



# City of Cincinnati

801 Plum Street  
Cincinnati, Ohio 45202

## CALENDAR

### Cincinnati City Council

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Wednesday, October 5, 2022

2:00 PM

Council Chambers, Room 300

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#### ROLL CALL

#### PRAYER AND PLEDGE OF ALLEGIANCE

#### FILING OF THE JOURNAL

#### MAYOR AFTAB

#### Hamilton County Transportation Improvement District (TID)

1. [202201860](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint John Brazina as the City's representative to the Hamilton County Transportation Improvement District (TID) for a term of two years, beginning November 5, 2022. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/White)

Recommendation CONFIRM

Sponsors: Mayor

#### MR. HARRIS

2. [202201876](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Harris, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the construction of a new congregate-housing facility containing up to forty-four dwelling units on the real property located at 2000 Dunlap Street in the Over-the-Rhine neighborhood, NOTWITHSTANDING the density and setback regulations contained in Section 1410-07, "Development Regulations," of Cincinnati Municipal Code Chapter 1410, "Urban Mix District," and NOTWITHSTANDING the requirement for a certificate of appropriateness contained in Section 1435-09, "Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance," of Cincinnati Municipal Code Chapter 1435, "Historic Preservation."

Recommendation EQUITABLE GROWTH & HOUSING COMMITTEE

Sponsors: Harris

#### CITY MANAGER

3. [202201852](#) **REPORT**, dated 10/5/2022, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Pink Ribbon Event at the Brady Music Center Outdoor Event Lawn.

Recommendation FILE

- Sponsors:** City Manager
4. [202201861](#) **REPORT**, dated 10/5/2022, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for East Walnut Hills Fall Festival.
- Recommendation** FILE
- Sponsors:** City Manager
5. [202201865](#) **REPORT**, dated 10/5/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Troydon 2724 LLC, 2724 Woodburn Avenue. (#9072724, D5, New) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
6. [202201866](#) **REPORT**, dated 10/5/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Taco Lab LLC, DBA Taco Lab, 127 Calhoun Street. (#8776985, D1, New) [Objections: Yes]
- Recommendation** FILE
- Sponsors:** City Manager
7. [202201867](#) **REPORT**, dated 10/5/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Mios of Clifton Inc, DBA Mios Pizza, 2634 Short Vine Street. (#60431560005, D5J D6, Transfer) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
8. [202201868](#) **REPORT**, dated 10/5/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for KRGP LLC, 100 E Court Street. (#44205550010, D2 D3 D3A, New) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
9. [202201869](#) **REPORT**, dated 10/5/2022 submitted by Sheryl M. M. Long, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Superior Sandman Holdings Inc, DBA Voodoo Brewery, 120 E 8th Street. (#1494500, C1 C2 D3, New) [Objections: None]
- Recommendation** FILE
- Sponsors:** City Manager
10. [202201870](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, **AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission's 2022 Toy Drive to

support Cincinnati Recreation Commission's holiday season programming needs in underserved communities; and AUTHORIZING the Finance Director to deposit monetary donations into Fund 319, "Contributions for Recreation Purposes," revenue account no. 319x8571.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

11. [202201871](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, **AUTHORIZING** the establishment of new capital improvement program project account no. 980x164x231620, "Emery Theatre-TIF," for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway; AUTHORIZING the transfer and appropriation of the sum of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231620, "Emery Theatre-TIF"; and DECLARING that expenditures from newly created capital improvement program project account no. 980x164x231620, "Emery Theatre-TIF," to be a public purpose and constitute a "Public Infrastructure Improvement" (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

12. [202201872](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, **AUTHORIZING** the City Manager to apply for a planning grant in an amount of up to \$2,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) to study placing caps over Fort Washington Way; and AUTHORIZING the City Manager to apply for a capital construction grant in an amount of up to \$5,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) for the Reconnecting Evanston project.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

13. [202201873](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, **AUTHORIZING** the City Manager to partner with the HOPE Community Center in applying for and accepting, as a sub-recipient, a grant from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2022 Edward Byrne Memorial Justice Assistance Grant (ALN 16.738), for resiliency training for local law enforcement.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

14. [202201874](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, **AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 for the purpose of designing and implementing the Electrify Cincy Education Program, a resident and technical expert training that supports residential electrification efforts, including weatherization, reduced energy consumption, and renewable energy upgrades; and **AUTHORIZING** the Director of Finance to deposit grant resources into General Fund revenue account no. 050x8543.

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

15. [202201875](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, **MODIFYING** the salary range schedule for the classification of Sign Painter by amending Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code, in order to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

**Recommendation** PUBLIC SAFETY & GOVERNANCE COMMITTEE

**Sponsors:** City Manager

16. [202201885](#) **REPORT**, dated 10/5/2022, submitted Sheryl M. M. Long, City Manager, regarding FY 2022 Carryover to FY 2023 Report

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

17. [202201887](#) **REPORT**, dated 10/5/2022, submitted Sheryl M. M. Long, City Manager, regarding Department of Finance Report for the Fiscal Year Ended June 30, 2022 (unaudited)

**Recommendation** BUDGET AND FINANCE COMMITTEE

**Sponsors:** City Manager

18. [202201888](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 10/5/2022, **AUTHORIZING** the transfer of the sum of \$1,624,471 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Working Capital Reserve Fund 754 for the purpose of increasing the City's working capital reserve; **AUTHORIZING** the transfer of the sum of \$17,609,147 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2585, "Economic Downturn Reserve," for the purpose of

increasing the City's emergency reserve; AUTHORIZING the transfer of the sum of \$2,830,482 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2580, "Reserve for Weather Events, Other Emergency and One-Time Needs," for the purpose of providing resources for unanticipated emergencies including those caused by unusual weather events, in order to increase the City's reserve; ESTABLISHING new capital improvement program project account no. 980x162x231645, "Affordable Housing Trust Funding - GF CO," for the purpose of providing resources for a one-time contribution to the City's Affordable Housing Trust Fund; AUTHORIZING the transfer of the sum of \$5,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x162x231645, "Affordable Housing Trust Funding - GF CO," for the purpose of providing a one-time contribution to the City's Affordable Housing Trust Fund; AUTHORIZING the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of General Fund 050, the source of which is the FY 2022 Carryover Balance, to the City Manager's Office personnel operating budget account no. 050x101x7500 for the purpose of providing a one-time contribution to address the City's pension obligation to the Cincinnati Retirement System; RENAMING balance sheet reserve account no. 050x2535 within the General Fund 050 from "Emergency Reserve" to "Reserve for Operating Budget Contingencies"; AUTHORIZING the transfer of the sum of \$500,000 from the unappropriated surplus of the General Fund 050 to the newly renamed balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," for the purpose of providing resources for subsequent appropriation for one-time unforeseen operating needs that arise during the remainder of the ongoing fiscal year; AUTHORIZING the transfer and appropriation of the sum of \$250,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation for the purpose of providing one-time funds for the following: the Emergency Communications Center to extend the Alternate Response to Crisis mental health pilot program with Police Dispatch until the end of FY 2023 (\$140,000); the Cincinnati Police Department for Downtown Event Deployment Overtime (\$60,000); the Law Department for expungement efforts (\$25,000); and the Cincinnati Recreation Commission for the lifeguard recruitment and retention pay program (\$25,000); AUTHORIZING the transfer and appropriation of the sum of \$26,103,292 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to Schedule B of the Capital Budget Schedule of Transfer; ESTABLISHING new capital improvement program project account no. 980x164x231619, "Neighborhood Business District Support - GF CO," for the purpose of providing resources for neighborhood projects that were submitted through the City's Neighborhood Business District Improvement Program ("NBDIP") or the Neighborhood Business District Support Grant Program but did not receive funding due to limited resources; AUTHORIZING the transfer of the sum of \$1,500,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231619, "Neighborhood Business District Support - GF CO," for the purpose of providing resources for neighborhood projects that were submitted through the City's NBDIP or the

Neighborhood Business District Support Grant Program but did not receive funding due to limited resources; ESTABLISHING new capital improvement program project account no. 980x164x231618, "Convention Center District - GF CO," for the purpose of providing resources for improvements to the Convention Center District; AUTHORIZING the transfer of the sum of \$7,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231618, "Convention Center District - GF CO," for the purpose of providing resources for improvements to the Convention Center District; ESTABLISHING new capital improvement program project account no. 980x164x231617, "OTR Outdoor Improvements - GF CO," for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine; AUTHORIZING the transfer of the sum of \$3,500,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231617, "OTR Outdoor Improvements - GF CO," for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine; ESTABLISHING new capital improvement program project account no. 980x164x231627, "CEAI - GF CO," for the purpose of providing resources for Community Economic Advancement Initiatives ("CEAI") for business district investment in the Bond Hill and Roselawn neighborhoods; AUTHORIZING the transfer of the sum of \$250,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231627, "CEAI - GF CO," for the purpose of providing resources for CEAI for business district investment in the Bond Hill and Roselawn neighborhoods; ESTABLISHING new capital improvement program project account no. 980x164x231626, "Minority Business Accelerator-Ascend - GF CO," for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati; AUTHORIZING the transfer of the sum of \$1,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231626, "Minority Business Accelerator-Ascend - GF CO," for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati; AMENDING Ordinance No. 0196-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0224-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0257-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0278-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; ESTABLISHING new balance sheet reserve account no. 050x3440 within the General Fund 050, "Infrastructure and Capital Project Reserve," for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; AUTHORIZING the transfer of the sum of \$7,294,178 from the unappropriated surplus of the General Fund 050 to the newly established balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Recommendation BUDGET AND FINANCE COMMITTEESponsors: City Manager**BUDGET AND FINANCE COMMITTEE**

19. [202201846](#) **ORDINANCE**, submitted by Councilmember Harris, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the City Administration to solicit and accept donations of money, in-kind contributions and other things of value from members of the Cincinnati business community, individual benefactors, and other available sources for the purpose of the design, installation, and maintenance of the LGBT+ Pride crosswalks on Vine Street; and **AUTHORIZING** the Finance Director to deposit the donated funds into Special Revenue Fund No. 314, "Special Events."

Recommendation PASSSponsors: Harris

20. [202201736](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/28/2022, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Kaladin LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1923-1927 Elm Street and 201-207 Henry Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 15,303 square feet of residential space, with 20 apartment units, at a total remodeling cost of approximately \$1,666,557.

Recommendation PASS EMERGENCYSponsors: City Manager

21. [202201844](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/28/2022, **Authorizing** the payment of \$9,500 from the City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x0000x7289 as a moral obligation of the City of Cincinnati to the National Alliance of Preservation Commission for the purpose of making payments associated with hosting the National Alliance for Preservation Commission's Biennial Conference Forum in Cincinnati, Ohio in July 2022.

Recommendation PASS EMERGENCYSponsors: City Manager

22. [202201851](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 9/28/2022, **AUTHORIZING** the transfer and appropriation of the sum of \$380,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to various operating accounts, according to the attached Schedule of Transfer, for the purpose of providing resources to cover costs associated with adding a pedestrian safety infrastructure installation crew (the "Safety Crew") for the remainder of FY 2023; **ESTABLISHING** new capital improvement program project account no. 980x981x232523, "Pedestrian Safety Fleet & Equipment"; and **AUTHORIZING** the transfer and appropriation of the sum of \$523,000 from the unappropriated surplus of Income Tax-Infrastructure Fund

302 to newly created capital improvement program project account no. 980x981x232523, "Pedestrian Safety Fleet & Equipment," for the purpose of providing resources for automotive, motorized, and related equipment necessary to support the Safety Crew.

**Recommendation** PASS EMERGENCY

**Sponsors:** City Manager





# AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Sept 2022

## REAPPOINTMENT

I hereby reappoint John Brazina as the City's representative to the Hamilton County Transportation Improvement District (TID) for a term of two years, beginning November 5, 2022. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



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Mayor Aftab Pureval

**Date:** September 29, 2022

**To:** Councilmember Reggie Harris  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Emergency Ordinance – 2000 Dunlap St. Notwithstanding Ordinance**

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Transmitted herewith is an emergency ordinance captioned as follows:

**AUTHORIZING** the construction of a new congregate-housing facility containing up to forty-four dwelling units on the real property located at 2000 Dunlap Street in the Over-the-Rhine neighborhood, **NOTWITHSTANDING** the density and setback regulations contained in Section 1410-07, “Development Regulations,” of Cincinnati Municipal Code Chapter 1410, “Urban Mix District,” and **NOTWITHSTANDING** the requirement for a certificate of appropriateness contained in Section 1435-09, “Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance,” of Cincinnati Municipal Code Chapter 1435, “Historic Preservation.”

EESW/ETN(lb)  
Attachment  
371438



EMERGENCY

City of Cincinnati

ETN

EESW

An Ordinance No. \_\_\_\_\_

-2022

**AUTHORIZING** the construction of a new congregate-housing facility containing up to forty-four dwelling units on the real property located at 2000 Dunlap Street in the Over-the-Rhine neighborhood, **NOTWITHSTANDING** the density and setback regulations contained in Section 1410-07, “Development Regulations,” of Cincinnati Municipal Code Chapter 1410, “Urban Mix District,” and **NOTWITHSTANDING** the requirement for a certificate of appropriateness contained in Section 1435-09, “Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance,” of Cincinnati Municipal Code Chapter 1435, “Historic Preservation.”

WHEREAS, Over-the-Rhine Community Housing (“Owner”) owns certain real property currently utilized as a public surface parking lot, which real property is commonly known as 2000 Dunlap Street (Ham. Co. PID 096-0005-0116-00) and is located in the Over-the-Rhine neighborhood (“Property”); and

WHEREAS, the Property is presently located in the UM, “Urban Mix,” zoning district and the Over-the-Rhine Historic District; and

WHEREAS, the Owner seeks to construct a new four-story, congregate-housing facility with forty-four dwelling units maintained as affordable units in compliance with the Low-Income Housing Tax Credit program (“Project”), which building would also include communal dining facilities and certain other facilities for the use and benefit of its residents; and

WHEREAS, the Project’s exterior facade will incorporate various materials and colors, with a base of a light gray brick on the first floor topped with a cast-stone belt course, red-orange brick through the middle of the building with individual and paired window openings in horizontal and vertical alignment, and a darker brick soldier course and a heavy coping material across a majority of the top of the building; and

WHEREAS, over the course of three separate public hearings, the Historic Conservation Board reviewed the Project and considered the Owner’s requests for a certificate of appropriateness and variances from the zoning code’s density and setback regulations; and

WHEREAS, in a decision dated September 27, 2022, the Historic Conservation Board: (i) approved the Owner’s request for a certificate of appropriateness; (ii) approved the Owner’s requested zoning variance to permit a zero-foot setback along a portion of the rear yard of the Property; and (iii) denied the Owner’s requested zoning variance to authorize an increase in the density of dwelling units permitted within the building (“HCB Decision”); and

WHEREAS, the Council wishes to authorize the construction of the Project and permit up to forty-four dwelling units on the Property, notwithstanding the HCB Decision denying the Owner's request for a density variance; and

WHEREAS, the Council independently finds that reducing the rear-yard setback and authorizing greater density on the Property will return the lot to a use more compatible with the Over-the-Rhine community, will facilitate the creation of new housing for underserved segments of the community, and is necessary and appropriate to further the interests of historic conservation; and

WHEREAS, the Council further finds that the Project is well-designed, that its materials, massing, scale, and overall appearance fit within the context of the Over-the-Rhine community, and that it is substantially consistent with the Over-the-Rhine Historic District Conservation Guidelines; and

WHEREAS, authorizing the construction of the Project and permitting a reduced rear-yard setback and increased density will not have an adverse effect on the architectural or aesthetic integrity of the Over-the-Rhine Historic District, the character of the area, or the public health, safety, and general welfare; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on \_\_\_\_\_, 2022, and upon considering the factors set forth in CMC Section 111-5, recommended adoption of a notwithstanding ordinance permitting the construction of the Project on the Property; and

WHEREAS, a committee of Council held a public hearing on this ordinance following due and proper notice pursuant to CMC Section 111-5, and upon considering the factors in CMC Section 111-5 and the recommendation of the City Planning Commission, the committee approved the ordinance, finding that authorizing a reduced rear-yard setback and increased density on the Property and setting aside the requirement for a certificate of appropriateness will not have an adverse effect on the character of the area or the public health, safety, and general welfare, and further finding that it is consistent with the purposes of the CMC and the UM, "Urban Mix," zoning district; and

WHEREAS, a legislative variance authorizing a reduced rear-yard setback and increased density and setting aside the certificate of appropriateness requirement to permit the Project is consistent with all three community plans associated with the area: the *Over-the-Rhine Comprehensive Plan* (2002), which includes goals to "[e]ncourage and welcome new investment at all levels of the housing market and ensure the long-term sustainability of enough affordable housing to house current residents" and "[p]rovide appropriate housing-related services for all residents" (page 47); the *Brewery District Master Plan* (2013), which states the area "should be developed as a medium density, mixed use, pedestrian oriented area maintaining on-street parking throughout" and "[n]ew construction should be a minimum of 2 stories, and not taller than 5 stories" (page 54); and the *Mohawk Area Plan* (2021), which includes the goal to develop "a diverse and inclusive district that contains neighborhood-specific housing for all income levels"

through strategies to “[p]romote architecturally compatible and consistent housing infill” and “[e]ncourage and welcome new development at all levels of the housing market and ensure long-term sustainability of enough affordable housing to house current residents” (page 39); and

WHEREAS, a legislative variance authorizing a reduced rear-yard setback and increased density and setting aside the certificate of appropriateness requirement to permit the Project is further consistent with *Plan Cincinnati* (2012), specifically its Live Initiative Area with the goal to “[p]rovide a full spectrum of housing options, and improve housing quality and affordability” through strategies to “[p]rovide quality healthy housing for all income levels” and “[o]ffer housing options of varied sizes and types for residents at all stages of life” (page 164); and

WHEREAS, Council finds that permitting a congregate-housing facility of up to forty-four dwelling units on the Property will not have an adverse effect on the character of the area or the public health, safety, and general welfare, and further finds that it is in the best interests of the City and public's health, safety, and general welfare; now, therefore,

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

Section 1. That, after its own independent review and consideration, the Council incorporates the foregoing recitals as if fully rewritten herein, and it hereby confirms that the legislative variance criteria set forth in Section 111-5 of the Cincinnati Municipal Code are satisfied in all respects.

Section 2. That the Council specifically finds that a legislative variance authorizing the construction of a new congregate-housing facility on the Property (hereinafter defined), which facility may contain up to forty-four dwelling units maintained as affordable units in compliance with the Low-Income Housing Tax Credit program, shall include communal dining facilities and certain other facilities for the use and benefit of its residents, and shall have an exterior facade incorporating materials and colors that include a base of a light gray brick on the first floor topped with a cast stone belt course, red-orange brick through the middle of the building with individual and paired window openings in horizontal and vertical alignment, and a darker brick soldier course and a heavy coping material across a majority of the top of the building (“Project”), as more particularly described on the plans, elevations, and project summary attached hereto as Exhibit A

and incorporated herein by reference, on the real property commonly known as 2000 Dunlap Street (Ham. Co. PID 096-0005-0116-00) in the Over-the-Rhine neighborhood (“Property”), depicted on the map attached hereto as Exhibit B and incorporated herein by reference, will not have an adverse effect on the character of the surrounding area or the public's health, safety, and general welfare and would be consistent with the purposes of the Cincinnati Municipal Code and the UM, “Urban Mix,” zoning district.

Section 3. That the Council further finds that a legislative variance authorizing the construction of the Project on the Property will:

- a. return an underutilized lot to a more productive use;
- b. facilitate the creation of new housing for underserved segments of the Over-the-Rhine community;
- c. be necessary and appropriate to further the interests of historic conservation;
- d. not have an adverse effect on the architectural or aesthetic integrity of the Over-the-Rhine Historic District;
- e. permit the construction of a new infill building that is well-designed, with materials, massing, scale, and an overall appearance that fit within the context of the Over-the-Rhine community; and
- f. permit the construction of a new infill building that is substantially consistent with the Over-the-Rhine Historic District Conservation Guidelines.

Section 4. That, notwithstanding any provisions of the Cincinnati Municipal Code to the contrary, the Council hereby confirms that the Project described and depicted on the plans, elevations, and project summary attached hereto as Exhibit A constitutes a congregate-housing facility providing permanent supportive housing and that the use and operation of that facility shall be deemed a “congregate housing” use for the purposes of the Cincinnati Municipal Code and the UM, “Urban Mix,” zoning district.

Section 5. That the Council authorizes the construction of the Project, or a new infill building substantially similar to the Project, on the Property, subject to the terms and conditions set forth in this ordinance. This authorization is granted notwithstanding the September 27, 2022 decision of the Historic Conservation Board, attached hereto as Exhibit C and incorporated herein by reference, notwithstanding the density and setback regulations contained in Section 1410-07, “Development Regulations,” of Cincinnati Municipal Code Chapter 1410, “Urban Mix District,” and notwithstanding the requirement for a certificate of appropriateness contained in Section 1435-09, “Alterations and Demolitions; Certificates of Appropriateness; Minimum Maintenance,” of Cincinnati Municipal Code Chapter 1435, “Historic Preservation.”

Section 6. That this ordinance does not provide a variance from any other laws of the City of Cincinnati, and the Property shall remain subject to all other provisions of the Cincinnati Municipal Code, the UM, “Urban Mix,” zoning district, and the Over-the-Rhine Historic District.

Section 7. That the use of the Property as a congregate-housing facility with forty-four dwelling units pursuant to this ordinance shall not be considered a nonconforming use of land unless otherwise permitted by law.

Section 8. That the City Manager, the Director of Buildings and Inspections, the Director of City Planning and Engagement, the Zoning Administrator, the Urban Conservator, and all other appropriate city officials are authorized to take all necessary and proper actions to implement this ordinance, including the issuance of building permits and related approvals provided they conform to applicable building codes, housing codes, accessibility laws, and other laws, rules, or regulations.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms

of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is to enable the development activities on the Property to commence at the earliest possible time, so as to improve the welfare of the Over-the-Rhine community and the people of the City of Cincinnati at the earliest possible, and to take advantage of the availability of time-sensitive Low-Income Housing Tax Credits.

Passed: \_\_\_\_\_, 2022

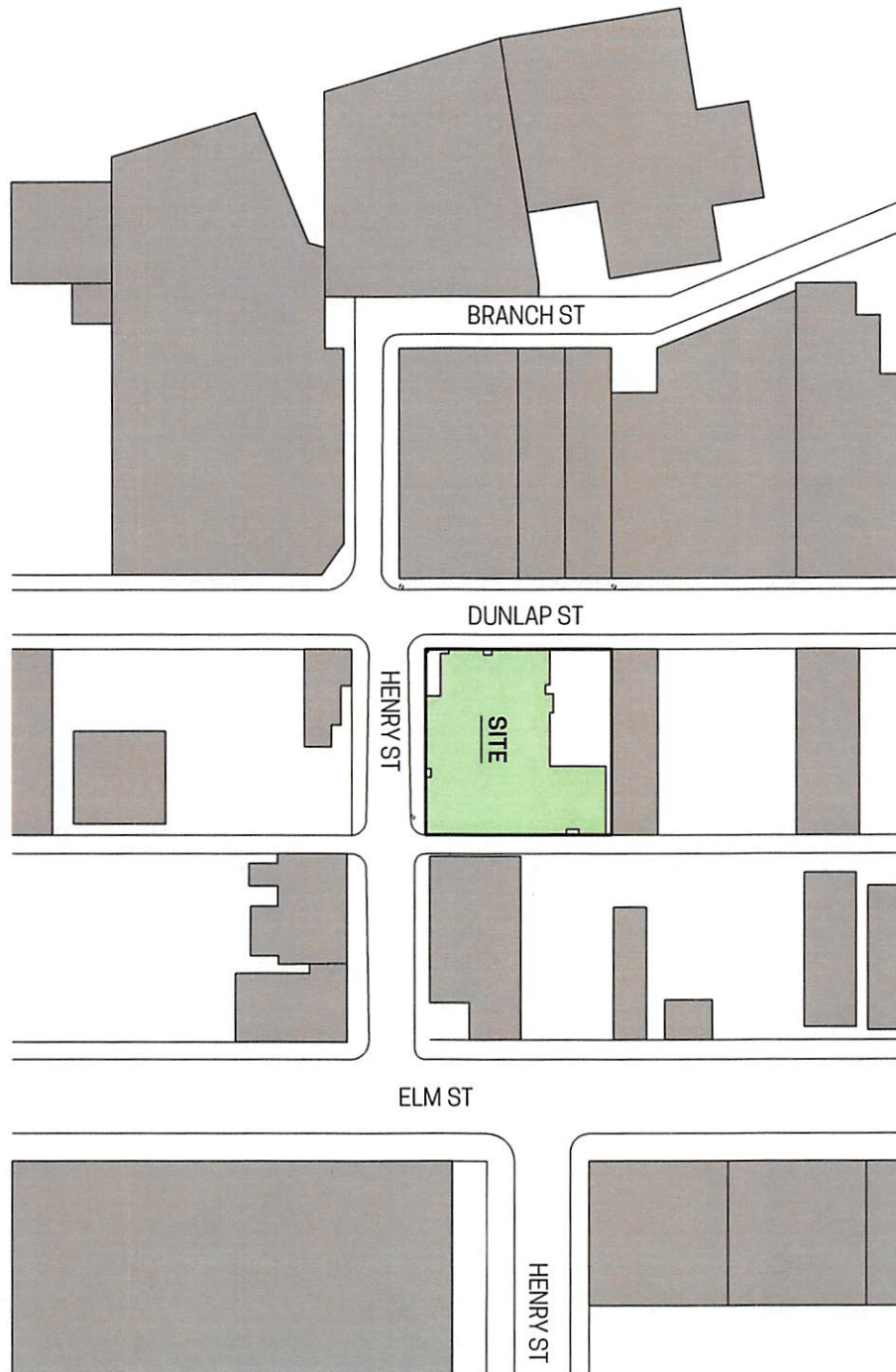
\_\_\_\_\_  
Aftab Pureval, Mayor

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



**EXHIBIT A**

ARCHITECTURAL SITE PLAN



SCALE: 1/64" = 1'-0"

