the purpose of controlling the blight and disease of shade trees within the public right-of-way, and for the planting, care, and maintenance of shade trees as authorized by Ohio Revised Code Section 727.011, including without limitation the estimated cost of capital improvements, equipment, personnel, and maintenance to support the Urban Forestry Maintenance District; and

WHEREAS, the Board of Park Commissioners operates the Urban Forestry Program by maintaining and creating a healthy and equitably distributed urban tree canopy to foster the mental and physical health benefits that trees provide for all Cincinnati residents through the reduction of neighborhood heat islands, combined sewer overflow events, and poor air quality attributed to the concentration of fine particulate matter which poses the greatest health risks to the residents of Cincinnati; and

WHEREAS, the Board of Park Commissioners, by motion on December 15, 2022, urged the continuation of the Urban Forestry Program in accordance with the plans, estimates, and schedules currently filed with the Clerk of Council; and

WHEREAS, the Board of Park Commissioners recommends levying an assessment of \$0.31 per front foot to fund the 2024 Urban Forestry Program, which is the same rate as the prior year, which is to be assessed on the property tax rolls in calendar year 2024 and collected for use in the Urban Forestry Program's Fiscal Year 2025 budget; now, therefore,

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

Section 1. That it is hereby declared necessary and conducive to public health, convenience, safety, and welfare to continue the Urban Forestry Program for the control of blight and disease of shade trees, and for the planting, care, maintenance, trimming, and removing of shade trees, in and along the streets and the public right-of-way within the City of Cincinnati's Urban Forestry Maintenance District, including without limitation the estimated cost of capital

improvements, equipment, personnel, and maintenance to support the Urban Forestry Maintenance District, which includes all territory within, and coextensive with, the City's boundaries, for the calendar year 2024.

Section 2. That the plans and estimates of costs to fund the Urban Forestry Program, now on file with the Clerk of Council, are hereby approved.

Section 3. That the City of Cincinnati shall pay at least two percent of the total cost and expense of the Urban Forestry Program and assume the costs for intersections and uncollectible assessments against state and federally owned property. The assessment shall be by the front foot method, at the rate of \$0.31 per front foot, upon all lots and lands bounding and abutting public right-of-way in the Urban Forestry Maintenance District.

Section 4. That the assessment shall be paid in cash to the City Treasurer within thirty days after the passage of the assessing ordinance. Assessments not paid in cash within the period shall be certified by the proper City of Cincinnati official to the Hamilton County Auditor for collection and shall be paid in one annual installment, at the same time and in the same manner as real property taxes due and payable in December 2024.

Section 5. That the City of Cincinnati does not intend to issue securities in anticipation of the levy or collection of the assessment.

Section 6. That the City Administration shall prepare, in accordance with the method of assessment set forth in Section 3 hereof, an estimate of the amount of the assessment against each lot or parcel to be assessed and shall file it in the Office of the Clerk of Council.

Section 7. That notice of the passage of this resolution shall be given pursuant to Sections 727.13 and 727.14 of the Ohio Revised Code.

Section 8. That this legislative resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Recommended 2024 ASSESSMENT BUDGET

Urban Forestry Street Tree Program

Cincinnati Park Board Division of Natural Resources

Assessment rate: \$0.31/ft

EXPENSES	Proposed FY 2025 Budget	
Personnel		\$1,301,400.00
Capital Equipment		\$450,000.00
Contractual Maintenance		
Emergency		\$238,000.00
Preventive		\$661,320.00
Stump Grinding		\$50,000.00
Planting		\$500,000.00
Young Tree Maintenance		\$88,800.00
Materials & Supplies		\$74,500.00
Training + Travel	\$3,000.00	
Tuition Reimbursement	\$13,000.00	
*Fleet (Repair + Fuel)	\$37,000.00	
*Utilities	\$6,000.00	
Advertisement	\$2,000.00	
Office Supplies	\$3,000.00	
Hort. + Small Power Equip	\$2,500.00	
CAGIS Annual Licenses	\$8,000.00	
	\$74,500.00	
	TOTAL	\$3,364,020.00
REVENUE @\$0.31/FF		\$3,547,194.00
Anticipated Delinquencies		(\$100,000.00)
Fund 792 assessment revenue		\$3,447,194.00
Reserve		\$83,174.00