**A00**  
SITE PLAN

**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 16, 2022  
NR PROJECT NUMBER: 21-084

**NEW REPUBLIC**  
architecture  
**OTRCH**  
COMMUNITY HOUSING



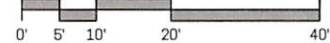
**FIRST FLOOR PLAN**

**PROGRAM KEY**

- RESIDENTIAL
- MAJOR VERTICAL PENETRATIONS
- COMMON CIRCULATION
- DEDICATED PROGRAM
- COMMON PUBLIC
- SUPPORT



SCALE: 1/16" = 1'-0"



**NEW REPUBLIC**  
architecture  
**OTRCH**  
COMMUNITY HOUSING

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

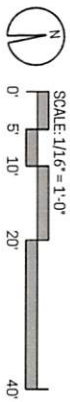
**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

BUILDING PLANS  
**A01**

**SECOND FLOOR PLAN (THIRD and FOURTH FLOORS SIMILAR)**



- PROGRAM KEY**
- RESIDENTIAL
  - MAJOR VERTICAL PENETRATIONS
  - COMMON CIRCULATION
  - DEDICATED PROGRAM
  - COMMON PUBLIC
  - SUPPORT

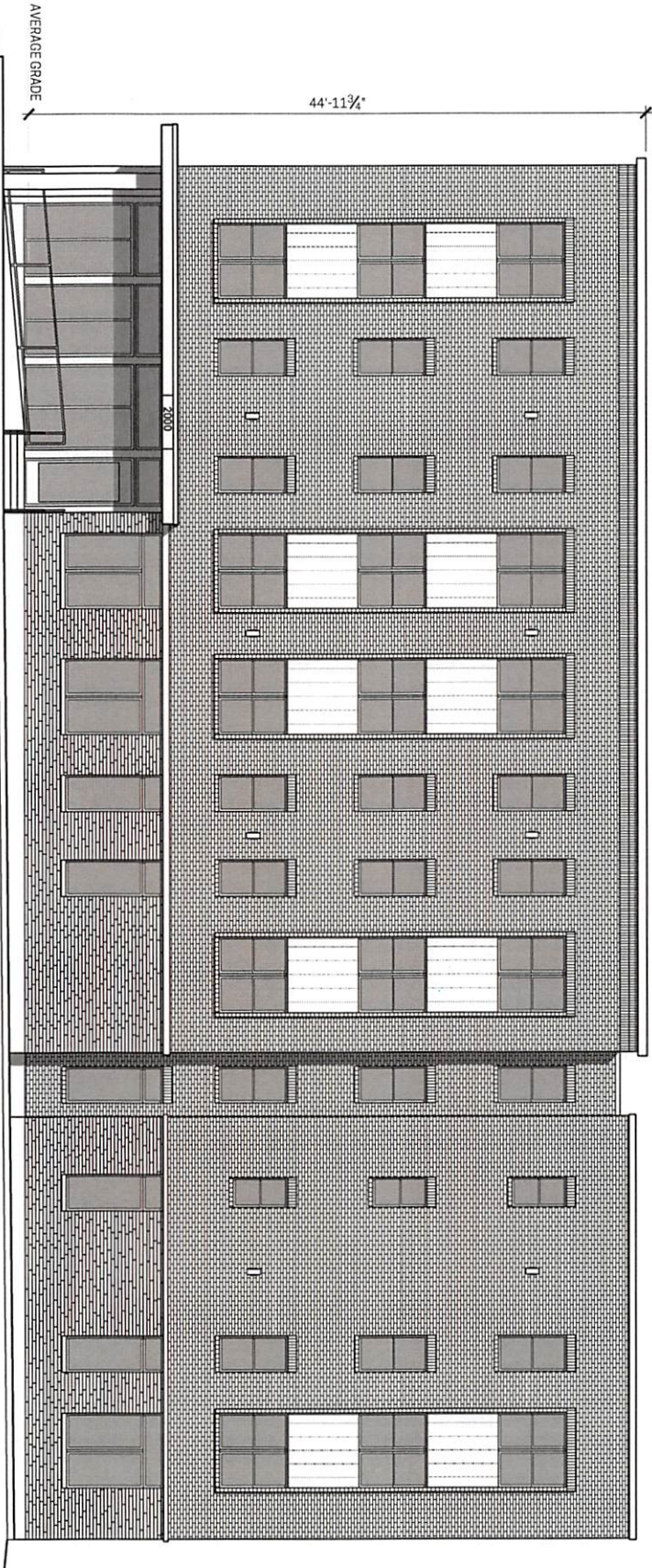


**A02**  
BUILDING PLANS

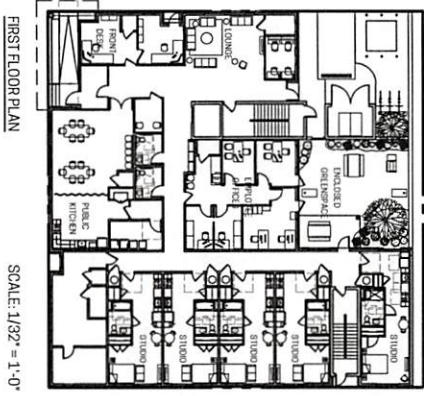
**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

**NEW REPUBLIC**  
architecture  
**OTRCH**  
COMMUNITY HOUSING

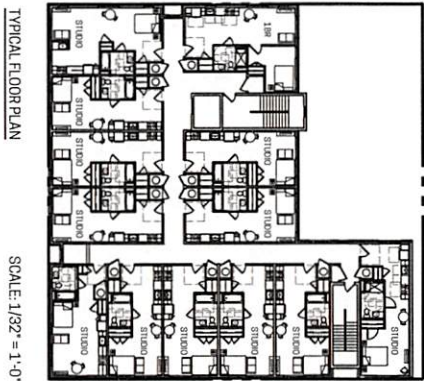


**HENRY STREET (SOUTH) ELEVATION**  
SCALE: 1/8" = 1'-0"



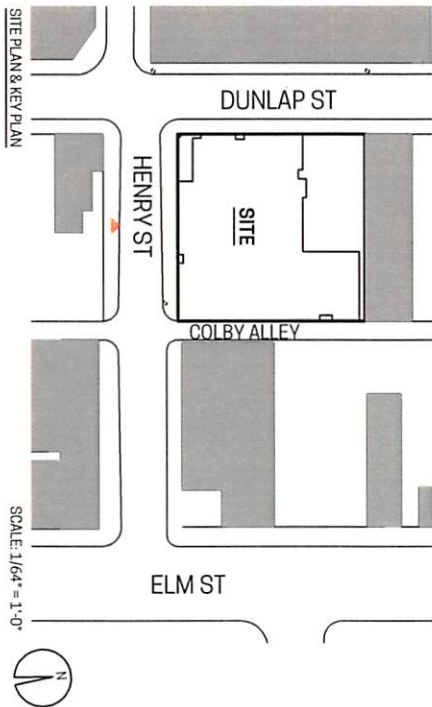
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

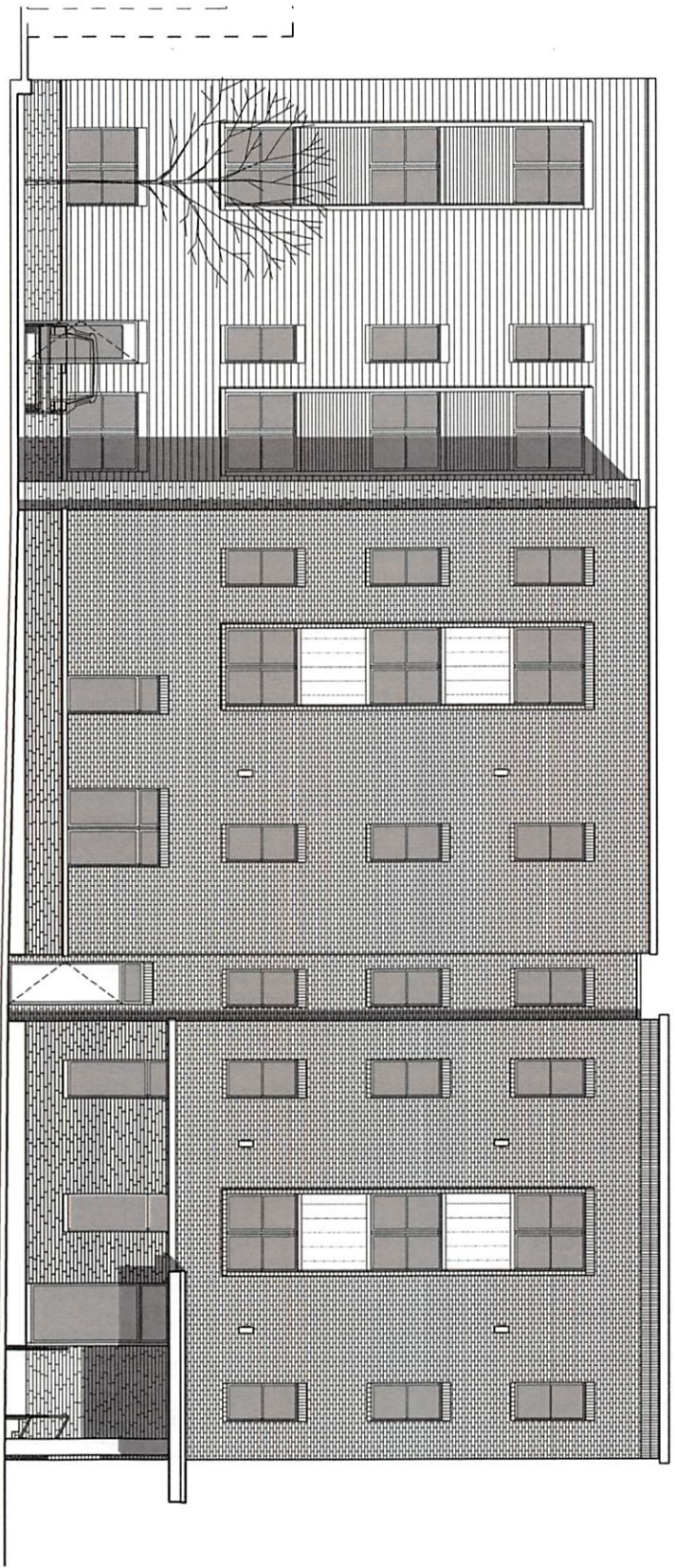
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**A21**

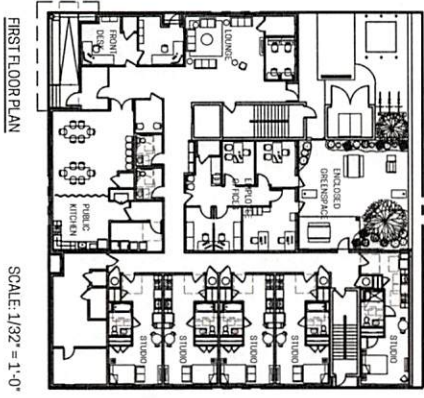
**DUNLAP LIHC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

**NEW REPUBLIC**  
architecture  
**OTRCH**  
COMMUNITY HOUSING

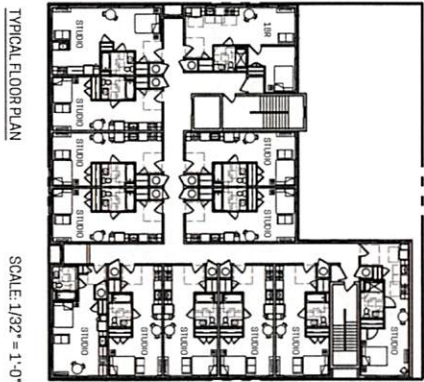


**DUNLAP (WEST) ELEVATION**  
SCALE: 1/8" = 1'-0"



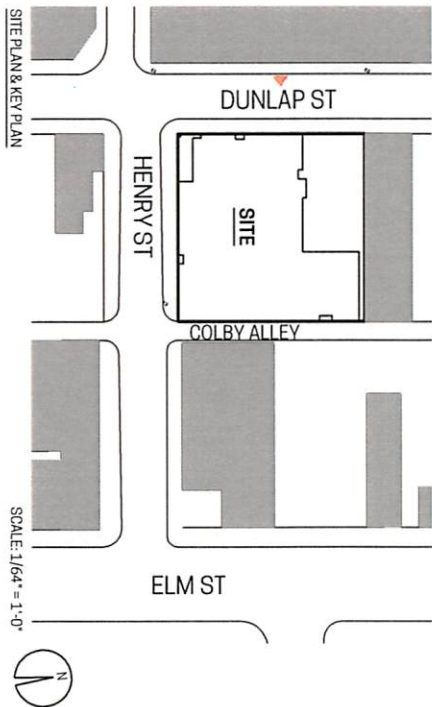
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

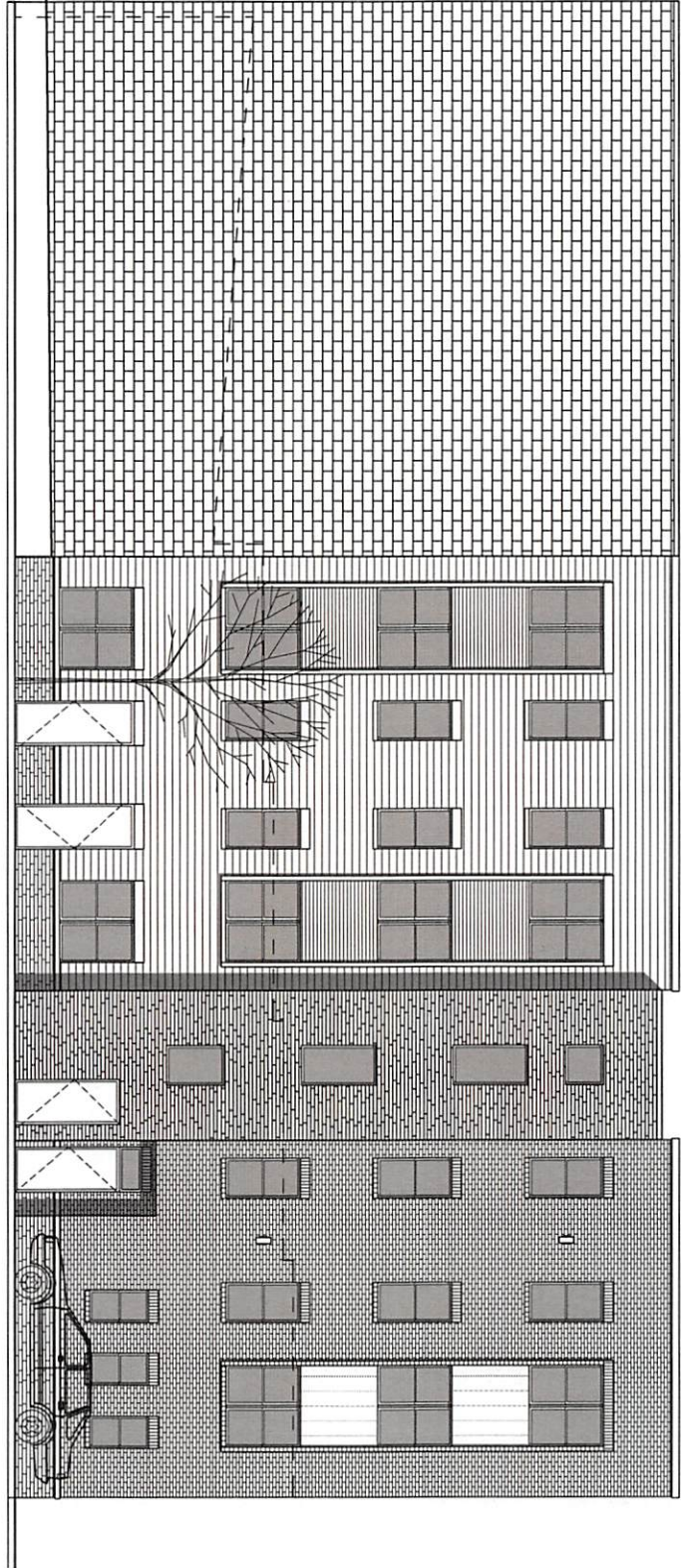
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**A222**

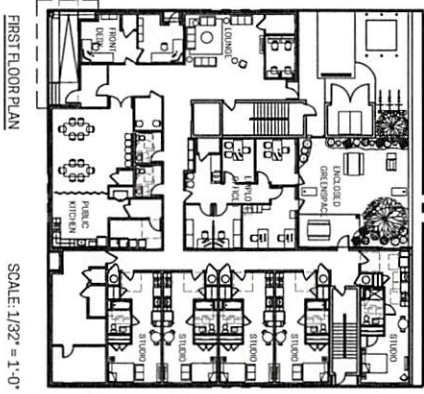
**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

**NEW REPUBLIC**  
architecture  
**OTRCH**  
COMMUNITY HOUSING

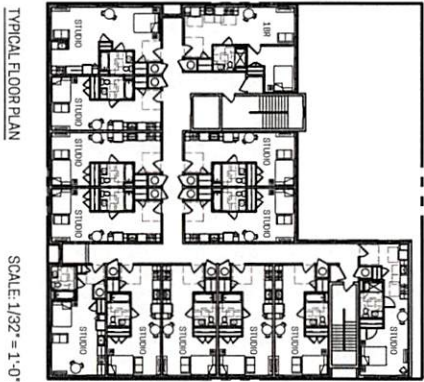


**REAR (NORTH) ELEVATION**  
SCALE: 1/8" = 1'-0"



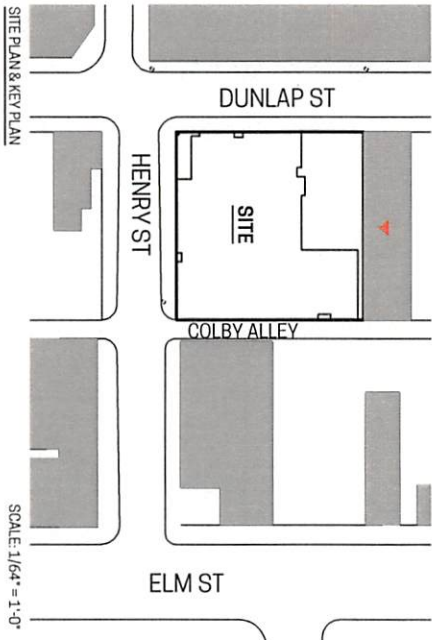
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"

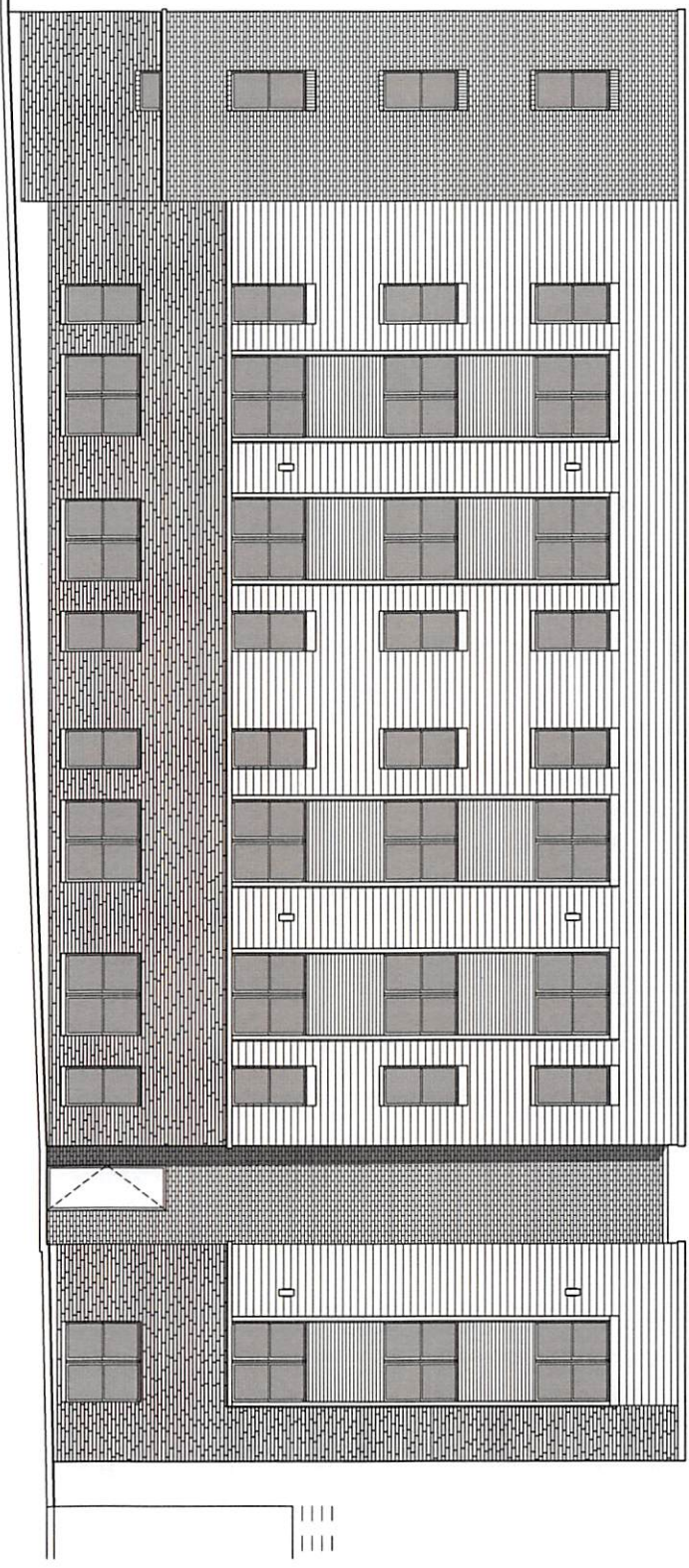


**A23**

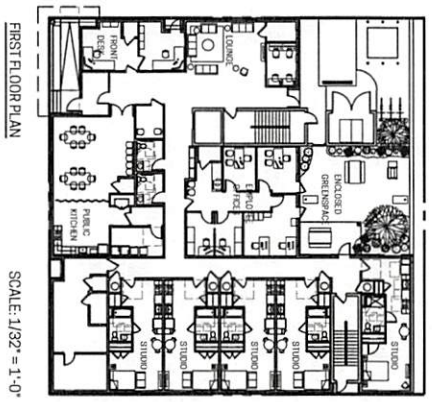
**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

**NEW REPUBLIC**  
architecture  
**OTRCH**  
COMMUNITY HOUSING

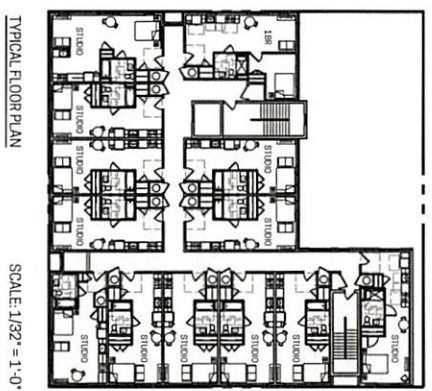


**ALLEY (EAST) ELEVATION**  
SCALE: 1/8" = 1'-0"



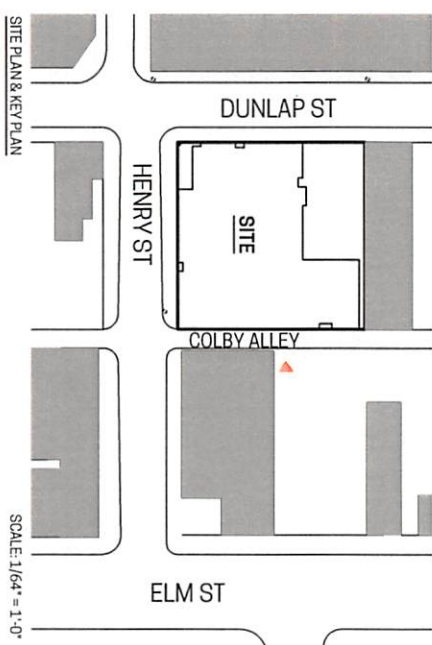
FIRST FLOOR PLAN

SCALE: 1/32" = 1'-0"



TYPICAL FLOOR PLAN

SCALE: 1/32" = 1'-0"



SITE PLAN & KEY PLAN

SCALE: 1/64" = 1'-0"