2024 Street Tree Program Recommended Budget Report

Expense Descriptions:

Personnel – \$1,301,400

Salary and fringes for 50% Division Manager of Natural Resources, 25% Senior GIS Analyst, Urban Forestry Supervisor, four Urban Forestry Specialists, two Florists, one Administrative Technician, one seasonal Recreational Specialist for GIS and Street Tree Inventory, one seasonal Recreational Specialist dedicated to young tree maintenance. New Urban Forestry tree crew: One Tree Crew Leader, and three Tree Crew Maintenance Worker

Capital Equipment – \$450,000

Capital equipment – In anticipation of steadily increasing contractual costs for tree maintenance, purchase new vehicles and equipment required to outfit an in-house tree crew - 50' aerial lift, chipper, contractor dump, and stump grinder with trailer.

Maintenance – \$949,320

Emergency – Emergency response and routine street tree maintenance between pruning cycles. Removals and prunes less than 20” diameter will be completed by in-house tree crew.

Preventive – Conduct routine pruning cycle for Downtown, East Price Hill, Lower Price Hill, Over-the-Rhine, Pendleton, Queensgate, Riverside, Sedamsville, Salyer Park, West End and West Price Hill neighborhoods. Removals and prunes less than 20” diameter will be completed by in-house tree crew.

Stump Grinding – Continue contractual stump grinding greater than 30” circumference. The remainder will be completed by Forestry in-house tree crew.

Planting & Young Tree Maintenance – \$588,800

Comprehensive Planting – replace trees removed in all communities and conduct targeted plantings in communities of need as determined by the 2020 Urban Tree Canopy Analysis (2,000 plantings est.).

Young Tree Maintenance – procure water trailer and contractual services to water and fertilize young trees

Miscellaneous Non-Personnel – \$74,500

Municipal Garage costs, fuel, utilities, training, office, and field supplies, etc.

Date: February 1, 2023

To: Mayor and Members of City Council 202300468
From: Sheryl M. M. Long, City Manager
Subject: ORDINANCE – 2022 SIDEWALK SAFETY PROGRAM ASSESSMENT - NORTHSIDE

Attached is an ordinance captioned as follows:

LEVYING assessments to recover the unpaid costs for necessary sidewalk, sidewalk areas, curb, and gutter repairs conducted by the City of Cincinnati in the Northside neighborhood, in accordance with Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Chapter 729.

As required by state and local laws, this ordinance declares the necessity of levying assessments to reimburse the City for the cost and expense of repairing, reconstructing, and constructing concrete sidewalk and driveways on certain properties, (Exhibit-A), abutting the following streets within the City of Cincinnati: Hamilton Avenue for a total amount of \$11,779.86.

We have notified the abutting property owners of the need for these repairs. After providing time for property owners to arrange for repairs, the City directed its contractor to complete the remainder. Abutting property owners were then billed the cost of the repairs performed by the City's contractor.

With passage of this ordinance, bills not paid within thirty days will be assessed as provided by the Ohio Revised Code and the Cincinnati Municipal Code. These amounts are scheduled to be paid over a three-year, five-year, or ten-year term, as indicated on the attached Exhibit.

The Administration recommends passage of the attached ordinance.

Attachment I – Exhibit A

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

LEVYING assessments to recover the unpaid costs for necessary sidewalk, sidewalk areas, curb, and gutter repairs conducted by the City of Cincinnati in the Northside neighborhood, in accordance with Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Chapter 729.