**A24**

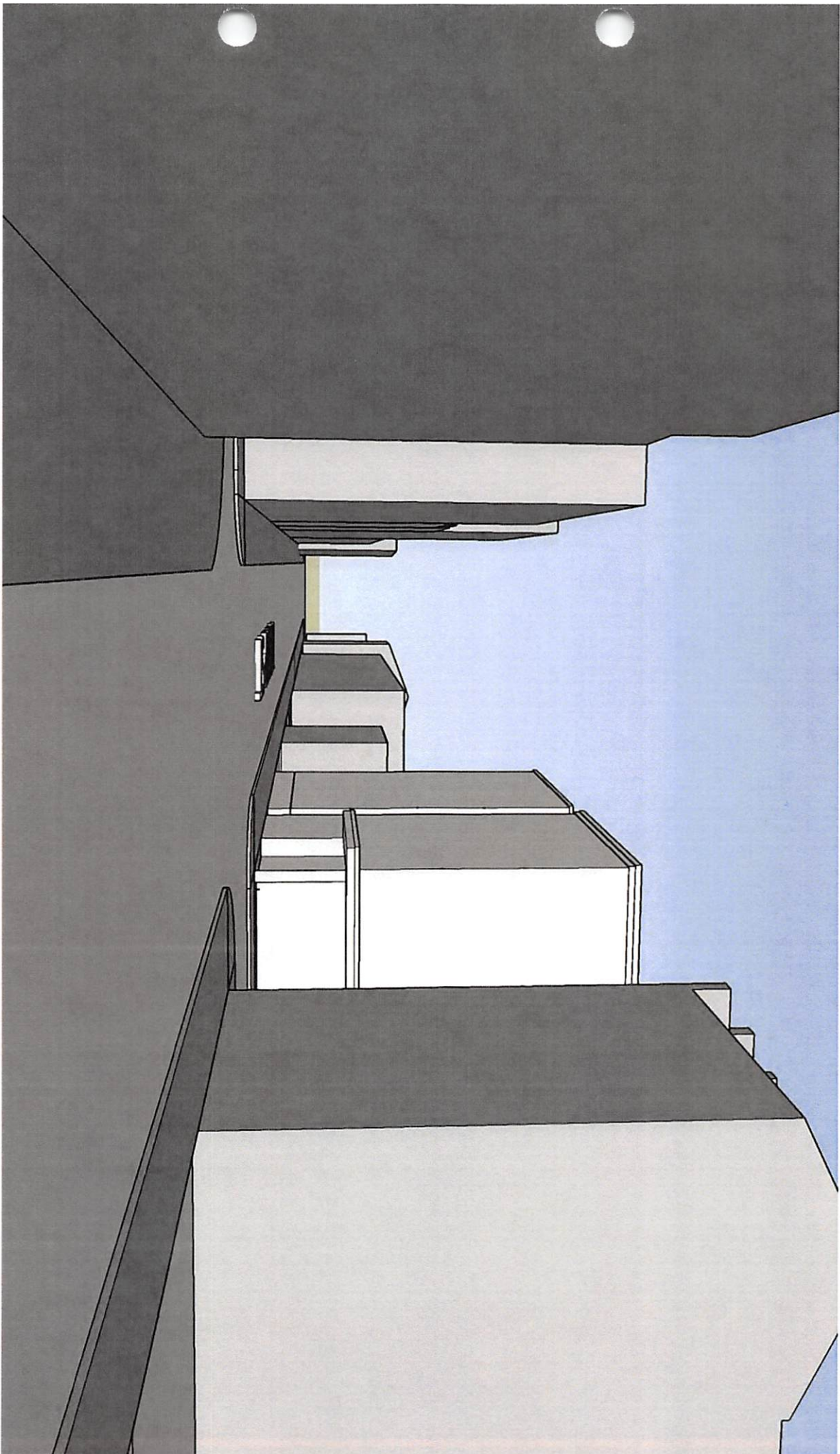
**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

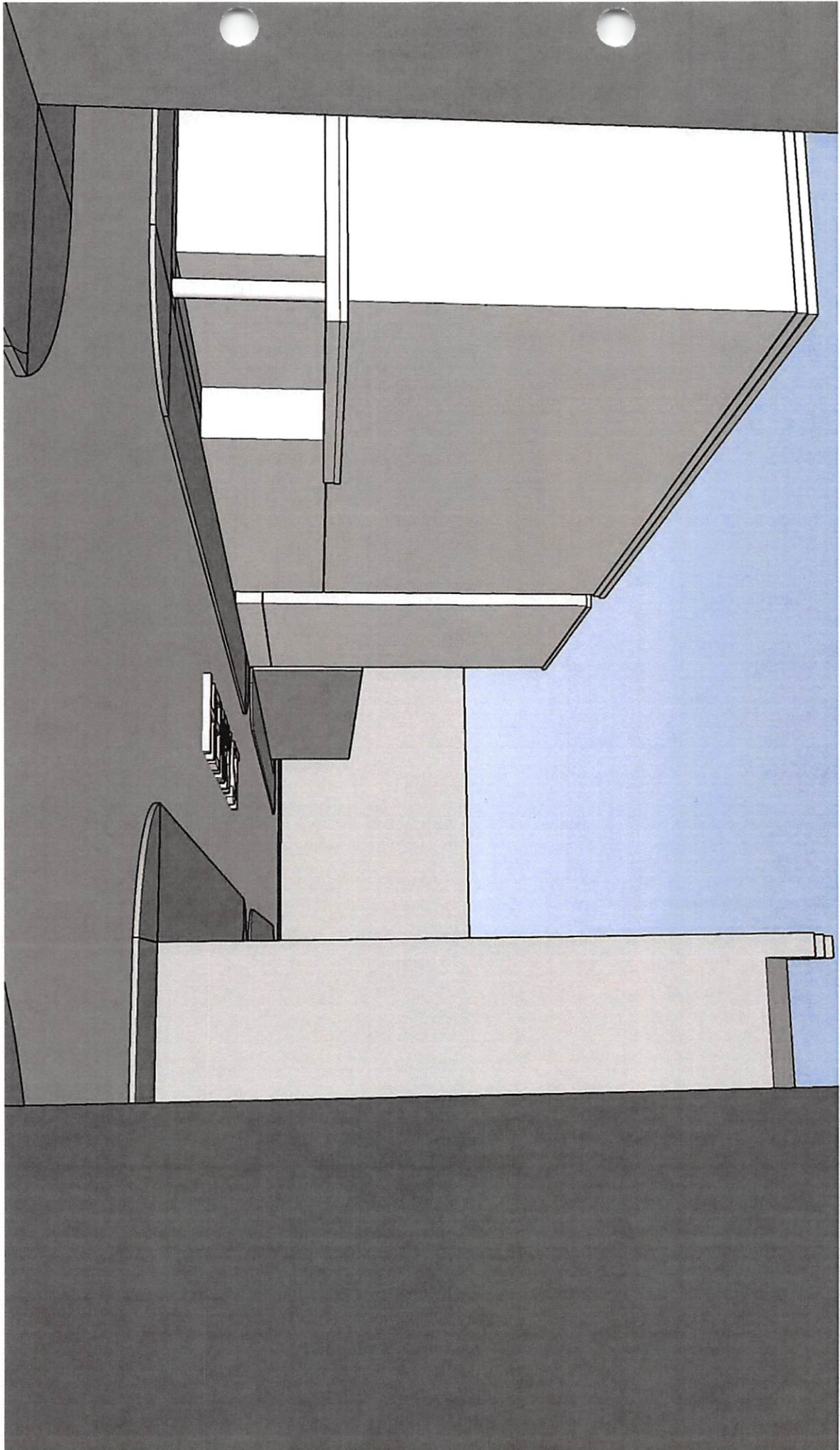
**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

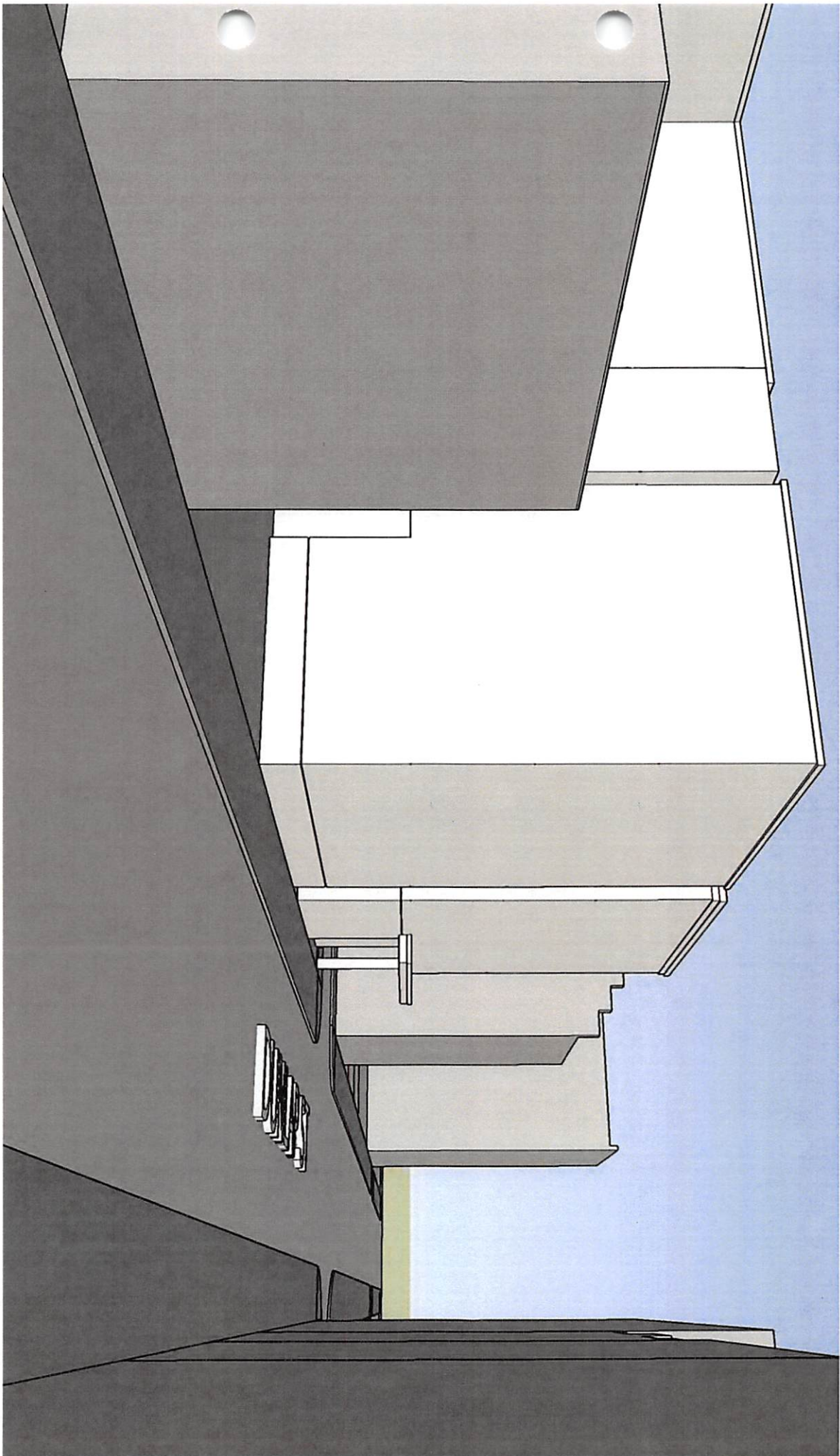
**NEW REPUBLIC**  
architecture  
**OTRCH**  
COMMUNITY HOUSING

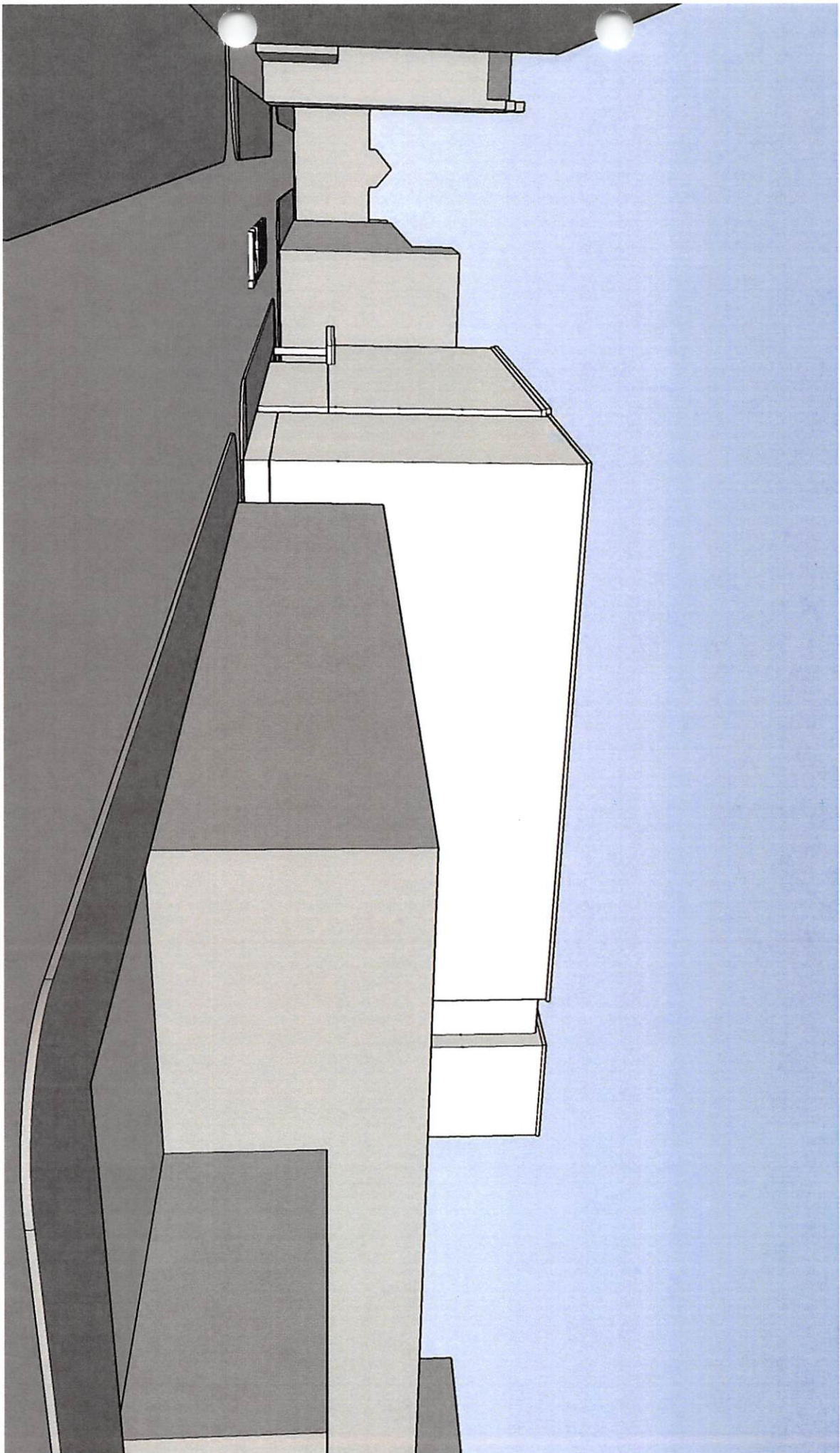
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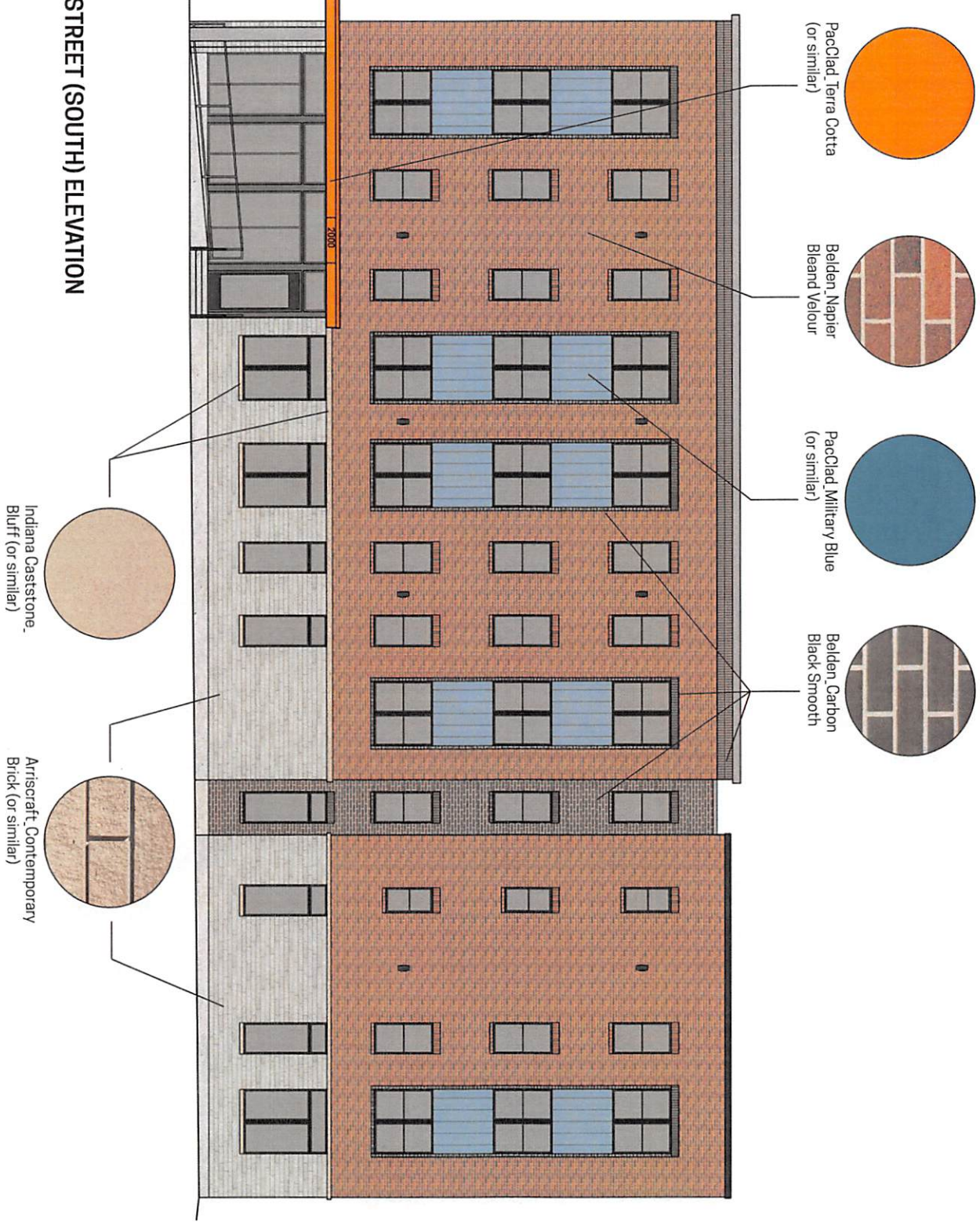








**HENRY STREET (SOUTH) ELEVATION**



PacClad Terra Cotta  
(or similar)

Belden Napier  
Bland Velour

PacClad Military Blue  
(or similar)

Belden Carbon  
Black Smooth

Indiana Caststone  
Bluff (or similar)

Artiscraft Contemporary  
Brick (or similar)

**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
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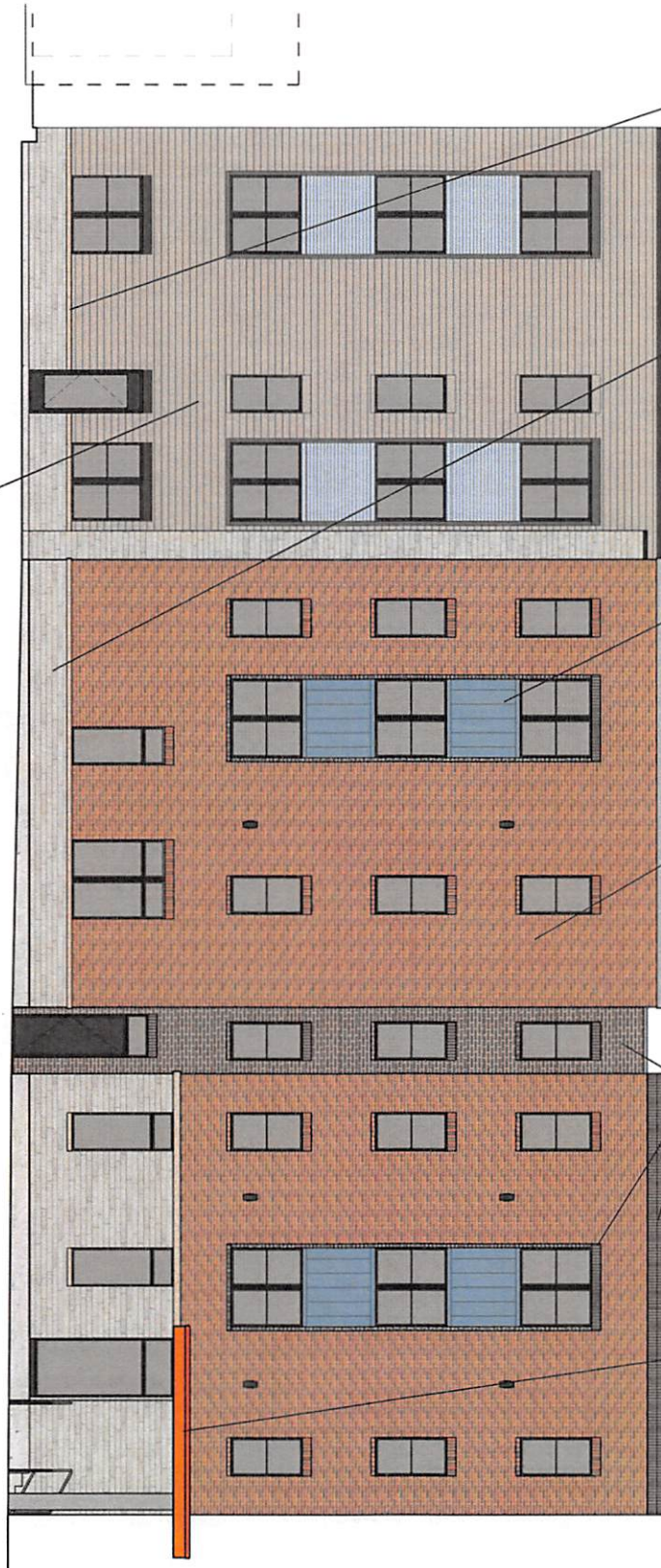
**NEW REPUBLIC**  
architecture

**OTRCH**  
COMMUNITY HOUSING

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**DUNLAP STREET (WEST) ELEVATION**

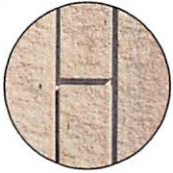
JamesHardie, Smooth  
Pearl Gray (or similar)



Indiana Caststone-  
Bluff (or similar)



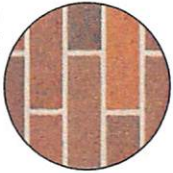
Artiscraft, Contemporary  
Brick (or similar)



PacClad, Military Blue  
(or similar)



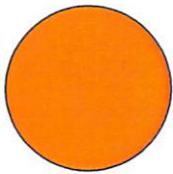
Belden, Napier  
Bleand Velour



Belden, Carbon  
Black Smooth



PacClad, Terra Cotta  
(or similar)



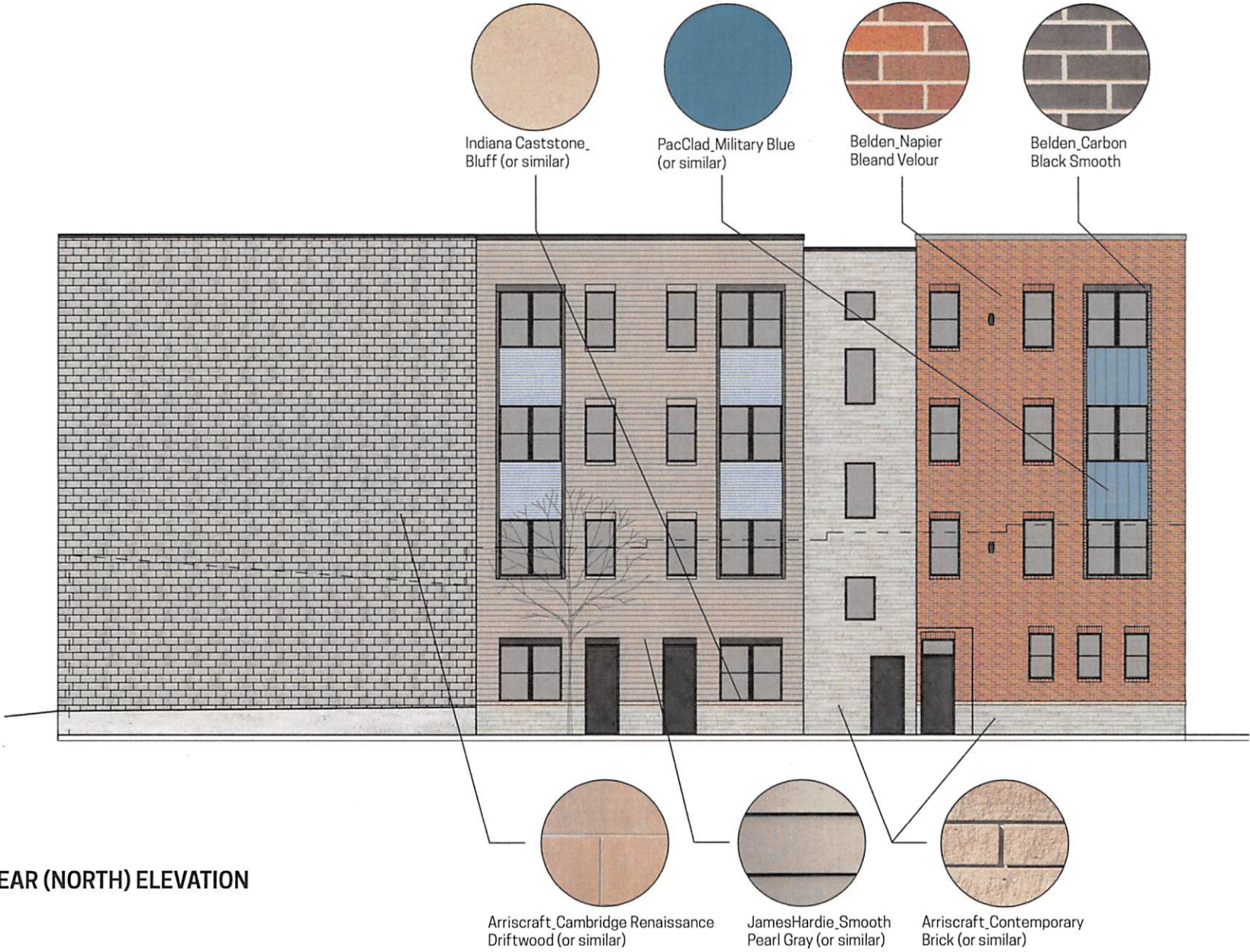
**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