WHEREAS, Cincinnati Municipal Code Chapter 721 requires property owners to keep the sidewalks, sidewalk areas, curbs, and gutters abutting their properties safe and in good repair; and

WHEREAS, Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Chapter 729 authorize the City to perform repairs to sidewalks, sidewalk areas, curbs, and gutters when abutting property owners fail to do so, to bill the abutting property owners for the resulting costs, and to levy assessments against the abutting properties if those costs go unpaid; and

WHEREAS, City inspectors documented the need for sidewalk repairs adjacent to each of the properties listing in the attached Exhibit A (the “Properties”); and

WHEREAS, the City Council passed Resolution 5-2022 declaring the need to perform the identified sidewalk repairs and further declaring the need to assess the abutting property owners for repair and administrative costs incurred by the City in making the repairs should the abutting property owners fail to make the necessary repairs; and

WHEREAS, the abutting property owners were notified of the need to make the repairs and that they would be assessed for any costs incurred by the City in performing the repairs, and the Clerk of Council has not received any objections to the assessments after providing such notice; and

WHEREAS, the City made repairs to sidewalks, sidewalk areas, curbs, and gutters abutting the Properties after the abutting property owners failed to do so; and

WHEREAS, in accordance with Cincinnati Municipal Code Chapter 721 and Ohio Revised Code Section 729-09, the Council hereby levies assessments on the Properties for which repair and administrative costs remain outstanding following the abutting property owners’ failure to pay such amounts within thirty days of being billed, which assessments shall be certified to the Hamilton County Auditor and shall be collected in the same manner as real estate taxes; now, therefore,

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

Section 1. That the City Council hereby assesses those properties identified on the attached Exhibit A (the “Assessed Properties”), incorporated herein by reference, for outstanding repair and administrative costs incurred by the City in making repairs to the sidewalks, sidewalk areas, curbs, and gutters abutting the Assessed Properties.

Section 2. That each of the Assessed Properties is listed in Exhibit A together with the amount of the assessment, the length of the assessment period, and reference to the resolution earlier passed by Council giving notice of the City's intent to assess each property.

Section 3. That the assessments shall be payable in cash to the City Treasurer within thirty days after the passage of this ordinance or, at the option of each property owner, in semi-annual installments for the assessment period.

Section 4. That the assessments not paid in cash within thirty days are to be certified to the Hamilton County Auditor by the City Treasurer with interest at the rate of 7.18% for 3-year assessments, 6.94% for 5-year assessments, and 6.79% for 10-year assessments.

Section 5. That notes and bonds of the City of Cincinnati may be issued in anticipation of the collection of the assessments.

Section 6. That any amount received as a result of the assessments levied herein shall be deposited into the Sidewalk Special Assessment Fund No. 791.

Section 7. That a property owner's right under Section 721-159 of the Cincinnati Municipal Code to file a protest against an assessment shall expire 180 days following the date of the first tax bill containing a sidewalk assessment for the protested work.

Section 8. That the Clerk of Council is hereby directed to cause notice to be published once in a newspaper of general circulation within the City of Cincinnati, in accordance with Ohio Revised Code Section 729.10 and Article II, Section 6 of the Charter of the City of Cincinnati,

which notice shall state the assessments have been made, that they are on file with the Clerk of Council, and that they are available for public inspection and examination by person interested therein.

Section 9. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Resolution No. 5-2022

Total Assessment Amount \$11,779.86

Term Years: **3**

Term Assessment Amount: \$6,855.57

Location #	Billing Parcel	Location	Collection Amount
1	019600260068	4221 HAMILTON Av	\$2,540.18
2	019600260073	4239 HAMILTON Av	\$1,838.93
3	019700370011	4304 HAMILTON Av	\$853.73
4	019700370128	4348 HAMILTON Av	\$1,622.74

Term Years: **5**

Term Assessment Amount: \$2,055.11

Location #	Billing Parcel	Location	Collection Amount
5	019700370006	4330 HAMILTON Av	\$2,055.11

Term Years: **10**

Term Assessment Amount: \$2,869.18

Location #	Billing Parcel	Location	Collection Amount
6	019600260072	4235 HAMILTON Av	\$1,185.43
7	019700370010	4308 HAMILTON Av	\$1,683.75