**NEW REPUBLIC**  
architecture

**OTRCH**  
COMMUNITY HOUSING

**REAR (NORTH) ELEVATION**

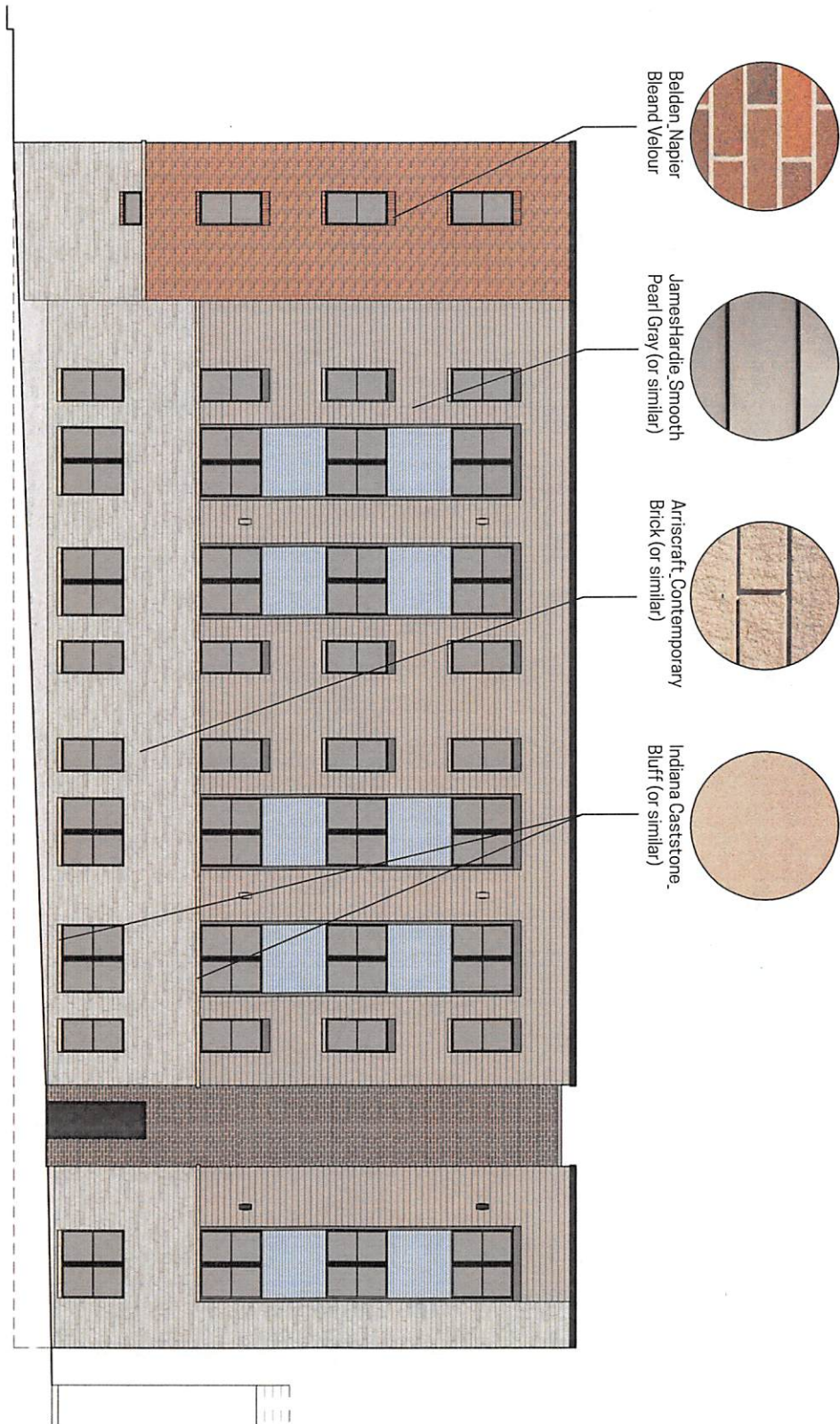


**NEW REPUBLIC**  
 architecture  
**OTRCH**  
 COMMUNITY HOUSING

**DUNLAP+HENRY PSH**  
 2000 DUNLAP ST  
 CINCINNATI, OH 45214  
 SEPTEMBER 19, 2022  
 NR PROJECT NUMBER: 21-084

**DUNLAP LIHTC**  
 PERMANENT SUPPORTIVE HOUSING  
 NEW CONSTRUCTION

**ALLEY (EAST) ELEVATION**



**DUNLAP LIHTC**  
PERMANENT SUPPORTIVE HOUSING  
NEW CONSTRUCTION

**DUNLAP+HENRY PSH**  
2000 DUNLAP ST  
CINCINNATI, OH 45214  
SEPTEMBER 19, 2022  
NR PROJECT NUMBER: 21-084

**NEW REPUBLIC**  
architecture

**OTRCH**  
COMMUNITY HOUSING



## Project Overview

Dunlap PSH is a proposed Permanent Supportive Housing project located in the Over-the-Rhine neighborhood with 44 apartments. The project will be a new construction building on a parcel at the corner of Dunlap and Henry Streets, where Over-the-Rhine Community Housing (OTRCH) currently owns and operates a parking lot.

The project will be studio and 1BR apartments providing safe, dignified, affordable housing to people who have experienced homelessness. The property will be a four-story structure with an elevator and will provide a laundry room, common lounge/dining room, common kitchen to accommodate volunteers, single point of entry, case management offices, space for visiting medical professionals, and secured building entrances. The project will be staffed 24/7 with front desk staff. On-site case management and supportive services will be provided by OTRCH and other providers.

The project is intended to build upon the success of OTRCH's 25-year history of providing well operated supportive housing to the most vulnerable members of our community. The Dunlap PSH project will most closely resemble our Jimmy Heath House project in OTR, which has successfully provided dignified housing for the homeless for over 10 years.

In May 2022, the project was awarded \$1 million dollars in annual Low-Income Housing Tax Credits.

## Project Timeline

- Summer 2023 – Begin Construction
- Summer 2024 – Project Operational

## Project Contacts:

- Ben Eilerman – Senior Housing Developer – [beilerman@otrch.org](mailto:beilerman@otrch.org) 513-381-1171 x119
- Andy Hutzel – Director of Housing Services – [ahutzel@otrch.org](mailto:ahutzel@otrch.org) 513-381-1171 x 112



*Gloria was a wonderful and complicated person, who's sense of humor, dignity, and generosity were not diminished by years of homelessness. Anyone traveling the streets of OTR has likely seen Gloria and her dog Bear Bear. Gloria lived her life for her friends and peers on the street and was not one to suffer fools. Gloria was a truth teller who did not shy away from "her truth" and she stood up for those she felt were more vulnerable than herself. Gloria was a raconteur, who's lived experience, keen observations, and cutting wit, revealed a genuinely unique perspective. Whether Gloria was housed or homeless, her life in, and connection with, the OTR community, is indisputable. Gloria was part of OTR.*

## Project Partners



## This Housing is Needed Now!

- Greater Cincinnati Behavioral Health's PATH Outreach Team reports a 25% increase in street homelessness over the past year.
- Our region is in dire need of affordable housing at all levels, but particularly for those most vulnerable.

## This project is funded!

- Dunlap PSH was awarded \$10M in highly competitive Low Income Housing Tax Credits and \$600,000 in HDAP funding from the Ohio Housing Finance Agency in May of this year to build the project.
- Additionally, recognizing the deep need for this type of housing, the Continuum of Care ranked this project as its highest ranked project for funding and operational support.

## This project is supported!

- Project partners include, 3CDC, Strategies to End Homelessness, Greater Cincinnati Behavioral Health Services, Corporation for Supportive Housing, Cincinnati Health Network, Greater Cincinnati Homeless Coalition, LISC, Greater Cincinnati Foundation, Model Group and many more neighbors.

## Housing First works!

- Housing First is an evidenced-based best practice that prioritizes providing **permanent housing** to people experiencing homelessness, thus ending their homelessness and serving as a platform from which they can pursue personal goals and improve their quality of life.
- The Housing First model rapidly ends homelessness, is cost-effective, and positively impacts quality of life and community functioning.

## Those opposed are acting out of a place of unsubstantiated fear

- Fears have been expressed by the opposition including: the threat to prevent future development, a concern about putting this type of housing in an entertainment district and a general fear of the "other".
- All of these concerns were raised prior to the opening of OTRCH's Jimmy Health House and they have not materialized. JJH, on Odeon St., sits in the heart of OTR, less than a block from the new FC Cincinnati stadium and directly adjacent to newly constructed million-dollar homes. One neighbor, Rosanne Hassey testified that "I actually prefer to live next to project like the Jimmy Heath House... our neighborhood is deeper and richer for having Jimmy Heath House as part of our community".

## Project Partners

modelconstruction

3CDC

CINCINNATI  
CENTER CITY  
DEVELOPMENT  
CORPORATION



Greater Cincinnati  
Behavioral  
Health Services  
Our Work is Life Changing

GREATER CINCINNATI  
HOMELESS  
COALITION

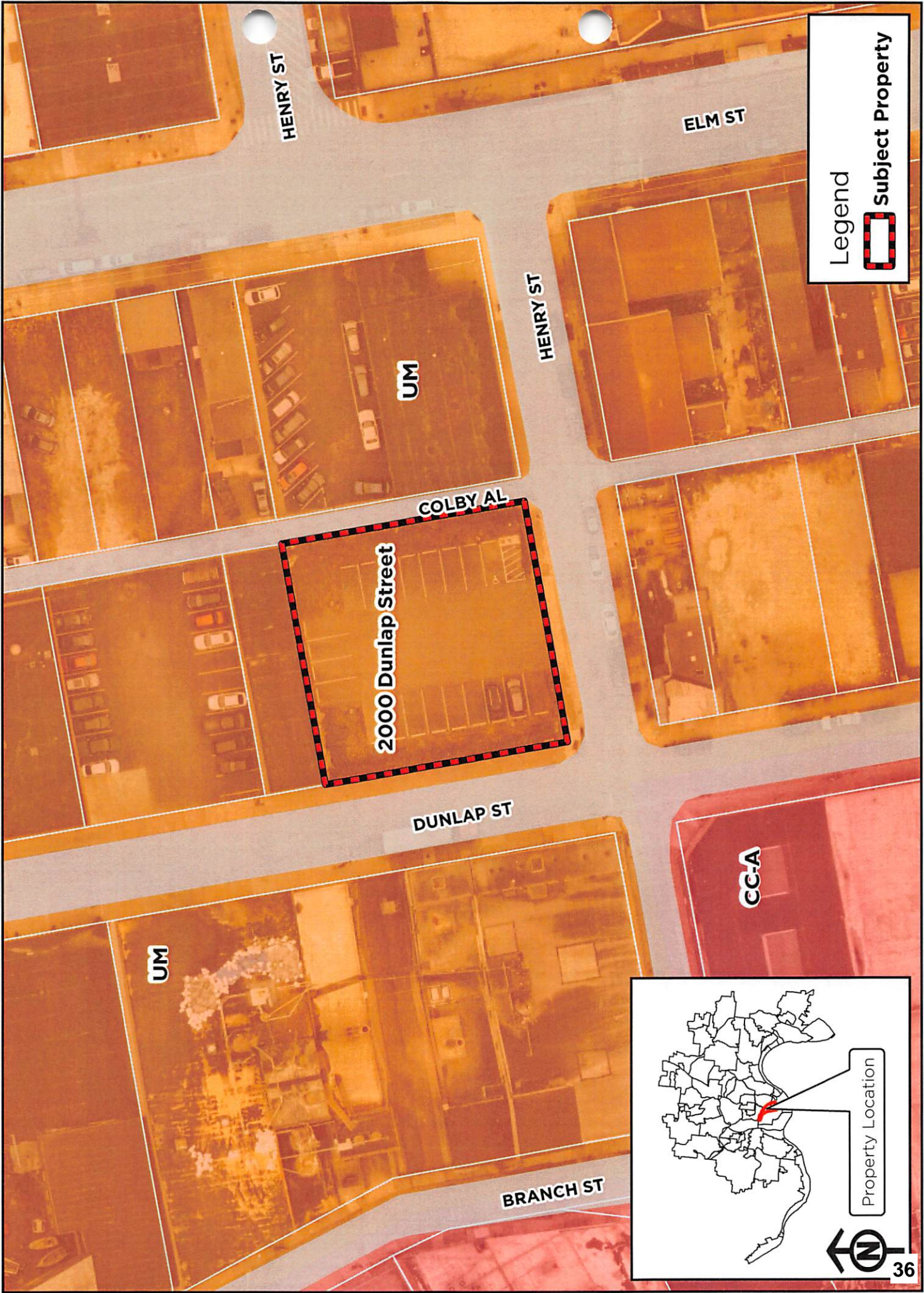
CSH 30 Years of Supportive  
Housing Solutions

STRATEGIES TO  
END HOMELESSNESS  
prevent. assist. solve.

Cincinnati  
HealthNetwork

**EXHIBIT B**

Exhibit B  
Proposed Notwithstanding Ordinance at 2000 Dunlap Street in Over-the-Rhine



Legend

Subject Property



Property Location



**EXHIBIT C**

**DECISION  
HISTORIC CONSERVATION BOARD  
CITY OF CINCINNATI  
DATE OF DECISION: September 27, 2022**

**APPLICANT:** New Republic Architecture/ Suder LLC  
**CASE TYPE:** COA/ Zoning Relief  
**CASE NO.:** COA2022032/ ZH20210183  
**PROPERTY:** 2000 Dunlap Street

**SUMMARY OF REQUEST:**

Over-the-Rhine Community Housing, an Ohio nonprofit corporation (“OTRCH”), requests a Certificate of Appropriateness (“COA”) and zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback in a Urban Mix (“UM”) zoning district in the Over-the-Rhine Historic District (the “Historic District”).

**SUMMARY OF DECISION:**

COA is **APPROVED**.  
Zoning Relief is **APPROVED** in part and **DENIED** in part.

**PUBLIC HEARING:**

The Historic Conservation Board (“Board”) is a quasi-judicial body empowered to approve a COA when an applicant has demonstrated credible evidence that the proposal substantially conforms to the applicable local historic district conservation guidelines. The Board functions as the Zoning Hearing Examiner concerning requests for zoning relief from the Cincinnati Zoning Code (“CZC”) in the city’s local historic districts.

The Board conducted a public hearing over multiple meeting sessions on January 24, 2022, June 27, 2022, and August 8, 2022 (referred to collectively hereafter as the “Hearing”) on the above-cited application and is charged with evaluating the credibility of all witnesses and issuing findings of fact and conclusions of law based on the testimony and evidence presented to it.

The Board mailed notice to all persons entitled to receive notice of the application. Also, the Board published prior notice of the Hearing on the application in The City Bulletin. A quorum of Board members under Section 5 of the Rules of Procedure were present throughout the Hearing.

The Board recorded the Hearing, and a copy of the recording is available for review and transcription from the Office of Administrative Boards. Similarly, a representative from Elite Court Reporting Agency, LLC recorded the Hearing stenographically, and a transcript of the proceeding is available upon request.

**FINDINGS OF FACT:**

1. This matter concerns certain real property that is commonly identified as 2000 Dunlap Street and more particularly identified as Hamilton County, Ohio Auditor's Parcel No. 096-0005-0116-00 (-0116, -0117, -0118, -0119 Cons.) (the "Property").
2. The Property is in a UM zoning district in the Historic District.<sup>12</sup>
3. OTRCH, through New Republic Architecture, applied for zoning relief to construct a four-story, 44-unit congregate housing development with a zero-lot-line rear setback (the "Structure") on or about December 10, 2021. The zoning relief application dated December 10, 2021, did not include design specifications or a request for a COA.
4. CMC Section 1410-07 requires 700 square feet of lot area per residential unit. OTRCH requires a dimensional variance to allow 226 square feet of lot area per residential unit. CMC Section 1410-07 imposes a rear yard setback requirement of ten feet. OTRCH requires a dimensional variance to allow a zero-foot rear setback for 36 feet and 11½ inches along the rear property line.
5. The Board scheduled the zoning relief application for its regularly scheduled meeting on January 24, 2022.

**JANUARY 24, 2022 PUBLIC MEETING**

6. Richard B. Tranter, Esq. appeared before the Board on January 24, 2022, as legal counsel for OTRCH.
7. Peter Koenig, Esq. appeared before the Board on January 24, 2022, as legal counsel for Cincinnati Industrial Auctioneers, Inc.; Dunlap Street Properties, LLC; Jeffrey Luggen; and Robert Selhorst.
8. Jeff Nye, Esq. appeared before the Board on January 24, 2022, as legal counsel for The F.L. Emmert Company.
9. Dan McCarthy, Esq. appeared before the Board on January 24, 2022, as legal counsel for the City Lofts on Dunlap Condominium Association, an Ohio nonprofit corporation.
10. Mary Burke Rivers, OTRCH's Executive Director, appeared before the Board on

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<sup>1</sup> Cincinnati Municipal Code Section 1400-17 and Map Section 1400-17.  
<sup>2</sup> Ordinance No. 195-2003.

January 24, 2022, to support the application for zoning relief. Ms. Burke Rivers testified to OTRCH's history and mission, stating that the merger of two community-development corporations: Race Street Tenant Organization Co-Operative ("RESTOC") and Over-the-Rhine Housing Network, formed OTRCH. Ms. Rivers asserted that OTRCH's mission is to develop and manage resident-centered affordable housing to benefit low-income residents, declaring that OTRCH has an inventory of approximately 490 dwelling units in 105 buildings throughout the Over-the-Rhine neighborhood.

11. Ms. Burke Rivers provided background on OTRCH's ownership of the Property. She stated that OTRCH had owned the Property since 1992. The Property formerly contained a four-story structure that the City of Cincinnati razed in 1994 due to a roof collapse, and OTRCH subsequently constructed a parking lot on the Property.
12. Bob Carbon appeared before the Board to discuss the proposed zoning relief. Mr. Carbon described the developmental character of the area surrounding the Property, showing images of structures to the north and west of the Property constructed with zero-lot lines. Mr. Carbon showed a photograph of the building that formerly occupied the Property, asserting that it was a four-story structure likely measuring between 40-45 feet tall and constructed with a zero-lot line.
13. On cross-examination by Mr. Nye, Mr. Carbon conceded that a traffic impact study had not been performed for the proposed development.
14. Mr. Koenig objected to the bifurcation of the application to hear the COA separately from the requested zoning relief. He argued that it is also erroneous not to consider the use in weighing zoning relief hardship factors.
15. Mr. Koenig argued that the development is incompatible with the surrounding neighborhood, stressing that the requested density is unprecedented for the zoning district and the Historic District. He further argued that the Property has no exceptional, special, or unique characteristics to justify the requested zoning relief.
16. Jeff Luggen testified that he is a business owner that owns several properties proximate to the Property. Mr. Luggen expressed concerns about the compatibility of the use concerning surrounding properties, parking, and adverse impacts to surrounding businesses during construction.
17. Robert Selhorst testified that he owns property within 200 feet of the development site. He argued against the proposed use of the Property.
18. On cross-examination by Mr. Tranter, Mr. Selhorst conceded that he believed that he knew or was aware that OTRCH owned the Property when he purchased his property.
19. Mr. McCarthy argued that OTRCH had not met its burden of proof to show that they are entitled to the requested variances. He asserted that a hearing on the application was premature and inappropriate.



20. Neil Marquardt testified that he owns property at 42 W. McMicken Avenue and 1908 Dunlap Street. Mr. Marquardt stated that a hearing on the application was premature because OTRCH should present final design plans to surrounding property owners before proceeding.
21. Ben Eilerman, Graham Kalbli, Amy Silver, Andy Hutzal, Bonnie Neumeier, David Elkins, Joele Newman, and Margy Waller appeared before the Board to testify in support of the application.
22. Brian Conner, Vice-President of the OTR Community Council, appeared before the Board to testify about community outreach related to the project. He stated that OTR Community Council had not taken a position on the application as of the public meeting date.
23. Agostino Fede, Denny Dellinger, Julie Fay, Guy Peters, Joey Luggen, Ryan Luggen, Jeff Luggen, Jr., Steven Fink, and John Walter appeared before the Board to testify in opposition to the application.
24. Mr. Nye argued the general standards applicable to variance requests under the Cincinnati Municipal Code and Ohio law. He maintained that the variances are inappropriate under CZC Section 1445-13 because OTRCH failed to demonstrate how the increased density suits anticipated traffic, neighborhood compatibility, and potential adverse effects. Mr. Nye asserted that granting zoning relief under CZC Section 1445-15 is inappropriate because the Property lacks unique or distinctive circumstances or characteristics to entitle OTRCH to zoning relief. Additionally, he argued that granting zoning relief under CZC Section 1435-05-4 is inappropriate because denial of the request will not deprive OTRCH of all economically viable use of the Property or adversely affect the historic architectural or aesthetic integrity of the Historic District.
25. Mr. McCarthy argued that OTRCH failed to meet its burden of proof to demonstrate that it is entitled to variance relief. He stressed that the proposed variances are materially detrimental to the public health, safety, welfare, and injurious to his clients' adjacent properties because the project size and scope are too large for the lot size. He argued that OTRCH failed to meet its burden of proof to show that the zoning relief is necessary and appropriate, and in the interest of historic conservation. He asserted that OTRCH would not be denied all economically viable use of its property upon denial because OTRCH presently uses the Property in an economically viable manner as a public pay parking lot.
26. Mr. Koenig echoed the arguments presented by Mr. Nye and Mr. McCarthy.
27. Mr. Tranter argued that OTRCH satisfies the applicable standards for being entitled to zoning relief. He maintained that the zoning setback requirements are unreasonable because surrounding structures are without setbacks. He stated that OTRCH desires to return the Property to its former condition, occupied by a four-

story, zero-lot line building. Mr. Tranter argued that the former structure suffered a severe casualty event that caused OTRCH to forego reconstructing it until now. He stressed that the proposed density is insignificant because the zoning code would allow more residents to occupy fewer multi-family units and would not unduly burden traffic circulation because the proposed inhabitants are unlikely to own cars.

28. The Board voted to table the zoning relief application to allow OTRCH to submit a COA application.
29. OTRCH submitted a COA application on or about May 12, 2022, and the Board scheduled the COA and zoning relief applications for the Board's regularly scheduled meeting on June 27, 2022.
30. On or about June 17, 2022, Chris Finney, Esq. and Jessica Gibson, Esq., legal counsel for Cincinnati Industrial Auctioneers, Inc. and Dunlap Street Properties, LLC, filed a letter in opposition to the project comprising ten pages, including exhibits A-K, comprising 104 pages.
31. On or about June 24, 2022, Mr. Finney and Ms. Gibson submitted additional materials to the Board to support their clients' positions, arguments, and contentions against the project, identified as exhibits L-P. Tim Voss, the Board Chairman, accepted exhibits L-O into the record.

#### JUNE 27, 2022 PUBLIC MEETING

32. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on June 27, 2022, as legal counsel for OTRCH.
33. Ben Eilerman appeared before the Board on June 27, 2022, to testify in support of the COA and zoning relief. Mr. Eilerman testified about his work with OTRCH and how OTRCH determined the unit density for the project. Mr. Eilerman testified that OTRCH would use low-income housing tax credits administered by the Ohio Housing Finance Agency for the project, emphasizing that low-income housing tax credits require that tenants' rents cover the project's operational costs. Mr. Eilerman said that he calculated that OTRCH must construct 44 units at the Property for the project to be viable. He declared each proposed unit would range from 450 to 611 square feet and house a single occupant.
34. Mr. Eilerman asserted that the project was consistent with the neighborhood's character, citing that a nearby property, Griffin Apartments, contains 66 units, and a second property nearby, Logan Towers, comprises 63 units.
35. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on June 27, 2022.
36. On June 27, 2022, the Board voted to continue the Hearing in progress. The Board continued the Hearing to its regularly scheduled meeting on August 8, 2022.

37. On or about July 22, 2022, Mr. Finney and Ms. Gibson filed a written *Motion to Reconsider the Use* (the “Motion to Reconsider”). The Motion to Reconsider argued the City’s Zoning Administrator inaccurately classified the proposed use of the Structure. Mr. Finney and Ms. Gibson contended the zoning code does not permit the proposed use in the UM zoning district.
38. On or about August 1, 2022, Mr. Suder and Mr. Burleigh filed a written response to the Motion to Reconsider. They argued that the Board does not have the power to overrule the Zoning Administrator’s use classification.
39. On or about August 1, 2022, Mr. Finney and Ms. Gibson filed additional materials to the Board to support their clients’ positions, arguments, and contentions against the project, identified as exhibits Q-Z.

#### AUGUST 8, 2022 PUBLIC MEETING

40. Sean Suder, Esq. and J.P. Burleigh, Esq. appeared before the Board on August 8, 2022.
41. Mary Burke Rivers, Ben Eilerman, Andy Hutzler, and Graham Kalbli appeared before the Board on August 8, 2022, as witnesses supporting OTRCH’s project.
42. Chris Finney, Esq. and Jessica Gibson, Esq. appeared before the Board on August 8, 2022.
43. Jeff Nye, Esq. appeared before the Board on August 8, 2022, on behalf of the F.L. Emmert Company.
44. Mr. Suder requested the Board to exclude the evidentiary submissions made by Mr. Finney and Ms. Gibson on or about August 1, 2022.
45. The Board voted to exclude from the record the August 1, 2022, evidentiary submission made by Mr. Finney and Ms. Gibson.
46. Mr. Finney made several oral motions during the Hearing. He requested to incorporate the records of the January 24, 2022, meeting and the June 27, 2022, meeting into the record of the August 8, 2022, meeting. He objected to the bifurcation of the Hearing from January 24, 2022, and June 27, 2022. He petitioned the Board to strike all letters and testimony in support of the Structure that discusses or mentions the proposed use. He proffered his August 1, 2022, evidentiary submission to the Board.
47. Mr. Kalbli detailed the Structure’s design. He explained that it is divided into three horizontal sections: base, middle, and top. The base consists of a light gray masonry product, the middle consists of field brick, with windows throughout, and a top marked by a cornice. Additionally, Mr. Kalbli testified about how he thought the Structure complied with the Historic District’s guidelines concerning the roof, window patterns, setbacks, height, and materials.

48. Mr. Kalbli explained that the proposed setbacks and height are consistent with the character and historical use of the Property. He stated that he designed the proposed zero-lot line at the rear of the Structure to accommodate an outdoor space for residents, allow access for emergency and public service vehicles, and house certain functional and mechanical features required for the Structure.
49. Jeff Luggen appeared before the Board on August 8, 2022. Mr. Luggen echoed his testimony from the January meeting and argued that the Structure's design is inconsistent with the aesthetics of the Historic District.
50. Robert Selhorst appeared before the Board on August 8, 2022. Mr. Selhorst echoed his testimony from the January meeting and asserted that the proposed density is inappropriate in the neighborhood.
51. Amy Silver, Bonnie Neumeier, Catherine Engle, Christine Wooten, David Elkins, Josh Spring, Michael Flood, Robert Killins, Rosanne and Kevin Hassey, Lauren Stoll, and Francis Russell appeared before the Board to testify in support of the project.
52. John Walter, Ron Holbrook, and Ryan Luggen appeared before the Board to testify in opposition to the project.
53. Mr. Nye argued the Structure's design is incompatible with adjacent properties. He echoed his arguments from the January meeting, challenging the appropriateness and necessity of the requested variances. He advocated for the Board to impose conditions on the Structure's design concerning the location of the entrance and during the construction phase of development so that the construction and use of the Structure did not adversely impact the F.L. Emmert Company.
54. Mr. Finney argued against the proposed density variance, contending that OTRCH failed to satisfy its burden of proof. He claimed the sole reason OTRCH desired the requested density was to build as many units as possible at the Property. He declared that the dimensional variance is inconsistent with the general purposes and intent of the zoning code and is inappropriate because the Property has no unique or defining features. Also, he argued that the massing, size, and window arrangements do not conform to the Historic District guidelines.
55. Mr. Suder argued the density variance would not adversely affect the neighborhood because the neighborhood historically supported greater densities. He argued that the design substantially conforms to the Historic District guidelines, emphasizing the experience of the project's architect in working within the Historic District and the support of the OTR Foundation's infill committee. He asserted the setback variance is appropriate given the programmatic and practical difficulties presented by developing in a dense, urban environment and the location of utility infrastructure. He argued that the strict application of the zoning code presents practical difficulties to OTRCH because the code would not allow OTRCH to affect its mission unless the Board granted relief to allow greater density.

56. Urban Conservator, Doug Owen submitted to the Board a report concerning the project (the "Report"). The Report is 17 pages and dated January 6, 2022 amended June 17, 2022. The Report contains a summary of the request, as well as a professional analysis and opinion, including a recommendation. The Report recommends approval of the COA and requests for zoning relief.

#### **CONCLUSIONS OF LAW:**

1. City Administrative Code ("CAC") Article XXX, Section 4 establishes the Board and empowers it to "have the duties and powers imposed by ordinance and [administrative] code."

#### **MOTION TO RECONSIDER THE PROPOSED USE OF THE PROPERTY**

2. CMC Section 1439-09 provides that the Board has the following duties and powers under the Cincinnati Zoning Code:
  - a. To hear applications for designation of historic districts, structures or sites and to make recommendations to the City Planning Commission on designation applications. See § 1435-07.
  - b. To approve, conditionally approve or deny applications for Certificate of Appropriateness. See § 1435-13.
  - c. To assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within a designated historic district or site or involving a designated landmark. See § 1435-27.
3. Mr. Finney and Ms. Gibson argued the City's Zoning Administrator inaccurately classified the proposed use of the Structure and filed with the Board a written *Motion to Reconsider the Use* petitioning the Board to determine whether OTRCH proposed a proper use of the Property under the Cincinnati Zoning Code.
4. The movant has the burden of proof.
5. The *Motion to Reconsider the Use* is not well taken and the Board denies the said motion. As set forth above, Cincinnati City Council has not empowered the Board to decide determinations or interpretations of the Cincinnati Zoning Code made by the Zoning Administrator in the administration of the Cincinnati Zoning Code.

## CERTIFICATE OF APPROPRIATENESS

6. Cincinnati Municipal Code (“CMC”) Section 1435-09 sets forth the procedure for which the Board is to consider certificate of appropriateness applications and provides that “[n]o one shall make an alteration or undertake a demolition, or receive any permit to do so, without first obtaining a Certificate of Appropriateness.”
7. CMC Section 1435-09-1-B provides that “[t]he Board may approve, approve with conditions, or deny an application for a Certificate of Appropriateness.”
8. CMC Section 1435-09-2 establishes that “[t]he Board may approve or approve with conditions an application for a Certificate of Appropriateness when it finds either:
  - a. That the property owner has demonstrated by credible evidence that the proposal substantially conforms to the applicable conservation guidelines; or
  - b. That the property owner has demonstrated by credible evidence that the property owner will suffer economic hardship if the certificate of appropriateness is not approved.”
9. OTRCH has the burden of proof.
10. Upon being fully apprised of the issues based on the evidence and testimony submitted by OTRCH, other interested persons providing oral and written testimony to the Board, and the analysis and recommendation submitted to the Board in the Report, the Board **APPROVES** the certificate of appropriateness for the Structure per the drawings submitted by New Republic Architecture dated April 4, 2022. The Board hereby adopts the Urban Conservator’s analysis of the certificate of appropriateness application set forth on pages 11-15 of the Report. The Board hereby incorporates the certificate of appropriateness analysis on pages 11-15 of the Report herein and it shall become a part hereof. The Board approves the certificate of appropriateness subject to the following condition:
  - a. The building permits must be issued within four years of the decision date or the certificate of appropriateness shall expire.

## REAR YARD SETBACK VARIANCE

11. CMC Section 1435-05-4 empowers the Board to assume the powers and duties of the Zoning Hearing Examiner to hear and approve, conditionally approve or deny applications for conditional uses, nonconforming uses, variances or special exceptions for those applications relating to property wholly or partially within the Historic District.

12. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **APPROVE** the requested zoning variance from CMC Section 1410-07 to allow a zero-foot setback for 36 feet and 11½ inches along the rear yard of the Property. The Board finds such relief from literal implication of the zoning code will not be materially detrimental to the public health, safety and welfare or injurious to property within the district or vicinity where property is located and is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district.

DENSITY VARIANCE

13. Upon being fully apprised of the issues based on the evidence submitted and representation made by OTRCH, testimony received at the Hearing, and the professional analysis and recommendation presented by the Urban Conservator in the Report, upon motion duly made and seconded, a majority of the Board members present voted to **DENY** the requested zoning variance from CMC Section 1410-07 to allow 226 square feet of lot area per residential unit. The Board finds that the evidence and testimony provided at the Hearing indicates that OTRCH failed to satisfy its burden that owing to special circumstances or conditions pertaining to the Property, the strict application of the provisions or requirements of Cincinnati Zoning Code are unreasonable and would result in practical difficulties.

14. The following is a record of the votes cast by members of the Board concerning the motion to approve the COA application and setback zoning relief and deny the request for density zoning relief:

**Aye**

Mr. Tim Voss  
Mr. Bob Zielasko  
Ms. Allison McKenzie  
Mr. Herbert Weiss  
Mr. Thomas Sundermann

**Nay**

**Absent**

Ms. Pamela Smith-Dobbins

**ORDERED:** September 27, 2022:

/s/ Thomas Sundermann  
Thomas Sundermann, Vice-Chair  
Historic Conservation Board

/s/ Trisa Wilkens  
Trisa Wilkens, Staff Attorney  
Historic Conservation Board

**APPEALS:**

This decision represents the final appealable order of the Historic Conservation Board and may be appealed to the Zoning Board of Appeals under Chapter 1449 of the Cincinnati Zoning Code. Any appeal must be filed within thirty days of the date of the mailing of this decision.

The Board transmits by electronic mail a true and accurate copy of this decision on the 27<sup>th</sup> day of September 2022, to:

Suder LLC  
c/o Sean S. Suder, Esq.  
455 Delta Avenue, Suite 203  
Cincinnati, Ohio 45226  
sean@ssuder.com

Finney Law Firm  
c/o Chris Finney  
1077 Celestial, Suite 10  
Cincinnati, Ohio 45202  
[chris@finneylawfirm.com](mailto:chris@finneylawfirm.com)

Jeff Nye  
7373 Beechmont Avenue  
Cincinnati, OH 45230  
jmn@sspfirm.com

Transmitted this 27<sup>th</sup> day of September 2022, by interdepartmental mail to:

Douglas Owen  
Department of City Planning and Engagement



Date: 10/05/2022

To: Mayor and Members of City Council 202201852  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Pink Ribbon Event at the Brady Music Center Outdoor Event Lawn)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (Music and Event Management, Inc. (M.E.M.I.)) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Pink Ribbon Event  
EVENT SPONSOR/PRODUCER: Music and Event Management, Inc. (M.E.M.I.)  
CONTACT PERSON: David Armstrong  
LOCATION: Brady Music Center Outdoor Event Lawn  
DATE(S) AND TIME(S): 10/06/2022 6:30PM to 11:00PM  
EVENT DESCRIPTION: Concert inside Brady Music Center with a pre-event reception for 300 guests on the ICON Festival Stage lawn  
ANTICIPATED ATTENDANCE: 1,000  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: (Brady Music Center Liquor Permit)



cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

Date: 10/05/2022

202201861

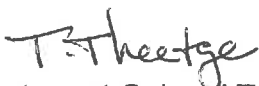
To: Mayor and Members of City Council  
From: Sheryl M. M. Long, City Manager  
Subject: **SPECIAL EVENT PERMIT APPLICATION: (East Walnut Hills Fall Festival)**

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In accordance with Cincinnati Municipal Code, Chapter 765; (East Walnut Hills Assembly) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: East Walnut Hills Fall Festival  
EVENT SPONSOR/PRODUCER: East Walnut Hills Assembly  
CONTACT PERSON: Giacomo Ciminello  
LOCATION: Woodburn Av. from Madison Rd. to Myrtle Av.  
DATE(S) AND TIME(S): 10/28/22 3pm to 8pm  
EVENT DESCRIPTION: For the final EWH Farmers market, we would like to encourage the community to hang out along the business district, eat, shop and play directly in the heart of Woodburn Avenue.  
ANTICIPATED ATTENDANCE: 750  
ALCOHOL SALES:  YES.  NO.  
TEMPORARY LIQUOR PERMIT HOLDER IS: East Walnut Hills Assembly



cc: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief

**Date:** October 5, 2022

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

202201865

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

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

**APPLICATION:** 9072724  
**PERMIT TYPE:** NEW  
**CLASS:** D5  
**NAME:** TROYDON 2724 LLC  
**DBA:** NONE LISTED  
2724 WOODBURN AVE  
CINCINNATI, OH 45206

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On August 9, 2022, East Walnut Hills Assembly was notified of this application and do not object.



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Police Department Approval

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

**MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: October 5, 2022**

**Date:** August 19, 2022  
**To:** Lieutenant Colonel Teresa A, Theetge, Interim Police Chief  
**From:** PO Perry Locke, District Two Neighborhood Liaison Unit  
**Copies to:**  
**Subject:** **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

**PATROL BUREAU MEMO #:** 22-378  
**DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE:** District Two  
**PERMIT #:** NONE  
**TYPE OF PERMIT APPLIED FOR:** New  
**PERMIT NAME & ADDRESS:**

<b>Name:</b>	Troydon 2724 LLC
<b>Address:</b>	2724 Woodburn Av

**APPLICANTS NAME(S):** Robert McAndrews

**INSPECTION / INVESTIGATION INFORMATION:**

<b>Officer:</b>	Locke
<b>Date:</b>	August 19, 2022
<b>Findings:</b>	Under Construction

**COMMUNITY COUNCIL NOTIFIED:**

<b>Name 1:</b> Freeman Durham	<b>Date:</b> 2/22/2022	<b>Notified by:</b> phone
<b>Phone:</b> 513-961-8832	<b>E-mail:</b> N/A	
<b>Name 2:</b>	<b>Date:</b>	<b>Notified by:</b> (select from menu)
<b>Phone:</b>	<b>E-mail:</b>	

**DISPOSITION OF THE COMMUNITY COUNCIL:**

NO OBJECTIONS    
  OBJECTION: Attached Letter with Community Council Letterhead

**DISPOSITION OF THE DISTRICT:**

NO OBJECTIONS     OBJECTION: If objection checked, a narrative is required below

**REASON FOR OBJECTION:**

Business is under construction at this time and not operable.



PEL

05/29/68  
ADL    08/23/22

No objection  
- mg/TCU  
8/25/22.

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

August 8, 2022

OHIO DIVISION OF LIQUOR CONTROL  
LICENSING SECTION  
NEW PERMIT SECTION  
6606 TUSSING ROAD  
P O BOX 4005  
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 9072724  
Permit Type: NEW D5  
Name: TROYDON 2724, LLC  
2724 WOODBURN AVE.  
CINCINNATI OH 45206

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC  
Clerk of Council

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6808 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-0005  
(614)844-2390 FAX(614)844-3188

TO

9072724		New		Troydon 2724, LLC 2724 Woodburn Ave. Cincinnati, Ohio 45206
PERMIT NUMBER TYPE				
ISSUE DATE				
12 08 2021				
FILING DATE				
D-5				
PERMIT CLASSES				
31 066				
TAX DISTRICT		RECEIPT NO.		

FROM

PERMIT NUMBER		TYPE	
ISSUE DATE			
FILING DATE			
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	

MAILED 8/9/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN 9/8/2022

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.  
REFER TO THIS NUMBER IN ALL INQUIRIES New D-5, 9072724

(TRANSACTION & NUMBER)

**(MUST MARK ONE OF THE FOLLOWING)**

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

Cincinnati City Council  
Attn: Clerk of Council  
801 Plum St.  
Cincinnati, Ohio 45202

89L0224:42

CLERK OF COUNCIL

REV. 02/09

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

For City Bulletin

## Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 9072724  
Permit Type: NEW D5  
Name: TROYDON 2724, LLC  
2724 WOODBURN AVE.  
CINCINNATI OH 45206

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

08/08/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

09/08/2022



**Date:** October 5, 2022

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

202201866

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

**Subject:** **Liquor License – New**

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***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** Cincinnati Police Department

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

**APPLICATION:** 8776985  
**PERMIT TYPE:** NEW  
**CLASS:** D1  
**NAME:** TACO LAB LLC  
**DBA:** TACO LAB  
127CALHOUN ST  
CINCINNATI, OH 45219

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On August 9, 2022, CUF Neighborhood Association was notified of this application and do not object.



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Police Department Approval

---

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: October 5, 2022

**Date:** September 14, 2022  
**To:** Lieutenant Colonel Teresa A. Theetge, Interim Police Chief  
**From:** Sergeant Craig R. Copenhaver, District 5 Violent Crimes Squad  
**Copies to:**  
**Subject:** **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

**PATROL BUREAU MEMO #: 22-379**  
**DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE:** District Five  
**PERMIT #: 8776985**  
**TYPE OF PERMIT APPLIED FOR:** New  
**PERMIT NAME & ADDRESS:**

<b>Name:</b>	Taco Lab LLC
<b>Address:</b>	127 Calhoun St

**APPLICANTS NAME(S):** Qing Zheng

**INSPECTION / INVESTIGATION INFORMATION:**

<b>Officer:</b>	P. O. Jennifer Hoff
<b>Date:</b>	09/14/2022
<b>Findings:</b>	Officers conducted an inspection at the Taco Lab at 127 Calhoun St for the application of a D1 liquor permit. The restaurant is not set up for a class D1 liquor permit, as it only has one restroom. The equipment and fixtures on the premis were structurally sound and clean. There was no clutter or trash in the back area. The coolers and freezers were sanitary throughout the restaurant. The one bathroom was sanitary. The liquor license was denied by State because there is only one bathroom and they have been advised to reapply for a different class permit.

**COMMUNITY COUNCIL NOTIFIED:**

<b>Name 1:</b>	<b>Date:</b>	<b>Notified by: (select from menu)</b>
<b>Phone:</b>	<b>E-mail:</b>	

<b>Name 2:</b>	<b>Date:</b>	<b>Notified by: (select from menu)</b>
<b>Phone:</b>	<b>E-mail:</b>	

**DISPOSITION OF THE COMMUNITY COUNCIL:**

**NO OBJECTIONS**    
  **OBJECTION: Attached Letter with Community Council Letterhead**

**DISPOSITION OF THE DISTRICT:**

NO OBJECTIONS     OBJECTION: If objection checked, a narrative is required below

**REASON FOR OBJECTION:**

They have only one bathroom and for a class D1 permit they need separate bathrooms for men and women. Did not call Communit Council since they were denied by the state and advised to reapply for a different class permit.

*JNH*  
JNH/CRC

*John D. Hummer*

9/20  
OBJECTION  
1 BATHROOM  
*JNH/CRC*

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

August 8, 2022

OHIO DIVISION OF LIQUOR CONTROL  
LICENSING SECTION  
NEW PERMIT SECTION  
6606 TUSSING ROAD  
P O BOX 4005  
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:


Application No.: 8776985  
Permit Type: NEW D1  
Name: TACO LAB LLC  
DBA TACO LAB  
127 CALHOUN ST  
CINCINNATI OH 4521

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

  
Melissa Autry, CMC  
Clerk of Council

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
8806 TUSSING ROAD, P.O. BOX 4008  
REYNOLDSBURG, OHIO 43068-8005  
(614)844-2380 FAX(614)844-3168

TO

8776985		NEW		TACO LAB LLC	
PERMIT NUMBER		TYPE		DBA TACO LAB	
ISSUE DATE		FILING DATE		127 CALHOUN ST	
07 22 2022				CINCINNATI OH 45219	
D1		PERMIT CLASSES			
31	066	A		D48038	
TAX DISTRICT				RECEIPT NO.	

FROM 08/03/2022

PERMIT NUMBER		TYPE	
ISSUE DATE		FILING DATE	
PERMIT CLASSES			
TAX DISTRICT		RECEIPT NO.	



MAILED 08/03/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/06/2022

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.  
REFER TO THIS NUMBER IN ALL INQUIRIES     A    NEW    8776985    

(TRANSACTION & NUMBER)

**(MUST MARK ONE OF THE FOLLOWING)**

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)-  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CINCINNATI CLERK OF COUNCIL**  
CITY HALL  
801 PLUM ST ROOM 308  
CINCINNATI OHIO 45202

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

For City Bulletin

## Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 8776985  
Permit Type: NEW D1  
Name: TACO LAB LLC  
DBA TACO LAB  
127 CALHOUN ST  
CINCINNATI OH 4521

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

08/08/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

9/6/2022

Date: October 5, 2022

To: Mayor and Members of City Council

202201867

From: Sheryl M. M. Long, City Manager

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

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***FINAL RECOMMENDATION REPORT***

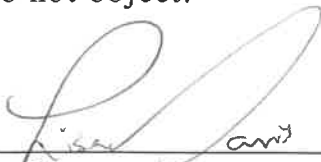
OBJECTIONS: None

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

APPLICATION: 60431560005  
PERMIT TYPE: STCK  
CLASS: D5J D6  
NAME: MIOS OF CLIFTON INC  
DBA: MIOS PIZZA  
1<sup>ST</sup> FL & BSMT  
2634 SHORT VINE ST  
CINCINNATI, OH 45219

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On August 25, 2022, Corryville Community Council was notified of this application and do not object.



Police Department Approval

---

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: October 11, 2022

**Date:** September 9, 2022  
**To:** Lieutenant Colonial Teresa A. Theetge, Interim Police Chief  
**From:** Police Officer Derrick Johnson, P174, District Four, Neighborhood Liaison Unit  
**Copies to:**  
**Subject:** **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

**PATROL BUREAU MEMO #:** 22-410  
**DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE:** District Four  
**PERMIT #:** 60431560005  
**TYPE OF PERMIT APPLIED FOR:** Transfer of Stock  
**PERMIT NAME & ADDRESS:**

<b>Name:</b>	Mio's of Clifton Inc DBA, Mio's Pizza 1 <sup>st</sup> Fl & Patios & Basement
<b>Address:</b>	2634 Short Vine Street, Cincinnati, Ohio 45219

**APPLICANTS NAME(S):** Bon Stefano Pinzon

**INSPECTION / INVESTIGATION INFORMATION:**

<b>Officer:</b>	Derrick Johnson
<b>Date:</b>	09/09/2022
<b>Findings:</b>	N/A

**COMMUNITY COUNCIL NOTIFIED:**

<b>Name 1:</b> Daniel Luther	<b>Date:</b> 9/9/2022	<b>Notified by:</b> email
<b>Phone:</b> 513-221-1687	<b>E-mail:</b> lutherdv@zoomtown.com	
<b>Name 2:</b> Patrice Burke	<b>Date:</b> 9/9/2022	<b>Notified by:</b> email
<b>Phone:</b> (513) 221-1687	<b>E-mail:</b> peburke@uptownrents.com	

**DISPOSITION OF THE COMMUNITY COUNCIL:**

**NO OBJECTIONS**     
  **OBJECTION: Attached Letter with Community Council Letterhead**

*my/ers*



**DISPOSITION OF THE DISTRICT:**

NO OBJECTIONS     OBJECTION: If objection checked, a narrative is required below

**REASON FOR OBJECTION:**

District Four currently has no objections for Mio's transfer of stock . No response from Corryville Community Council.

DJ

9/12/22  
NO OBJECTION ✓  
Capt. M. J. / C110  
0-4

No objection  
-ms/LTC4  
9/13/22.

# City of Cincinnati

## Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

August 22, 2022

OHIO DIVISION OF LIQUOR CONTROL  
LICENSING SECTION  
NEW PERMIT SECTION  
6606 TUSSING ROAD  
P O BOX 4005  
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 60431560005  
Permit Type: STCK D5J D6  
Name: MIOS OF CLIFTON INC  
DBA MIOS PIZZA  
1<sup>ST</sup> FL & PATIOS & BSMT  
2634 SHORT VINE ST  
CINCINNATI OHIO 45219

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time-extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC  
Clerk of Council

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6808 TUSSING ROAD, P.O. BOX 4005  
REYNOLDSBURG, OHIO 43068-9005  
(614)844-2260 FAX(614)844-3168

TO

60431560005		STCK		MIOS OF CLIFTON INC	
PERMIT NUMBER		TYPE		DBA MIOS PIZZA	
ISSUE DATE		04 06 2022		1ST FL & PATIOS & BSMT	
FILING DATE		D5J D6		2634 SHORT VINE ST	
PERMIT CLASSES		31 066 A		CINCINNATI OH 45219	
TAX DISTRICT		F28075		RECEIPT NO.	

FROM 08/11/2022

PERMIT NUMBER		TYPE	
ISSUE DATE		FILING DATE	
PERMIT CLASSES		TAX DISTRICT	
RECEIPT NO.			



MAILED 08/11/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN 09/12/2022

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A STCK 6043156-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL  
CITY HALL  
801 PLUM ST ROOM 308  
CINCINNATI OHIO 45202

22AUG22 10:30

CLERK OF COUNCIL  
OLC 4082

# City of Cincinnati

## Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

For City Bulletin

### Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 60431560005  
Permit Type: STCK D5J D6  
Name: MIOS OF CLIFTON INC  
DBA MIOS PIZZA  
1<sup>ST</sup> FL & PATIOS & BSMT  
2634 SHORT VINE ST  
CINCINNATI OH 45219

Pursuant to Section 4303.261 of the Ohio Revised Code,  
Council must notify the Department of Liquor Control within  
thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

08/22/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

9/12/2022

**Date:** October 5, 2022

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

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

202201868

**Subject:** **Liquor License – New**

---

***FINAL RECOMMENDATION REPORT***

**OBJECTIONS:** None

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

**APPLICATION:** 44205550010  
**PERMIT TYPE:** NEW  
**CLASS:** D2 D3 D3A  
**NAME:** KRGP LLC  
**DBA:** NONE LISTED  
100 E COURT ST 2<sup>ND</sup> FL  
CINCINNATI, OH 45202

On August 15, 2022, Downtown Residents Council was notified of this application and do not object.

  
\_\_\_\_\_  
Police Department Approval

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

**MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: October 5, 2022**

Date: August 29, 2022  
To: Lieutenant Colonel Teresa A. Theetge, Interim Police Chief  
From: Captain Douglas M. Wiesman, Central Business Section Commander  
Copies to  
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

**PATROL BUREAU MEMO #:** 22-380  
**DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE:** Central Business Section  
**PERMIT #:** 44205550010

**TYPE OF PERMIT APPLIED FOR:** New

**PERMIT NAME & ADDRESS:**

Name: KRGP LLC  
Address: 100 East Court St

**APPLICANTS NAME(S):** christine Wheatley

**INSPECTION / INVESTIGATION INFORMATION:**

Officer: Sergeant Mark Kelley  
Date: 8/29/2022  
Findings: No Objection

**COMMUNITY COUNCIL NOTIFIED:**

Name 1: Allen Bunker Date: 8/29/2022 Notified by: phone  
Phone: E-mail: X  
Name 2: Date: Notified by: (select from menu)  
Phone: E-mail:

**DISPOSITION OF THE COMMUNITY COUNCIL:**

NO OBJECTIONS     OBJECTION: Attached Letter with Community Council Letterhead

**DISPOSITION OF THE DISTRICT:**

NO OBJECTIONS     OBJECTION: If objection checked, a narrative is required below

**REASON FOR OBJECTION:**

New Permit Application for long standing Cincinnati Business. No Objection.

DMW  
DMW  
CIBF.

No Objection  
-mo/LTCY  
8/31/22.

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

August 11, 2022

OHIO DIVISION OF LIQUOR CONTROL  
LICENSING SECTION  
NEW PERMIT SECTION  
6606 TUSSING ROAD  
P O BOX 4005  
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 44205550010  
Permit Type: NEW D2 D3 D3A  
Name: KRGP LLC  
100 E COURT ST 2<sup>ND</sup> FL  
CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC  
Clerk of Council



**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
8808 TUSSING ROAD, P.O. BOX 4008  
REYNOLDSBURG, OHIO 43068-9006  
(614)644-2380 FAX(614)644-3186

TO

44205550010		NEW	KRGF LLC	
PERMIT NUMBER		TYPE	100 E COURT ST 2ND FL	
ISSUE DATE		CINCINNATI OH 45202		
07 22 2022				
FILING DATE				
D2 D3 D3A				
PERMIT CLASSES				
31	066	A	D48180	
TAX DISTRICT			RECEIPT NO.	

FROM 08/05/2022

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 08/05/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN 09/06/2022

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

**A NEW 4420555-0010**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CINCINNATI CLERK OF COUNCIL**  
CITY HALL  
801 PLUM ST ROOM 308  
CINCINNATI OHIO 45202

11AUG22PM12:54

# City of Cincinnati

Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

For City Bulletin

## Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 44205550010  
Permit Type: NEW D2 D3 D3A  
Name: KRGP LLC  
100 E COURT ST 2<sup>ND</sup> FL  
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

08/11/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

09/06/2022

Date: October 5, 2022

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202201869

Subject: **Liquor License – New**

---

***FINAL RECOMMENDATION REPORT***


OBJECTIONS: None

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

APPLICATION: 1494500  
PERMIT TYPE: NEW  
CLASS: C1 C2 D3  
NAME: SUPERIOR SANDMAN HOLDINGS INC  
DBA: VOODOO BREWERY  
120E 8<sup>TH</sup> ST  
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections provided no comment with their investigation.

On August 31, 2022, Downtown Residents Council was notified of this application and do not object.



Police Department Approval

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

MUST BE RECEIVED BY OHIO DIVISION OF LIQUOR CONTROL BY: October 11, 2022

**Date:** September 19, 2022  
**To:** Lieutenant Colonel Teresa A. Theetge, Interim Police Chief  
**From:** Captain Douglas M. Wiesman, Central Business Section Commander  
**Copies to:**  
**Subject:** **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

**PATROL BUREAU MEMO #:** 22-416

**DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE:** Central Business Section

**PERMIT #:** 1494500

**TYPE OF PERMIT APPLIED FOR:** New

**PERMIT NAME & ADDRESS:**

<b>Name:</b>	Voodoo Brewery
<b>Address:</b>	120 E 8 <sup>th</sup> Street

**APPLICANTS NAME(S):** Christopher Sands

**INSPECTION / INVESTIGATION INFORMATION:**

<b>Officer:</b>	Sergeant Mark Kelley
<b>Date:</b>	9/19/22
<b>Findings:</b>	No Objection

**COMMUNITY COUNCIL NOTIFIED:**

<b>Name 1:</b> Allen Bunker	<b>Date:</b> 9/19/2022	<b>Notified by:</b> email
<b>Phone:</b>	<b>E-mail:</b> X	
<b>Name 2:</b>	<b>Date:</b>	<b>Notified by:</b> (select from menu)
<b>Phone:</b>	<b>E-mail:</b>	

**DISPOSITION OF THE COMMUNITY COUNCIL:**

**NO OBJECTIONS**    
  **OBJECTION:** Attached Letter with Community Council Letterhead

**DISPOSITION OF THE DISTRICT:**

NO OBJECTIONS     OBJECTION: If objection checked, a narrative is required below

**REASON FOR OBJECTION:**

No Objection.



DMW

*DMW  
C104  
9-21-22*

*No Objection -ms/LTC4  
9/22/22.*

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

August 22, 2022

**OHIO DIVISION OF LIQUOR CONTROL  
LICENSING SECTION  
NEW PERMIT SECTION  
6606 TUSSING ROAD  
P O BOX 4005  
REYNOLDSBURG, OH 43068-9005**

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.: 1494500  
Permit Type: NEW C1 C2 D3  
Name: SUPERIOR SANDMAN HOLDINGS INC  
DBA VOODOO BREWERY  
120E 8<sup>TH</sup> ST  
CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC  
Clerk of Council

**NOTICE TO LEGISLATIVE  
AUTHORITY**

**OHIO DIVISION OF LIQUOR CONTROL**  
6608 TUSSING ROAD, P.O. BOX 4008  
REYNOLDSBURG, OHIO 43068-9008  
(614)644-2380 FAX(614)644-3166

TO

1494500		NEW	SUPERIOR SANDMAN HOLDINGS INC	
PERMIT NUMBER		TYPE	DBA VOODOO BREWERY	
07 27 2022		120E 8TH ST		
ISSUE DATE		CINCINNATI OH 45202		
C1 C2 D3		PERMIT CLASSES		
31	066	A	D48608	
TAX DISTRICT			RECEIPT NO.	

FROM 08/12/2022

PERMIT NUMBER		TYPE		
ISSUE DATE				
FILING DATE				
PERMIT CLASSES				
TAX DISTRICT			RECEIPT NO.	



MAILED 08/12/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN. 09/12/2022

**IMPORTANT NOTICE**

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL  
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.         
REFER TO THIS NUMBER IN ALL INQUIRIES        **A NEW 1494500**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT  
THE HEARING BE HELD  IN OUR COUNTY SEAT.  IN COLUMBUS.

WE DO NOT REQUEST A HEARING.

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) -  Clerk of County Commissioner

(Date)

Clerk of City Council

Township Fiscal Officer

**CINCINNATI CLERK OF COUNCIL**  
CITY HALL  
801 PLUM ST ROOM 308  
CINCINNATI OHIO 45202

CLERK OF COUNCIL  
22AUG22PM3:15

DLC 4052

REV. 03/09

# City of Cincinnati Council



Melissa Autry, CMC  
Clerk of Council

Office of the Clerk

801 Plum Street, Suite 308  
Cincinnati, Ohio 45202  
Phone (513) 352-3246  
Fax (513) 352-2578

For City Bulletin

## Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 1494500  
Permit Type: NEW C1 C2 D3  
Name: SUPERIOR SANDMAN HOLDINGS INC  
DBA VOODOO BREWERY  
120E 8<sup>TH</sup> ST  
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

08/22/2022

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

9/12/2022



October 5, 2022

**To:** Mayor and Members of City Council 202201870  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Ordinance – Cincinnati Recreation Commission: Holiday Toy Drive Donations**

---

Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission’s 2022 Toy Drive to support Cincinnati Recreation Commission’s holiday season programming needs in underserved communities; and **AUTHORIZING** the Finance Director to deposit monetary donations into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

Approval of this Ordinance will authorize the City Manager and Cincinnati Recreation Commission (CRC) employees to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission’s 2022 Toy Drive for the purpose of supporting Cincinnati Recreation Commission’s holiday season programming needs in underserved communities. It would also authorize the Finance Director to deposit monetary donations into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

CRC estimates monetary donations totaling between \$2,000 and \$4,000 and in-kind donations valued between \$3,000 and \$5,000. Both the monetary and in-kind donations will be used to support CRC’s holiday season programming needs in underserved communities.

There are no new FTEs or matching funds associated with the acceptance of these donations.

These donations are in accordance with the “Collaborate” strategy to “[u]nite our communities,” as described on pages 210-211 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



**EMERGENCY**

**KKF**

**- 2022**

**AUTHORIZING** the City Manager and employees of the Cincinnati Recreation Commission to solicit and accept monetary and in-kind donations from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission’s 2022 Toy Drive to support Cincinnati Recreation Commission’s holiday season programming needs in underserved communities; and **AUTHORIZING** the Finance Director to deposit monetary donations into Fund 319, “Contributions for Recreation Purposes,” revenue account no. 319x8571.

WHEREAS, the Cincinnati Recreation Commission’s (“CRC”) annual toy drive collects monetary donations and gifts to support holiday season programming needs in underserved communities; and

WHEREAS, CRC estimates that it will receive monetary donations totaling between \$2,000 and \$4,000 and in-kind donations valued between \$3,000 and \$5,000; and

WHEREAS, there are no matching funds required and no additional FTEs associated with the acceptance of these donations; and

WHEREAS, these donations are in accordance with the “Collaborate” strategy to “[u]nite our communities,” as described on pages 210-211 of *Plan Cincinnati* (2012); now, therefore,

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

Section 1. That the City Manager and employees of the Cincinnati Recreation Commission are authorized to solicit and accept monetary and in-kind donations of assorted gifts from the Cincinnati business community, individual benefactors, and other appropriate sources through the Cincinnati Recreation Commission’s 2022 Toy Drive for the purpose of supporting Cincinnati Recreation Commission’s holiday season programming needs in underserved communities.

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

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept the donations in support of the Cincinnati Recreation Commission's holiday programming needs.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_

Aftab Pureval, Mayor

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

October 5, 2022

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

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

202201871

**Subject: Ordinance – DECD: Emery Theatre - TIF**

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Attached is an Ordinance captioned:

**AUTHORIZING** the establishment of new capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway; **AUTHORIZING** the transfer and appropriation of the sum of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF”; and **DECLARING** that expenditures from newly created capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Approval of this Ordinance authorizes the transfer and appropriation of \$1,000,000 from Downtown/OTR East Equivalent Fund 483 to newly created capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” to provide resources to assist with the acquisition and renovation of the Emery Theatre or with other public improvements related to Emery Theatre, which will provide a permanent performance space for The Children’s Theatre of Cincinnati, enhance the revitalization of Over-the-Rhine (OTR) by connecting the Central Business District and OTR. The OTR Community Council and the Pendleton Community Council have each provided a letter of support for the project.

This ordinance is subject to the City's business list as the development incentive value of \$1,000,000 exceeds \$100,000 in a given year.

Investing in a permanent performance space for The Children’s Theatre of Cincinnati and the renovation the Emery Theatre in is in accordance with the “Compete” goal to “foster a climate conducive to growth, investment, stability, and opportunity,” as described on pages 103-113 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachments



**AUTHORIZING** the establishment of new capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway; **AUTHORIZING** the transfer and appropriation of the sum of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF”; and **DECLARING** that expenditures from newly created capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” to be a public purpose and constitute a “Public Infrastructure Improvement” (as defined in Section 5709.40(A)(8) of the Ohio Revised Code), that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, the Emery Theatre is an important asset to the City and the community in the heart of Over-the-Rhine (“OTR”); and

WHEREAS, restoration of the Emery Theatre will provide a permanent performance space for The Children’s Theatre of Cincinnati, enhance the revitalization of OTR by connecting the Central Business District and OTR, and is estimated to create approximately 65 full-time temporary construction jobs over the fifteen-month construction period in addition to retaining 32 permanent FTEs; and

WHEREAS, the Department of Community and Economic Development presented the proposed Emery Theatre project to the OTR Community Council on July 25, 2022, and to the Pendleton Community Council on August 1, 2022, garnering support for the project; and

WHEREAS, the OTR Community Council and the Pendleton Community Council have each provided a letter of support for the project; and

WHEREAS, this ordinance is subject to the City's business list, as the development incentive value of \$1,000,000 exceeds \$100,000 in a given year; and

WHEREAS, investing in a permanent performance space for The Children’s Theatre of Cincinnati and the renovation of Emery Theatre is 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 new capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” is hereby established for the purpose of providing resources to assist with the acquisition and renovation of the Emery Theatre located at 1112 Walnut Street and 100 East Central Parkway.

Section 2. That the transfer and appropriation of the sum of \$1,000,000 from the unappropriated surplus of Downtown OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231620, “Emery Theatre-TIF,” is hereby authorized for the purpose of providing resources for the acquisition and renovation or other public improvement of the Emery Theatre.

Section 3. That Council hereby declares that the “Emery-Theatre-TIF” capital improvement program project (a) constitutes a Public Infrastructure Improvement (as defined in Section 5709.40(A)(8) of the Ohio Revised Code) that will benefit and/or serve the District 4-Downtown/OTR East District Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43; and (b) serves a public purpose because the project will create jobs, enhance the revitalization of Over-the-Rhine, and provide a permanent space for The Children’s Theatre of Cincinnati.

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

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

Passed: \_\_\_\_\_, 2022

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

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

October 5, 2022

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

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

202201872

**Subject: Ordinance – DOTE: Reconnecting Communities Pilot Program**

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to apply for a planning grant in an amount of up to \$2,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) to study placing caps over Fort Washington Way; and **AUTHORIZING** the City Manager to apply for a capital construction grant in an amount of up to \$5,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) for the Reconnecting Evanston project.

This Ordinance authorizes the City Manager to apply for a planning grant of up to \$2,000,000 awarded by the United States Department of Transportation (USDOT) through the Reconnecting Communities Pilot Program (ALN 20.940) to study placing caps over Fort Washington Way. This Ordinance also authorizes the City Manager to apply for a capital construction grant of up to \$5,000,000 awarded by the USDOT through the Reconnecting Communities Pilot Program (ALN 20.940) for the Reconnecting Evanston project.

If the City is awarded the planning grant to study placing caps over Fort Washington Way, then a 20 percent local match will be required. If the City is awarded the capital construction grant for the Reconnecting Evanston project, which will retrofit three bridges over I-71 in the Evanston neighborhood, then a 50 percent local match will be required. As owner of the bridges, the Ohio Department of Transportation (ODOT) will be a co-applicant for the capital construction grant. The source of matching funds will be identified prior to accepting grant resources. No new FTEs are associated with these grants.

Submission of grant applications for the Reconnecting Communities Pilot Program is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



**AUTHORIZING** the City Manager to apply for a planning grant in an amount of up to \$2,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) to study placing caps over Fort Washington Way; and **AUTHORIZING** the City Manager to apply for a capital construction grant in an amount of up to \$5,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) for the Reconnecting Evanston project.

WHEREAS, a grant is available in the amount of up to \$2,000,000 from the United States Department of Transportation through the Reconnecting Communities Pilot Program to fund a planning grant to study placing caps over Fort Washington Way; and

WHEREAS, if the City is awarded the grant, a twenty percent local match will be required, and the source of matching funds will need to be identified prior to accepting the grant; and

WHEREAS, a grant is available in the amount of up to \$5,000,000 from the United States Department of Transportation through the Reconnecting Communities Pilot Program to fund a capital construction grant for the Reconnecting Evanston project; and

WHEREAS, the Reconnecting Evanston project will retrofit three bridges over I-71 in the Evanston neighborhood; and

WHEREAS, as owner of these bridges, the Ohio Department of Transportation will be a co-applicant for the capital construction grant; and

WHEREAS, if the City is awarded the grant, a fifty percent local match will be required, and the source of matching funds will need to be identified prior to accepting the grant; and

WHEREAS, if awarded grant funding for either or both grants, the Department of Transportation and Engineering will request authorization from Council before accepting the funds and will only accept grant funds for which matching funds are available; and

WHEREAS, there are no new FTEs associated with the acceptance of these grants; and

WHEREAS, submission of grant applications for the Reconnecting Communities Pilot Program is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” and strategy to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 127-138 of *Plan Cincinnati* (2012); now, therefore,



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

Section 1. That the City Manager is authorized to apply for a planning grant in an amount of up to \$2,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) to study placing caps over Fort Washington Way.

Section 2. That the City Manager is authorized to apply for a capital construction grant in an amount of up to \$5,000,000 awarded by the United States Department of Transportation through the Reconnecting Communities Pilot Program (ALN 20.940) for the Reconnecting Evanston project.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of the grants 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: \_\_\_\_\_, 2022

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

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

October 5, 2022

**To:** Mayor and Members of City Council 202201873  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** Ordinance – Police: FY 2022 Edward Byrne Memorial Justice Assistance Grant (JAG)

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Attached is an Ordinance captioned:

**AUTHORIZING** the City Manager to partner with the HOPE Community Center in applying for and accepting, as a sub-recipient, a grant from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2022 Edward Byrne Memorial Justice Assistance Grant (ALN 16.738), for resiliency training for local law enforcement.

This Ordinance would authorize the City Manager to partner with the HOPE Community Center (HCC) in applying for and accepting, as a sub-recipient, a grant from the Ohio Department of Public Safety, Office of Criminal Justice Services (OCJS), FY 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) (ALN 16.738), for resiliency training for local law enforcement.

The HCC is applying for the funds to provide resiliency practices training to local law enforcement. The HCC has invited the Cincinnati Police Department to be a grant sub-recipient and partner to receive such training, estimated in value at \$18,696. As a sub-recipient, the CPD will continue to participate in Resilience Practices Training, an innovative regional program to educate peer support trainers to monitor initial reactions to triggers and use proven techniques to adapt for more positive emotional and behavioral responses and enhanced well-being.

The grant application deadline was June 2, 2022, and the HCC has submitted their application. Should this Ordinance not be approved, the training provided by the sub-grant will not be accepted. The grant does not add any additional FTEs, nor does it require matching funds.

This Ordinance is in accordance with the “Live” goal to “create a more livable community” as described on pages 156-163 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 partner with the HOPE Community Center in applying for and accepting, as a sub-recipient, a grant from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2022 Edward Byrne Memorial Justice Assistance Grant (ALN 16.738), for resiliency training for local law enforcement.

WHEREAS, a grant is available from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2022 Edward Byrne Memorial Justice Assistance Grant (ALN 16.738), for resiliency training for local law enforcement; and

WHEREAS, the HOPE Community Center (“HOPE”) has invited the Cincinnati Police Department (“CPD”) to be a grant sub-recipient and partner to receive such training, estimated in value at \$18,696; and

WHEREAS, HOPE is applying for the funds to continue Resiliency Practices Training, an innovative regional program for education of peer support trainers on how to monitor initial reactions to triggers, use proven techniques to develop more positive emotional and behavioral responses, and enhance well-being; and

WHEREAS, there are no matching funds or additional FTEs required for the grant; and

WHEREAS, in order to meet the grant application deadline of June 2, 2022, HOPE has already applied for the grant, but CPD will not accept any training should this ordinance not be approved; and

WHEREAS, this ordinance 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 partner with the HOPE Community Center in applying for and accepting, as a sub-recipient, a grant from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2022 Edward Byrne Memorial Justice Assistance Grant (ALN 16.738), for resiliency training for local law enforcement.

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

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

Passed: \_\_\_\_\_, 2022

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

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

October 5, 2022

**To:** Mayor and Members of City Council 202201874

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

**Subject: Emergency Ordinance – OES: Accept and Appropriate EPA Grant for Electrify Cincy Education Program**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 for the purpose of designing and implementing the Electrify Cincy Education Program, a resident and technical expert training that supports residential electrification efforts, including weatherization, reduced energy consumption, and renewable energy upgrades; and **AUTHORIZING** the Director of Finance to deposit grant resources into General Fund revenue account no. 050x8543.

This Emergency Ordinance authorizes the City Manager to accept and appropriate a grant in the amount of up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 for the purpose of designing and implementing the Electrify Cincy Education Program, a resident and technical expert training in support of residential electrification efforts, including weatherization, reduced energy consumption, and renewable energy upgrades. This Emergency Ordinance also authorizes the Director of Finance to deposit grant resources into General Fund revenue account no. 050x8543.

On June 8, 2022, the City Council passed Ordinance No. 0145-2022, which authorized the City Manager to apply for a grant in the amount of up to \$25,000 from the Environmental Protection Agency, Region 5, to provide resources for the design and implementation of the Electrify Cincy Education Program. The City was awarded the sum of \$35,000 for the Electrify Cincy Education Program. City Council approval is necessary to accept the grant resources. No additional FTEs or matching resources are required to accept this grant.

The Electrify Cincy Education Program is in accordance with the goal to reduce carbon emissions by 80% by 2050 by “[t]arget[ing] multi-family properties for energy efficiency improvements,” as described on page 61, and “[e]xpand[ing] programs to

increase energy efficiency... for the private market,” as described on page 106 of the Green Cincinnati Plan (2018).

The Electrify Cincy Education Program is also in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati,” and strategy to “[c]reate a healthy environment and reduce energy consumption,” as described on pages 181 – 186 of Plan Cincinnati (2012), as well as the “Collaborate” goal to “[w]ork in synergy with the Cincinnati Community,” as described on page 209 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and appropriate grant resources to begin designing and implementing the Electrify Cincy Education Program.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

**EMERGENCY**

CFG

-2022

**AUTHORIZING** the City Manager to accept and appropriate a grant in the amount of up to \$35,000 from the United States Environmental Protection Agency, Region 5 (ALN 66.034) to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 for the purpose of designing and implementing the Electrify Cincy Education Program, a resident and technical expert training that supports residential electrification efforts, including weatherization, reduced energy consumption, and renewable energy upgrades; and **AUTHORIZING** the Director of Finance to deposit grant resources into General Fund revenue account no. 050x8543.

WHEREAS, on June 8, 2022, Council passed Ordinance No. 0145-2022, authorizing the City Manager to apply for a grant in the amount of up to \$25,000 from the Environmental Protection Agency, Region 5, to provide resources for the design and implementation of the Electrify Cincy Education Program; and

WHEREAS, the City was awarded \$35,000 for the Electrify Cincy Education Program grant, which is \$10,000 greater than requested by the City in its grant application; and

WHEREAS, no additional FTEs or matching funds are required to accept this grant; and

WHEREAS, the Electrify Cincy Education Program is in accordance with the City’s goal to reduce carbon emissions by eighty percent by the year 2050 by “[t]arget[ing] multi-family properties for energy efficiency improvements,” and “[e]xpand[ing] programs to increase efficiency ... for the private market,” as described on pages 60 and 106 of the *Green Cincinnati Plan* (2018); and

WHEREAS, the Electrify Cincy Education Program is also in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati,” and strategy to “[c]reate a healthy environment and reduce energy consumption,” as described on pages 181-186 of *Plan Cincinnati* (2012), and the “Collaborate” goal to “[w]ork in synergy with the Cincinnati Community,” as described on page 209 of *Plan Cincinnati* (2012); now, therefore,

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

Section 1. That the City Manager is hereby authorized to accept and appropriate a grant in the amount of up to \$35,000 from the United States Environmental Protection Agency, Region 5

(ALN 66.034) to the Office of Environment and Sustainability General Fund non-personnel operating budget account no. 050x104x7200 for the purpose of designing and implementing the Electrify Cincy Education Program, a training for residents and technical experts that supports residential electrification efforts, including weatherization, reduced energy consumption, and renewable energy upgrades.

Section 2. That the Director of Finance is hereby authorized to deposit the grant resources into General Fund revenue account no. 050x8543.

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

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to accept and appropriate grant resources to begin designing and implementing the Electrify Cincy Education Program.

Passed: \_\_\_\_\_, 2022

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

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



October 5, 2022

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

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

202201875

**Subject: Emergency Ordinance: Modifying the Salary Range for the classification of Sign Painter**

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Attached is an Emergency Ordinance captioned:

**MODIFYING** the salary range schedule for the classification of Sign Painter by amending Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code, in order to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

Classification	Minimum (Annual)	Maximum (Annual)
Sign Painter	\$ 62,764.86	<del>62,764.86</del> \$76,409.02

The Human Resources Director has approved to modify the salary schedule for the employment classification of Sign Painter. The Department of Human Resources has done due diligence and conducted appropriate internal comparisons to ensure that the new salary range is consistent with the scope of services and the level of responsibility of the position, with factors considered throughout the evaluation process including liability, scope of responsibility, judgment and independent action, and accountability. The modification of the classification is necessary to fit the needs of the City, and consistent with the organizational changes described herein.

The Administration recommends passage of this Emergency Ordinance.

cc: Edward G. Ramsey, Human Resources Director  
 Latisha Hazell, Human Resources Deputy Director

**EMERGENCY**

**KKF**

**-2022**

**MODIFYING** the salary range schedule for the classification of Sign Painter by amending Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code, in order to ensure that the new salary range is consistent with the level of responsibility of this position and competitive with similar positions across internal and external job markets.

WHEREAS, the Human Resources Department is recommending a modification to the current salary range for the classification of Sign Painter following the approval of a classification study by the Civil Service Commission and salary negotiations with the union pursuant to Article 36 of the AFSCME collective bargaining agreement; and

WHEREAS, the Human Resources Department completed its due diligence and conducted appropriate internal comparisons to ensure that the new classification and salary range are consistent with the scope of services and the level of responsibility of the position of Sign Painter, taking into consideration such factors as scope of responsibility, judgment and independent action, and accountability; now, therefore,

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

Section 1. That existing Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code is hereby amended as shown below:

<b>Classification</b>	<b>Minimum Annual</b>	<b>Maximum Annual</b>
<b>Sign Painter 620 Division 1</b>	\$62,764.86	<del>\$62,764.86</del> \$76,409.02

<b>Sign Painter 620 Division 1</b>	<b>Hourly</b>	<b>Annual</b>
Step 1 (Hourly)	<u>30.175412</u>	<u>\$62,764.86</u>
Step 2 (Hourly)	<u>31.181087</u>	<u>\$64,856.66</u>
Step 3 (Hourly)	<u>32.220276</u>	<u>\$67,018.17</u>
Step 4 (Hourly)	<u>33.294099</u>	<u>\$69,251.73</u>
Step 5 (Hourly)	<u>34.403709</u>	<u>\$71,559.71</u>
Step 6 (Hourly)	<u>35.550300</u>	<u>\$73,944.62</u>
Step 7 (Hourly)	<u>36.735104</u>	<u>\$76,409.02</u>

Section 2. That existing Section 620 of Division 1, Chapter 307 of the Cincinnati Municipal Code is hereby repealed.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to adjust the salary range of the Sign Painter classification to ensure that the new salary range is consistent with the level of responsibility of this classification and competitive with similar positions across internal and external job markets.

Passed: \_\_\_\_\_, 2022

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

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

\_\_\_\_\_  
New language is underscored. Deleted language is struck through.

October 5, 2022

**TO:** Mayor and Members of City Council 202201885  
**FROM:** Sheryl M. M. Long, City Manager  
**SUBJECT:** FY 2022 Carryover to FY 2023 Report

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The following report provides an overview of the City of Cincinnati’s General Fund FY 2022 year-end balance and application of the Stabilization Funds Policy adopted by the City Council. This report also includes FY 2023 Budget considerations for discussion.

**General Fund 2022 Fiscal Year-End Balance and One-Time Uses**

As shown in the table below, the City’s General Fund ended FY 2022 with a carryover amount of \$85.1 million including \$7.2 million net FY 2021 carryover.

Utilizing the City’s Stabilization Funds Policy as recently amended to include contributions to the Cincinnati Retirement System (CRS) for unfunded pension obligations, Affordable Housing Trust Fund, and an Operating Budget Contingencies Account, \$47.5 million is available for one-time uses. Recommended one-time uses have been identified by the Administration in accordance with City Council Motion #202201471, which identified four priority areas, and the Administration’s corresponding Report (Item #202201628), which recommended a process for supporting these identified priorities.

In line with the previous report, in this carryover report the Administration is recommending investments in Deferred Infrastructure and Capital Maintenance, Neighborhood Business District Capital Support, and the proposed redevelopment of the Duke Energy Convention Center. Additionally, this report recommends investments in Over-The-Rhine for extension of Zeigler Park and improvements to address the recent gun violence in the area, continued support for the Lincoln & Gilbert minority business accelerator program, and an investment in Community Economic Advancement Initiatives (CEAI) to support its work in the Bond Hill and Roselawn neighborhoods.

The following table includes a breakdown of how the recommended carryover will apply to reserves, the Administration’s recommended one-time uses, and deduction of already passed FY 2022 reappropriations. The remaining \$7,294,178 is the balance recommended for allocation by Council amongst the remaining stated Council priorities: a possible further supplement to the Affordable Housing Trust Fund, investment in capital projects for human service organizations, or investment in capital projects supporting neighborhood development.

## Application of FY 2022 Carryover Balance

<b>Cash Basis Carryover Balance FY 2022</b>		\$ 85,100,533
<b>Uses of Carryover Balance</b>		
<b>Application of Stabilization Funds Policy:</b>		
Less General Fund Carryover Balance (1.5% of operating revenue )		\$ 8,075,902
Less Transfers to Reserve Accounts:		
General Fund Contingency Account (2.00% of operating revenue)	\$ 2,830,482	
Economic Downturn Reserve (5.00% of operating revenue)	\$17,609,147	
Working Capital Reserve (8.2% of operating revenue)	\$ 1,624,471	
Total Reserve Transfer from Stabilization Funds Policy		\$ 22,064,100
<b>Carryover Balance Less Total Applied to Stabilization Funds Policy</b>		<b>\$ 54,960,531</b>
<b>Less Modified Waterfall Uses:</b>		
CRS Pension Contribution		\$ 2,000,000
Affordable Housing Trust Fund		\$ 5,000,000
Operating Budget Contingencies Account		\$ 500,000
<b>Total</b>		<b>\$ 7,500,000</b>
<b>Balance Available</b>		<b>\$ 47,460,531</b>
<b>Less One-Time Uses:</b>		
Administration's Recommended One-Time Uses		
Deferred Capital Maintenance - 55%		\$ 26,103,292
Neighborhood Business District Capital Support		\$ 1,500,000
Convention Center District Improvements		\$ 7,000,000
Over-the-Rhine (OTR) Outdoor Improvements (Inc. Ziegler Park Expansion)		\$ 3,500,000
CEAI - Bond Hill Business District Investment		\$ 250,000
Lincoln and Gilbert		\$ 1,000,000
<b>Total</b>		<b>\$ 39,353,292</b>
<b>Balance Available</b>		<b>\$ 8,107,239</b>
FY 2022 Reappropriations - One-Time Uses		
FY 2022 Reappropriations - Ordinance No. 0196-2022		\$ 793,111
Councilmember Landsman Reappropriation from FY 2022 - Ordinance No. 0224-2022		\$ 5,000
Vice-Mayor Kearney Reappropriation from FY 2022 - Ordinance No. 0257-2022		\$ 10,000
Councilmember Cramerding Reappropriation from FY 2022 - Ordinance No. 0278-2022		\$ 4,950
<b>Total</b>		<b>\$ 813,061</b>
<b>Balance Available</b>		<b>\$ 7,294,178</b>

### Uses of Carryover Balances

#### Application of Stabilization Funds Policy

The Government Finance Officers Association (GFOA) recommends that local governments establish a formal policy on the level of unrestricted fund balance that should be maintained in the General Fund. The City's Stabilization Funds Policy, approved by the City Council in Ordinance No. 0253-2015 and subsequently amended in Ordinance Nos. 0213-2019 and 0056-2022, incorporates the GFOA's recommended two months of general fund operating revenues, or 16.7% of annual general fund operating revenues.

Per the Stabilization Funds Policy, the following transfers will be requested via ordinance: \$1.6 million to the Working Capital Reserve Fund, \$2.8 million to the General Fund Contingency

Account, and \$17.6 million to the Economic Downturn Reserve Account. Based on the policy, \$8.1 million will remain in the General Fund balance.

FY 2021 Balances  
After Close-out Adjustments

Actual FY 2021 Revenue	\$482,836,175	
Working Capital Reserve	\$38,993,000	8.08%
General Fund Contingency Account	\$9,656,724	2.00%
Economic Downturn Reserve	\$9,310,527	1.93%
General Fund Carryover Balance (After Uses)	<u>\$7,242,543</u>	<u>1.50%</u>
Total Stabilization Policy Reserves	\$65,202,793	13.50%
30% Income Tax Reserve for Refunds	<u>\$50,015,389</u>	
Total Combined Reserves	\$115,218,182	

Balances June 30, 2022  
After Proposed Transfers

Annual Revenue	\$538,393,480	*
Working Capital Reserve	\$44,148,265	8.20%
General Fund Contingency Account	\$10,767,870	2.00%
Economic Downturn Reserve	\$26,919,674	5.00%
General Fund Carryover Balance (After Uses)	<u>\$8,075,902</u>	<u>1.50%</u>
Total Combined Reserves	\$89,911,711	16.70%
Existing Balance of Income Tax Reserve for Refunds	<u>\$50,015,389</u>	
Total Combined Reserves	\$139,927,100	

\*Includes \$67.5 million of ARPA funding.

Overall combined reserves will increase by \$24.7 million, from 13.50% in FY 2022 to 16.70% in FY 2023, excluding funds set aside for income tax refunds. To ensure fiscal stability, the Administration is committed to managing the City’s operations in a prudent, responsible way through the adherence to management disciplines, including the Stabilization Funds Policy. The City must plan for and be prepared to mitigate fluctuations in demand for services as well as changes in revenues influenced by the economy and budgetary decisions made by the State of Ohio and the federal government. Especially in the face of the uncertainty caused by remote work trends and a weakened national economy, the City must be prepared for unforeseen events that could result in additional expenditure requirements or loss of revenues by maintaining prudent levels of fund balance and reserves as set forth in the Stabilization Funds Policy. The rating agencies have emphasized the importance of maintaining appropriate reserves to ensure financial stability and to retain the current bond ratings.

It should be noted that with these recommended transfers, the City will have achieved the GFOA's recommendation of 16.7% of annual General Fund operating revenue set aside in reserves. Years of careful planning and management and the support and leadership of the current Mayor and Council and previous elected officials made this possible, and the City will strive to maintain this level of reserves.

### **Amended Stabilization Funds Policy Uses**

Based on the amended Stabilization Funds Policy waterfall mechanism, the following items will be funded:

- \$5.0 million will be allocated to the Affordable Housing Trust Fund, to be deployed through the established partnership with the Cincinnati Development Fund (CDF). Additional information on that partnership and the structure of deployment are attached as Attachment A.
- \$2.0 million will be contributed to the Cincinnati Retirement System (CRS) to address unfunded pension obligations.
- \$500,000 will be allocated to a newly created Operating Budget Contingencies Account.

The Administration recommends allocating 50% (or \$250,000) from this account to the following one-time needs in the City's FY 2023 General Fund Operating Budget:

- Emergency Communications Center (ECC) Extension of Alternate Response to Crisis (ARC) mental health pilot program (\$140,000) – Funds will cover the extension of ECC's ARC pilot program with Police Dispatch through the end of FY 2023.
- Cincinnati Police Department (CPD) Downtown Deployment Overtime (\$60,000) – Funds will partially offset the expense caused by necessary additional deployment of CPD officers in the Central Business District (CBD) and Over-The-Rhine during the summer of 2022 to support special events and increase police presence to reduce violence.
- Marijuana Offense Expungement Efforts (\$25,000) – Funds will be utilized to cover court costs and filing fees of eligible individuals seeking expungement of marijuana offenses.
- Cincinnati Recreation Commission (CRC) Lifeguard Recruitment and Bonus Pay (\$25,000) – Funds will provide additional resources for a new wage and bonus pay structure for attracting and retaining CRC lifeguards for the Summer of 2023.

The Administration recommends that the remaining \$250,000 be held in reserve in the Operating Budget Contingencies Account, to cover unforeseen operating expense needs that arise during the remainder of the fiscal year.

### **Carryover Uses**

As part of the Stabilization Funds Policy, \$47,460,531 is available for one-time uses for FY 2023. Below are the Administration's recommendations on how to use these funds, based on Mayoral and the City Council priorities.

#### *Administration's Recommended One-Time Uses*

- Deferred Capital Maintenance (\$26,103,292) – In response to City Council Motion #202201639, materials related to various departments' deferred capital maintenance needs are provided in Attachment B. The recommended \$26,103,292 allocation will provide

funding to address the backlog of deferred maintenance of the City's capital assets and represents 55% of the \$47,460,531 available for one-time uses. The recommended projects include the following amounts by department:

- Enterprise Technology Solutions – \$1,703,292
  - An additional allocation of funds to replace radios used by multiple City departments, including primarily by police and fire
- City Manager's Office – \$2,000,000
  - \$1,500,000 as a dedicated funding source for Community Budget Requests (CBRs)
  - \$500,000 for communications equipment upgrades, including CitiCable
- Department of Recreation – \$5,000,000
  - \$2,500,000 for renovation of various recreation facilities
  - \$2,000,000 for pavement and Heating, Ventilation, and Air Conditioning (HVAC) improvements in various recreation facilities
  - \$500,000 for Evanston Recreation Area improvements
- Department of Parks – \$3,500,000
  - \$1,500,000 for stream stabilization efforts in California Woods
  - \$1,000,000 for renovations in the lower portion of Inwood Park
  - \$1,000,000 for erosion stabilization efforts in Smale Riverfront Park
- Department of Transportation and Engineering – \$3,900,000
  - \$2,000,000 for traffic signal infrastructure
  - \$1,400,000 for street light infrastructure, including LED conversion
  - \$500,000 for Winter Weather Spot Infrastructure maintenance (pothole repair)
- Department of Public Services – City Facilities Management (CFM) – \$5,000,000
  - \$3,500,000 for additional Fleet Facilities Renovations
  - \$1,000,000 for improvements at Public Safety facilities
  - \$500,000 for Americans with Disabilities Act (ADA) improvements at various City facilities
- Department of Public Services – Fleet Services – \$1,500,000
  - An additional allocation of funds for fleet replacements
- Department of Health – \$3,500,000
  - An additional allocation of funds for Health facilities improvements including various deferred maintenance projects and renovations at various clinics including the Bobbie Sterne Health Center, the Price Hill Health Center, the Northside Health Center, and the Burnet & King facility
- Neighborhood Business District Capital Support (\$1,500,000) – Funds will be used to provide funding for neighborhood projects that were submitted through the City's Neighborhood Business District Improvement Program (NBDIP) or the Neighborhood Business District Support Grant Program but did not receive funding from those programs due to limited resources.



- Convention Center District Improvements (\$7,000,000) – These funds will be used to pay for pre-development and design costs associated with renovation of the Duke Energy Convention Center.
- Over-the-Rhine (OTR) Outdoor Improvements (\$3,500,000) – These funds will be used to provide resources for outdoor improvements to the Ziegler Park and proximate area in OTR to help address recent violence in that area.
- Lincoln & Gilbert (\$1,000,000) – These funds will be used to continue support for the Lincoln & Gilbert minority business accelerator program.
- CEAI Capital Investment (\$250,000) – These funds will be used to support the work of Community Economic Advancement Initiatives (CEAI) in the Bond Hill and Roselawn neighborhoods.

### FY 2022 Reappropriations

The following ordinances have already been previously passed by Council, to account for reappropriation of FY 2022 expenses that were not able to be encumbered before the end of the fiscal year:

- FY 2022 Reappropriations per Ordinance No. 0196-2022 (\$793,111) – Funding provided resources for leveraged support commitments, the Black Lives Matter mural refresh, 311 service line technology purchases and advertisements, and the Cities for Financial Empowerment Grant and associated matching resources.
- Councilmember Landsman’s Reappropriation from FY 2022 (\$5,000) – One-time resources in the amount of \$5,000 were provided for the St. Vincent de Paul Society's Eviction Prevention Initiative per Ordinance No. 0224-2022.
- Vice-Mayor Kearney’s Reappropriation from FY 2022 (\$10,000) – One-time resources in the amount of \$5,000 were provided to the Christ Temple Baptist Church summer camp program and \$5,000 in one-time resources for 1N5 per Ordinance No. 0257-2022.
- Councilmember Cramerding’s Reappropriation from FY 2022 (\$4,950) – One-time resources in the amount of \$4,950 were provided for continuing legal education for Law Department personnel per Ordinance No. 0278-2022.

### City Council Funding Priorities

A balance of \$7,294,178 remains available for identified Council priorities, with allocations to be determined by Council at a later date. The following are recommendations for a process on deployment of those funds, based on the previously stated Council priorities.

- Affordable Housing Trust Fund – In addition to the contemplated \$5 million allocation discussed above, additional funds could be allocated to the partnership with the CDF for deployment for affordable housing projects through the existing structure and agreement with CDF.
- Human Service Capital Projects – Funds could be allocated to capital projects that support human service organizations. It is recommended that Council determine the amount of any

such allocation and identify a specific need that it seeks to address, then any such funding be deployed through a Request for Proposal (RFP) or other competitive process developed in partnership between the Administration and the Human Services Advisory Committee (HSAC).

- Neighborhood Capital Projects – Funds may be made available for neighborhood projects to a capital account that will support a competitive RFP process with awards for large catalytic neighborhood projects. Following the RFP process, the Administration would return to Council with recommendations for appropriations. Additional information on a proposed RFP process is included in Attachment C.

## **2023 Pending Matters**

There are several budget concerns for FY 2023 and beyond that are noteworthy. These include the following:

- COVID-19 Budget Impact – Due to the impact to income taxes and other sources of revenues related to the COVID-19 pandemic, the Approved FY 2023 General Fund Budget was balanced but not structurally balanced due to the reliance on \$18.6 million in one-time American Rescue Plan (ARP) funds. The Administration will monitor the budget closely and report back to Council during FY 2023 on how actual revenues align with revenues projected in the Approved FY 2023 Budget Update.
- FY 2024 and FY 2025 Projected Deficits – Despite the reliance on \$18.6 million of ARP funds for FY 2023, the General Fund Long-Term Forecast included in the Approved FY 2023 Budget Update document includes a General Fund preliminary deficit of \$22.0 million for FY 2024 and a preliminary deficit of \$31.4 million for FY 2025. Both fiscal years are expected to require the use of ARP funds to balance. For labor contracts not already agreed to through FY 2024, the General Fund Long-Term Forecast assumes a 3.0% wage increase for sworn and non-sworn personnel and a 5.0% increase for healthcare. If labor contract negotiations result in higher increases, the projected deficits will increase.
- Ratings Agencies – Moody’s Investors Services’ current assigned rating is Aa2 for the City’s outstanding general obligation unlimited tax (GOULT) debt, and the rating is Aa3 on the City’s outstanding non-tax revenue debt. The outlook is stable. Standard & Poor’s Ratings Services’ current assigned rating is AA for the City’s long-term unlimited-tax general obligation (GO) bonds and an AA long-term rating on the City’s non-tax revenue bonds. The outlook is stable.
- Income Tax – The FY 2023 Income Tax estimate reflects an increase of 3.95% from FY 2022 forecasted collections, based on revenue trends and the UC Economics Center’s forecast. However, the UC forecast also projects relatively flat growth in income tax revenue from FY 2024 – FY 2027. In addition, income tax revenue continues to be uncertain as employees move permanently to remote and hybrid work schedules. While there has not been a sharp increase in refund requests, there is a refund liability created to the City for a running three-year period while the employee remains eligible for a refund. It should be stressed that the City remains over reliant on income tax revenue, which makes it susceptible to long-term changes in work trends.

## **Recommendation**

The Administration requests this report be approved and filed and recommends approval of the accompanying Ordinance.

cc: William “Billy” Weber, Assistant City Manager  
Karen Alder, Finance Director  
Andrew Dudas, Budget Director

#### Attachments

Attachment A: CDF Affordable Housing Trust Fund Deployment Structure

Attachment B: Deferred Capital Maintenance Supplemental Information and Response to Motion #202201639

Attachment C: Proposed RFP for Neighborhood Capital Projects

## ATTACHMENT A

### **CDF Affordable Housing Trust Fund Deployment Structure**

Pursuant to Ordinance Nos. 121-2021 and 122-2021, Council designated the Housing Advisory Board to establish the City’s affordable housing policy priorities with respect to the Affordable Housing Trust Fund, designated CDF to oversee the Affordable Housing Trust Fund, and provided the Administration authority to enter into an agreement with CDF to deploy available funding. On May 13, 2022, the City Administration presented to and received feedback from the Housing Advisory Board on a proposed structure for the deployment structure with CDF. Then on August 26, 2022, the City and CDF entered into a *Funding and Management Agreement* for deployment of the City’s Affordable Housing Trust Fund. A copy of that agreement is included in this Attachment and a summary of those terms are as follows:

#### **Loan Products:**

- (i) Forgivable Loans – Upon satisfaction with the terms of the loan, the balance will be forgiven, in effect creating grant subsidy to affordable housing projects.
- (ii) Repayable Loans – Low or no-interest loans will be granted to make affordable housing projects financially feasible but will be required to be repaid. Repaid amounts will be recycled and re-lent to additional affordable housing projects.

**Eligible Uses:** Funds may be utilized for acquisition costs, hard construction costs, reasonable soft construction costs. In some more limited circumstances, the funds may be used to refinance debt or to leverage tax credit financing structures.

#### **Amount of Financing:**

- (i) Forgivable Loans – Financing of forgivable loans will be limited to the maximums below, established on a per unit basis and decreasing as the targeted AMI increases. Family-size units can receive additional funding. These amounts are intended to be studied for the first two years and revisited if adjustments are required to better achieve policy goals.

#### Forgivable Loan Maximums:

Area Median Income ("AMI") Level for Unit	Maximum Forgivable Loan per 1-2 Bedroom Unit	Maximum Forgivable Loan per 3+ Bedrooms
Up to 60% AMI	\$50,000 per unit	\$60,000 per unit
Up to 80% AMI	\$25,000 per unit	\$30,000 per unit
Up to 100% AMI	\$10,000 per unit	\$20,000 per unit

- (ii) Repayable Loans – Repayable loans may be extended at amounts above these maximums, to the extent necessary to make an affordable project financially feasible.

**Affordability Terms:** All affordability terms will be enforced with a restrictive covenant and will apply for a set term, generally for 15 years. Maximum rent limits for each affordable unit will be capped through a process utilized by HUD and the Ohio Housing Finance Agency. In addition to other requirements for enforcement and reporting on the affordability terms, any property that receives a forgivable loan will be required to grant a right of first refusal for purchase of the property, exercisable in the event of a proposed sale by either a non-profit with a mission focused on preserving affordable housing or a cooperative organization of tenants of the property. This provision is intended to preserve long-term affordability at these properties through ownership.

The Administration is recommending that Council appropriate the \$5 million in funding to the Affordable Housing Trust Fund, to be deployed through the existing contract with CDF, in alignment with the established terms.



## FUNDING AND MANAGEMENT AGREEMENT Affordable Housing Trust Fund

THIS FUNDING AND MANAGEMENT AGREEMENT (“**Agreement**”) is made as of 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, Ohio 45202 (“**City**”), and **CINCINNATI DEVELOPMENT FUND, INC.**, an Ohio nonprofit corporation, the address of which is 1224 Race Street, Cincinnati, Ohio 45202 (“**Service Provider**”).

### RECITALS:

**A.** The City desires to engage Service Provider to provide the Services as defined and described herein. The City and Service Provider desire to enter into this Agreement to memorialize the terms and conditions with respect to Service Provider performing the Services.

**B.** The goal of the Services is to increase available financing tools to encourage the production of new housing units and the preservation of existing affordable housing units, and to increase capacity within the development industry for the production of housing units. Service Provider will oversee and deploy the previously appropriated Affordable Housing Trust Fund – Fund 439 and related capital improvement program project accounts (collectively, the “**Affordable Housing Trust Fund**” or “**AHTF**”) in accordance with the terms of this Agreement. As further described herein, the businesses receiving such loans shall be referred to, collectively, as the “**Participants**”, and each, individually, as a “**Participant**”, and such loans, made in accordance with the parameters set forth herein shall be referred to, collectively, as the “**Loans**”, and each, individually, a “**Loan**”.

**C.** Section 16 of Article VIII of the Ohio Constitution provides that, to enhance the availability of adequate housing in the state and to improve the economic and general welfare of the people of the state, it is in the public interest and a proper public purpose for the state or its political subdivisions, directly or through a public authority, agency, or instrumentality, to provide grants, loans, or other financial assistance for housing in the state, for individuals and families, by the acquisition, financing, construction, leasing, rehabilitation, remodeling, improvement, or equipping of publicly- or privately-owned housing.

**D.** Execution of this Agreement was authorized by Ordinance Nos. 53-2022 and 191-2022, passed by City Council on March 2, 2022 and June 23, 2022, respectively.

**NOW, THEREFORE**, for and in consideration of the promises, covenants and agreements herein contained, the parties mutually agree as follows:

**1. SERVICES.** Subject to the terms of this Agreement, Service Provider shall, in a satisfactory and proper manner as determined by the City Manager of the City, provide the services more fully described in Exhibit A (Scope of Services) (“**Services**”) attached hereto. Service Provider does hereby acknowledge and agree that the Services to be performed under this Agreement, and the corresponding compensation provided by the City to effect the same, shall be provided and expended only within the city limits of the City of Cincinnati. To the extent that the terms of Exhibit A may contradict the foregoing in any manner, the provisions of this section shall be controlling.

**2. TERM.** This Agreement shall be effective on the Effective Date and shall continue in effect until the date of final disposition or repayment of all Loans (the “**Term**”), unless this Agreement is sooner terminated as herein provided, *provided that* Service Provider and the City acknowledge that Service Provider has certain reporting requirements as documented on Exhibit A that extend past the Term and Service Provider shall perform those obligations after the Term. Service Provider shall not originate any new Loans, as evidenced by a fully executed commitment letter between Service Provider and a

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prospective borrower, after the date that is ten years after the Effective Date (the “**Origination Date**”). The Origination Date shall be automatically extended in 3 5-year increments unless either party delivers a written notice of non-renewal no later than 6 months prior to the expiration of the current origination period. Service Provider shall obtain the City’s written consent prior to originating any new Loans after delivery of a non-renewal letter in accordance with this Section.

**3. FUNDS.** Subject to the terms and conditions of this Agreement, the City shall pay to the Service Provider for provision of the Services an amount not to exceed the sum of \$2,728,800 (the “**Funds**”) and to be utilized in accordance with the itemized amounts set forth on Exhibit B (Budget) attached hereto. The City shall disburse the Funds to Service Provider in accordance with Section 9, and Service Provider agrees to accept such amounts as full and complete compensation for provision of the Services. Service Provider shall use the Funds solely for expenses itemized on Exhibit B and for no other purpose. In the event Service Provider receives principal payments on any Loans, such proceeds shall be reinvested in the Affordable Housing Trust Fund and used in accordance with this Agreement.

**4. NOTICES.** All notices shall be personally delivered or sent by U.S. mail addressed to the parties as follows, with an electronic copy emailed to the email address listed below, or addressed in such other way in respect to either party as that party may from time to time designate. Service Provider shall promptly notify the City of any change of address. If Service Provider sends a notice to the City that the City is in default under this Agreement, Service Provider shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, City of Cincinnati, 801 Plum Street, Room 214, Cincinnati, Ohio 45202.

<p><u>To the City:</u>          Department of Community and Economic Development          City of Cincinnati          805 Central Avenue, Suite 700          Cincinnati, Ohio 45202          Attention: Markiea Carter, Director          Markiea.carter@cincinnati-oh.gov</p>	<p><u>To Service Provider:</u>          Cincinnati Development Fund, Inc.          1224 Race Street          Cincinnati, Ohio 45202          Attn: Joe Huber, President &amp; CEO          jhuber@cincinnati-developmentfund.org</p>
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**5. PROGRAM COLLABORATION.** No later than the date that is five years after the Effective Date, the parties will collaborate in good faith to ensure the operation of the Affordable Housing Trust Fund is meeting the program goals stated by City Council, the City Administration, and the Housing Advisory Board. Notwithstanding the foregoing, at any point during the Term, the parties may amend this Agreement, on mutually acceptable terms and conditions.

**6. UNDERWRITING GUIDELINES.** Service Prover has provided DCED for its review and approval, and DCED has approved, underwriting guidelines related to the issuance of Loans in accordance with this Agreement. Service Provider shall receive DCED’s prior written approval to make material amendments to the underwriting guidelines.

**7. INCREASED FUNDING.** If the City desires to increase the amount of Funds provided pursuant to this Agreement, in its sole and absolute discretion, then the parties will execute a Funding Letter Agreement, the form of which is attached hereto as Exhibit C (Form of Funding Letter Agreement).

**8. AUTHORIZATIONS.** All notices, approvals, authorizations, waivers, instructions, or determinations by the City shall be effective only when written and signed by the individual identified to receive notice for the City in Section 4 above or his or her designee.

**9. METHOD AND CONDITIONS OF PAYMENT.**

**A. Method of Payment.** The City shall pay Service Provider for the Services for which vouchers and similar documentation to support payment are maintained by Service Provider under procedures approved by the City.

**B. As Authorized Under Scope of Work and Budget.** Funds shall be disbursed by Service Provider only as authorized under the provisions of Exhibit A and Exhibit B hereto.

**C. Conditions of Disbursement.** The City shall make a single disbursement of the Funds on an advance basis, as soon as is practicable after the Effective Date, *provided that* Service Provider is not in default of this Agreement. The City shall make the disbursement only when Service Provider meets all of the following conditions:

- i. Submission of requisition for payment to the City on Form 37, "Claim Voucher/Invoice," or such other form as may be provided by the City Form 37, "Claim Voucher/Invoice," must be accompanied by an original affidavit certifying the usage of the Funds.
- ii. Service Provider shall establish an accounting system including reporting, vouchering and invoicing, with adequate internal controls, to assure proper accounting of receipts and disbursements by Service Provider. A copy of Service Provider's accounting system procedures or financial audit shall be kept on file in DCED. The City may require a finding by the Director of Finance or his/her designee that such an accounting system has been established. In the event such system at any time differs from the system established by Service Provider, Service Provider shall alter its system to conform to the findings of the Director of Finance or his/her designee.
- iii. Service Provider shall provide DCED with documentation or other proof of nonprofit or tax-exempt status, including IRS Sec. 501(c)(3) determination letters or other documentation acceptable to the City. The documentation shall be provided by and signed by the Chief Executive Officer or President of the board or commission that administers the corporation's business. The documentation shall include the name of Service Provider's Chief Financial Officer or equivalent position.
- iv. Service Provider shall furnish the City with a statement from Service Provider's Executive Director, President, or Chief Financial Officer or its insurer certifying that all persons handling funds related to this Agreement are covered by fidelity insurance in an amount not less than ten percent (10%) of the maximum amount payable to Service Provider hereunder. If such insurance or bond is cancelled or reduced, Service Provider shall notify the City immediately and shall be ineligible for further funding until such coverage has been obtained.

**D. Conditions Subsequent to Disbursement.** Service Provider's entitlement to the Funds is subject to the following requirements:

- i. Service Provider shall deposit all Funds received directly into a single account which shall be used for the receipt and disbursement of Funds received from the City or other sources for the purposes set forth in this Agreement.
- ii. Disbursements made by Service Provider shall be by either (x) ACH transfers or (y) numbered checks drawn on Service Provider's commercial checking account.
- iii. Compensation for employees hired under this Agreement, including wages, salaries and supplementary benefits, shall not exceed compensation paid for similar work by City employees or similar work performed in the labor market. Compensation shall be subject to adjustment by the City if, in the sole judgment of the City, these levels are



exceeded.

- iv. No payment shall be made for items designated as ineligible costs.
- v. Service Provider's monthly and final reports to the City shall be accompanied by documentation satisfactory to the City indicating expenses incurred and payments made, such as grants awarded, payroll records, invoices, time sheets indicating hours worked, contracts, receipts, canceled checks, carbons of checks or check registers and corresponding bank statements or reasonable facsimiles thereof, and such other information and supporting documentation as the City may require.

**10. PROHIBITION AGAINST PAYING FOR ANY SERVICE RENDERED OR EXPENSE INCURRED PRIOR TO MAY 1, 2021.** The compensation provided for by this Agreement may only be disbursed for Services rendered or expenses incurred on or after May 1, 2021. No Funds shall be spent for any service rendered or expense incurred prior to that date.

**11. INDEPENDENT CONTRACTOR.** Service Provider shall perform all work and services described herein as an independent contractor and not as an officer, agent, servant, or employee of the City. Service Provider shall have exclusive control of and the exclusive right to control the details of the Services and work performed hereunder and all persons performing the same and shall be solely responsible for the acts and omissions of its officers, agents, employees, contractors and subcontractors, if any. Nothing herein shall be construed as creating a partnership or joint venture between the City and Service Provider. No person performing any of the work or services described hereunder shall be considered an officer, agent, servant or employee of the City, nor shall any such person be entitled to any benefits available or granted to employees of the City.

**12. SUBCONTRACTS, SUCCESSORS, AND ASSIGNS.**

**A. Subcontracts.** Service Provider agrees that the Services shall not be subcontracted without the prior written approval of the City. The Services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement. In the event that Service Provider employs a subcontractor without first securing the City's written approval of the subcontractor by the City, the City shall have the right to stop payment to the Service Provider or withhold any of the Funds due to Service Provider until the subcontractor is approved by the City.

**B. Assignment.** Service Provider shall not assign or transfer its interest in this Agreement without the prior written consent of the City. Notwithstanding the foregoing, Service Provider may assign or transfer its interest in this Agreement to a subsidiary or affiliate entity controlled and managed by Service Provider.

**13. SERVICE PROVIDER'S INSURANCE AND INDEMNIFICATION.**

**A. Workers' Compensation.** Service Provider shall secure and maintain such insurance as will protect Service Provider from claims under the Workers' Compensation Laws.

**B. General Liability Insurance.** Service Provider shall secure and maintain such commercial general liability insurance as will protect Service Provider from claims for bodily injury, death or property damage which may arise from the performance of Service Provider's services under this Agreement, with a combined single limit for bodily injury and property damage liability of \$1,000,000.00 per occurrence and \$2,000,000.00 in the aggregate. Service Provider's insurance policy shall name the City as an additional named insured and shall contain a provision prohibiting the insurer from canceling the policy without notifying the City in writing at least 90 days prior to cancellation. Within 10 days following execution of this Agreement, Service Provider shall send proof of all such insurance to the City at the address specified above or such other address as may be specified by the City in writing from time to time.

**C. Indemnification of the City.** Service Provider shall indemnify, defend, and save City, its agents, and employees harmless from and against any and all losses, damages, claims, causes of action, settlements, costs, charges, professional fees, and liability of every kind and character arising out of or relating to the actions or inactions by Service Provider, its officers, employees, agents, contractors, and subcontractors in connection with this Agreement. Further, Service Provider shall protect and save the City harmless from any and all obligations to reimburse any government entity for disallowed costs paid by the City to Service Provider.

#### **14. COMPLIANCE WITH LAWS, REGULATIONS, AND PROGRAMS.**

**A. Generally.** Service Provider in the performance of the Services shall obtain all necessary permits, licenses, and other governmental approvals and shall comply with all applicable federal, state, and local laws, codes, ordinances, and other governmental requirements applicable to the Services, including any and all applicable rules, orders, guidelines, laws, regulations, and binding directives issued by the federal government, the State of Ohio, and/or the City pertaining to COVID-19.

**B. Compliance with Ohio Revised Code Section 149.431.** If Service Provider is a non-profit corporation, it shall comply with Section 149.431 of the Ohio Revised Code, which provides: "Any non-profit corporation or association that enters into a contract with a political subdivision shall keep accurate and complete financial records of any moneys expended in relation to the performance of the services pursuant to such contract. Such contract and financial records are deemed to be public records."

**C. Equal Employment Opportunity Program.** This Agreement is subject to the City's Equal Employment Opportunity Program contained in Chapter 325 of the Cincinnati Municipal Code. Said chapter is hereby incorporated by reference into this Agreement.

**D. Minimum Wage.** This Agreement is subject to the provisions of Ohio Revised Code Section 4111.02 relating to minimum wage.

**E. Living Wage.** If the compensation for the Services is \$20,000 or more this Agreement is subject to the Living Wage provisions of Chapter 317 of the Cincinnati Municipal Code. The provisions require that, unless specific exemptions apply or a waiver is granted all employers (as defined) under service contracts shall provide payment of a minimum wage to employees (as defined) at the applicable rates set forth in the code. Such rates shall be adjusted annually pursuant to the terms of the Code.

**F. Prompt Payment.** This Agreement is subject to the provisions of Chapter 319 of the Cincinnati Municipal Code, which provides for a "Prompt Payment System."

**G. Small Business Enterprise Program.** This Agreement is subject to the provisions of the Small Business Enterprise Program contained in Chapter 323 of the Cincinnati Municipal Code. Section 323-99 of the Cincinnati Municipal Code is hereby incorporated into this Agreement. Details concerning this program can be obtained from the Department of Economic Inclusion, Two Centennial Plaza, 805 Central Avenue, Suite 610, Cincinnati, Ohio 45202, (513) 352-3144. Service Provider shall utilize best efforts to recruit and maximize the participation of all qualified segments of the business community in subcontracting work, including the utilization of small business enterprises, including small business enterprises owned by minorities and women. This includes the use of practices such as assuring the inclusion of qualified Small Business Enterprises in bid solicitation and dividing large contracts into small contracts when economically feasible.

**H. Conflict of Interest.** Service Provider agrees to report to the City any potential conflicts of interest under any applicable laws before entering into this Agreement and agrees to report to the City any potential conflicts of interest that Service Provider discovers at any time during the Term.

- i. **Employee or Agent of City.** Service Provider agrees that no officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of the program, nor any immediate family member, close business associate, or organization which is about to employ any such person, shall have any personal financial interest, direct or indirect, in Service Provider or in this Agreement, and Service Provider shall take appropriate steps to assure compliance.
- ii. **Subcontractors.** Service Provider shall not contract with any subcontractors in which it has any personal financial interest, direct or indirect. Service Provider covenants that in the performance of this Agreement no person having any conflicting interest shall be employed.

**I. Wage Enforcement.** This Agreement is or may be subject to the Wage Enforcement provisions of the Cincinnati Municipal Code. These provisions require that any person who has an agreement with the City, or a contractor or subcontractor of that person, shall report all complaints or adverse determinations of Wage Theft and Payroll Fraud (as defined in Chapter 326 of the Cincinnati Municipal Code) against the person, contractor or subcontractors to the Department of Economic Inclusion within 30 days of notification of the complaint or adverse determination. Under the Wage Enforcement provisions, the City shall have the authority, under certain circumstances, to terminate this Agreement or reduce the incentives or subsidies to be provided under this Agreement and to seek other remedies.

**J. Americans With Disabilities Act; Accessibility.**

- i. **Applicability.** This section may be applicable if any of the Funds are used for costs associated with construction or rehabilitation of real property (such construction or rehabilitation being a “**Project**”). Cincinnati City Council adopted Motion No. 201600188 on February 3, 2016 (the “**Accessibility Motion**”). The Accessibility Motion directs City administration to include language specifically requiring compliance with the Americans With Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the “**ADA**”), and imposing certain minimum accessibility standards on City-subsidized projects regardless of whether there are arguably exceptions or reductions in accessibility standards available under the ADA or State law.
- ii. **Requirement.** If this section is applicable per paragraph (J)(i) above, then (a) the Project shall comply with the ADA, and (b) if (1) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a “place of public accommodation” or another category of structure to which the ADA is applicable) and (2) such building is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Service Provider shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, “Contractual Minimum Accessibility Requirements” means that a building shall, at a minimum, include (x) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (y) if such accessible point of entry is not a building’s primary point of entry, conspicuous signage directing persons to such accessible point of entry.

**K. Prevailing Wage.** Service Provider shall comply, and shall cause all Participants to comply with any prevailing wage requirements that may be applicable to their Loan. In the event that the City is directed by the State of Ohio to make payments to construction workers based on violations of such re-

quirements, Service Provider shall cause Participants to make such payments or reimburse the City for such payments within sixty (60) days of demand therefor.

## **15. REPORTS, INFORMATION, AND AUDITS.**

**A. Submission of Reports.** In such form as the City may require, Service Provider shall collect, maintain, and furnish to the City data, information, and reports as may be requested that pertain to the work or services undertaken by this Agreement, the costs and obligations incurred or to be incurred in connection therewith, financial or operational controls, and/or any other matters covered by this Agreement, including without limitation, such accounting, financial, administrative, and operational statements and reports as may be required for compliance with programs and projects funded by the City, Hamilton County, the State of Ohio, or any federal agency (if applicable). If requested by the City, financial statements furnished by Service Provider shall be audited.

**B. Record Retention.** Service Provider shall, throughout the Term of this Agreement and for a minimum of 3 years after the expiration or termination of this Agreement, keep and retain all accounting, financial, administrative, and operational statements and records pertaining to all matters covered by this Agreement.

**C. Access/Right to Inspect and Audit.** Upon request during the Term of this Agreement and for a period of 3 years after the expiration or termination of this Agreement, Service Provider shall permit the City or any designee or auditor to have access to and to inspect and audit all such accounting, financial, administrative and operational books, records, and statements of Service Provider that relate or pertain to this Agreement or as necessary for the City to ensure that all funds are used for authorized purposes in compliance with laws, regulations, and the provision of contracts or grant agreements and that performance expectations and goals are achieved.

## **16. SPECIAL REPORTING REQUIREMENTS.**

**A. Quarterly Reports.** Within 45 days following the end of each quarter during the Term, Service Provider shall provide the City with a quarterly report describing the Services performed, expenses incurred, number of applications received, approved, or denied for the quarter that just ended in accordance with Exhibit A and containing such other information and supporting documentation as the City may require.

**B. Semi-Annual and Annual Reports.** Within 45 days following the end of each six-month period during the Term, Service Provider shall provide the City with a semi-annual report describing the performance of the Affordable Housing Trust Fund for the period that just ended in accordance with Exhibit A and containing such other information and supporting documentation as the City may require. No later than 120 days following the anniversary of the Effective Date each year, Service Provider shall prepare and provide to the City an annual reporting of all Participants and related projects receiving a Loan in accordance with Exhibit A and containing such other information and supporting documentation as the City may require.

**C. Participation in Status Meetings.** Service Provider shall participate in meetings providing updates to the City related to Service Provider's performance of this Agreement as reasonably requested by the City.

**D. Final Report.** Within 120 days following the end of the Term, Service Provider shall provide the City with a final report describing the Services performed, expenses incurred, and payments made during the Term and containing such other information and supporting documentation as the City may require. The final report shall be accompanied by the remaining Funds after the disposition of all Loans.

**17. CERTIFICATION AS TO NON-DEBARMENT.** Service Provider certifies that neither Service Provider nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation from the transaction covered by this Agreement. Service Provider {00356098-5}

acknowledges and agrees that if it or its principals are presently debarred, it shall not be entitled to compensation under this Agreement and it shall promptly return to the City any and all funds received pursuant to this Agreement. In such event, any and all materials received by the City pursuant to this Agreement shall be retained by the City.

#### **18. NON-PERFORMANCE AND TERMINATION.**

**A.** If, through any cause, Service Provider shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if Service Provider shall violate any of the covenants or agreements of this Agreement, the City shall have the right to terminate this Agreement by giving written notice to Service Provider specifying the effective date of the termination, at least 30 days before such effective date. In such event, all finished or unfinished documents, data, studies, reports and/or information prepared by Service Provider under this Agreement shall, at the option of the City, become the City's property, and Service Provider shall be entitled to receive equitable compensation for any work satisfactorily completed at the date of termination. Service Provider shall reimburse the City for all costs incurred by the City as a result of Service Provider's breach of this Agreement.

**B.** Any periodic payments from the City specified in this Agreement shall be contingent upon performance of contractual obligations to date, including the proper receipt of supporting receipts, invoices, reports, statements, or any other supporting information as required by the City in this Agreement. Failure to satisfactorily meet any one of the obligations of Service Provider hereunder may result in the City not approving periodic payments to Service Provider and/or filing liens as may be necessary against Service Provider's assets or future assets, until Service Provider satisfactorily fulfills its obligations under this Agreement or satisfactorily reimburses the City for any prior payments. The City also reserves the right to seek any other legal financial remedies in connection with damages the City may have suffered by reason of Service Provider's default under this Agreement until all or part of the City's prior payments have been recouped as the City deems appropriate but not to exceed the total amount of any prior payments. The City also reserves the right in the event of non-performance of this Agreement to prohibit any future or limited contractual relationships with Service Provider either directly or indirectly.

**C.** If Service Provider terminates this Agreement after the work has begun, the City shall not be required to compensate Service Provider for services/work not fully completed.

**19. OWNERSHIP OF PROPERTY.** Upon the expiration or termination of this Agreement, any and all memoranda, maps, drawings, working papers, reports, and other similar documents produced in connection with this Agreement shall become the property of the City and Service Provider shall promptly deliver such items to the City. Service Provider may retain copies for Service Provider's records.

**20. OUTSIDE CONTRACTS.** Service Provider may contract with other public and private organizations and secure donations to provide related services, except that Funds shall be used solely for the Services. Service Provider shall include notification of the execution of any such agreement in the reports required under Section 16 of this Agreement. Service Provider shall keep records of the receipts and expenditures that result from such outside funds. Said records shall be in the same general form as for the Funds provided hereunder. The City shall have the right to inspect said records at any time during reasonable business hours, provided that such inspection does not violate the terms of any agreement to which Service Provider is a party.

**21. NON-EXCLUSIVE AGREEMENT.** This is a non-exclusive Agreement. The City may procure the same or other similar Services from other service providers at any time during the Term of this Agreement.

**22. CITY IDENTIFICATION IN MARKETING ACTIVITIES.** Service Provider shall identify the City as a sponsor of activities undertaken pursuant to the terms of this Agreement on any and all stationery, informational releases, pamphlets, and brochures; and publicity, including that appearing on television or cable television, on the radio or in the press.

**23. GOVERNING LAW.** This Agreement is entered into and is to be performed in the State of Ohio. The City and Service Provider agree that the laws of the State of Ohio and City of Cincinnati shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and Service Provider agrees that venue in such court is proper. The parties hereby waive trial by jury with respect to all disputes arising under the Agreement.

**24. WAIVER.** This Agreement shall be construed in a manner that a waiver of any breach of any provision of this Agreement shall not constitute or operate as a waiver of any other breach of such provision or of any other provisions, nor shall any failure to enforce any provision hereof operate as a waiver of such provision or of any other provision.

**25. ENTIRETY.** This Agreement and the exhibits and attachments, if any, hereto constitute the entire Agreement between the parties as to the matters contained herein. Any oral representations or modifications concerning this Agreement shall be of no force and effect.

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

**27. AMENDMENT.** This Agreement may be modified or amended only by a written agreement duly executed by the parties hereto or their representatives.

**28. REVERSION OF ASSETS.** Upon the expiration or termination of this Agreement, Service Provider shall transfer to the City any and all Funds remaining after the disposition and repayment or disposition of all Loans.

**29. COUNTERPARTS AND ELECTRONIC SIGNATURES.** This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

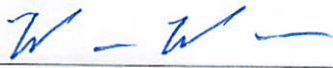
**30. EXHIBITS.** The following attachments are hereby incorporated into and made a part of this Agreement:

- Exhibit A - *Scope of Services*
- Exhibit B - *Budget*
- Exhibit C - *Form of Funding Letter Agreement*


SIGNATURE PAGE FOLLOWS.

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

**CITY OF CINCINNATI**

By:   
~~John P. Curp, Interim City Manager~~  
William Weber, Asst. City Manager  
Date: 8/26, 2022

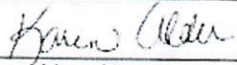
**CINCINNATI DEVELOPMENT FUND, INC.**

By:   
Name: Joseph R Huber  
Title: President + CEO  
Date: July 21, 2022

APPROVED AS TO FORM:

Kaitlyn Geiger  
Assistant City Solicitor

CERTIFICATION OF FUNDS:

Certified Date: 8/26/22  
Fund/Code: 980, 439  
Amount: \$2,728,800  
By:   
Karen Alder, City Finance Director

**EXHIBIT A**  
**SCOPE OF SERVICES**

Service Provider will administer the existing and future funds appropriated by City Council into the Affordable Housing Trust Fund.

Service Provider will use the AHTF to extend financing and subsidy to projects through an evaluation and underwriting process, pairing the Funds with other available sources when appropriate. Service Provider will extend the financing either as (1) forgivable Loans or (2) low-interest repayable Loans. All Loans shall be on terms to make the project financially feasible and as further described below. Repaid amounts shall be recycled and re-lent in accordance with the terms of this Agreement.

Prior to commitment for a forgivable Loan, Service Provider shall secure City approval for such Loan, evidenced by written approval in e-mail form from the DCED or other staff designated by the City Manager. In requesting such approval, Service Provider shall provide to the City such project information as necessary to verify the need for the forgivable Loan. The City shall use best efforts to reply promptly to any such request, with a goal of providing a response within no more than 10 business days.

No additional City sign off or involvement is needed for extension of repayable Loans, so long as the terms conform to restrictions described in this Agreement.

**Eligible Uses:** Service Provider may deploy the Funds for (1) acquisition costs or (2) hard construction costs and reasonable soft costs, which are related directly to construction of the project. Funded soft costs shall not be excessive and shall be limited to those soft costs typically financed under Service Provider’s standard practice (rehabilitation or new construction) of mixed-use or residential rental projects. Mixed-income projects are eligible.

With written City approval and at the City’s sole discretion, Funds may also be utilized for the following uses if such use is necessary to make the overall project feasible and will preserve or create additional affordable units:

- Refinancing of existing debt;
- Use in tax credit financing structures beyond directly financing acquisition or hard construction costs, including, but not limited to, equity bridge loans; and
- A project that has been awarded funding in the City’s Notice of Funding Availability (NOFA) process. Note that granting of a forgivable Loan and NOFA funds to the same project shall be considered a last resort to making the project feasible.

**Amount of Financing:** Service Provider may deploy funds in the following amounts per project, provided that funds from Fund 439 must be used in accordance with the description in Ordinance No. 364-2018:

**Forgivable Loan Maximums:**

Area Median Income (“AMI”) Level for Unit	Maximum Forgivable Loan per 1-2 Bedroom Unit	Maximum Forgivable Loan per 3+ Bedrooms
Up to 60% AMI	\$50,000 per unit	\$60,000 per unit
Up to 80% AMI	\$25,000 per unit	\$30,000 per unit
Up to 100% AMI	\$10,000 per unit	\$20,000 per unit



After two years, these maximums will be revisited to see if adjustments are needed. In determining the amount of a forgivable Loan to recommend to the City for a given project, Service Provider shall complete underwriting to verify that any such amount is a certified financial gap and that the project will not happen “but for” the forgivable Loan. Additionally, Service Provider shall consider additional factors such as the leverage ratio of AHTF or other City funds to other sources of funds, the location of the project and the need for more affordable housing options in that area, and alternative project uses for the limited public resources.

**Repayable Loan Maximums:**

Repayable Loans may be extended at amounts above the maximum caps described above to the extent necessary to make the project financially feasible.

**Affordability Terms:** For any project receiving Funds (either through a forgivable Loan or a repayable Loan) the following required terms will be effectuated and enforced through a restrictive covenant that will be recorded on the project property.

- 1) **Term** – The term of affordability restrictions shall generally be 15 years. However, the term may be shortened with written City approval if (1) Service Provider determines such shorter term is necessary to the project’s viability and (2) the project is receiving a tax abatement with a term of less than 15 years or is not receiving a tax abatement. If the project qualifies for a shorter term, the affordability term may be reduced to match the term of the tax abatement; however, in no circumstances shall the term be reduced to less than 10 years (even if no tax abatement is sought).
- 2) **Maximum Monthly Rent Limits** – A maximum monthly rent limit amount shall be established for each affordable unit based on the number of bedrooms in the unit. The maximum amount shall be pre-determined based on a formulaic calculation used by both the Ohio Housing Financing Agency and HUD.

No adjustments will be made for utility expenses. Rents limits shall be reset each year once updated income levels are posted by HUD and made effective. Below are the current calculations of income limits and rent limits for 60% and 80% AMI levels.

**2022 HUD Income and Rent Limits – as of June 15, 2022**

2022 Income Limit Category		1 Person	2 People	3 People	4 People	5 People	6 People	7 People	8 People
60% AMI Income Limits		\$40,140	\$45,840	\$51,600	\$57,300	\$61,290	\$66,480	\$59,100	\$75,660
2022 Rent Limit Category	Studio	1 BR	2 BR	3 BR	4 BR	5 BR			
Rent Limits for 60% AMI	\$1,003	\$1,074	\$1,290	\$1,490	\$1,662	\$1,834			

2022 Income Limit Category		1 Person	2 People	3 People	4 People	5 People	6 People	7 People	8 People
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80% AMI Income Limits		\$53,500	\$61,150	\$68,800	\$76,400	\$82,550	\$88,650	\$94,750	\$100,850
<b>2022 Rent Limit Category</b>	<b>Studio</b>	<b>1 BR</b>	<b>2 BR</b>	<b>3 BR</b>	<b>4 BR</b>	<b>5 BR</b>			
Rent Limits for 80% AMI	\$1,338	\$1,432	\$1,720	\$1,986	\$2,216	\$2,445			

- 3) Fixed/Floating - Fixed or floating affordable units within a project are permitted.
- 4) Income Verification – Owners shall verify and document the income of individuals at the time of lease-up to determine eligibility for an affordable unit. This shall include at minimum a three-month lookback to qualify at that income level. No additional annual verification shall be required until the unit is vacated and a new tenant occupies the unit. Owners will maintain all documentation that justifies an individual’s income level and shall provide it upon request to the City or Service Provider.
- 5) Ongoing Annual Reporting – Annually each owner shall submit (1) a rent roll and (2) an attestation form certifying that the rents are in compliance with the affordability requirements and that all tenants were qualified by income at the time of initial occupancy. This shall be submitted to Service Provider, who will review and provide a copy to the City.
- 6) Third-party Beneficiary Rights for Enforcement – A third-party beneficiary clause for the City shall be included in the restrictive covenant so that the terms can be enforced by the City.
- 7) Subordination to Other Affordability Requirements — The rent and income restrictions will be subject to any other affordable restrictions required by any other public funding source until such time as those other restrictions are no longer applicable. The right of first refusal described below shall be applicable upon execution of the restrictive covenant until released by the City.
- 8) Assignable Right of First Refusal – If a property receives a forgivable Loan, then an assignable right of first refusal shall be granted to the City in the restrictive covenant. The City shall have the right to assign this right to a non-profit organization that has a mission to preserve affordable housing or may assign it to an organized cooperative organization of tenants of the subject property. If at any time after recording of the restrictive covenant the owner intends to sell the property and has received a bona fide third party offer to purchase the property, then beginning on the day the owner provides written notice of such offer to the City and/or assignee, then the City or its assignee shall have 60 days to exercise a right to match that offer, then shall secure financing and close within 180 days of exercising such right. In the event that the right is not timely exercised, or closing does not timely occur, then the owner is free to complete the transaction with the third party offeror. Notwithstanding the foregoing, the City may waive this provision for a Loan upon the written request of Service Provider in its sole and absolute discretion.

**Collateral and Guaranties:** A mortgage and/or other acceptable collateral will be required to secure any project loans but may be subordinate to any other primary project financing. A reasonable corporate or

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acceptable personal guaranty for payment and completion will be required if Service Provider determines the project entities are able to provide such guaranties (i.e, CDCs and other non-profit entities may have limited ability to provide such a guaranty).

**Default and Remedies:** In the event that borrowers are provided notice of an event of default, then they will have an opportunity to cure. In the event that the default is not cured in a timely manner, then the forgiveness component of any forgivable debt will be forfeited and normal creditor remedies will apply.

## REPORTING:

### **Quarterly Project Reporting:**

- Number of Applications Received (# awarded and # denied)
  - For awarded Projects: Project name
  - Developer
  - Address(es)
  - Neighborhood
  - Project Type: new vs renovation
  - Total # of Units (total # of affordable units with target AMI broken out)
    - Affordability Term
  - Target Population (family, senior, homeless)
  - Total Project Cost
  - Project Status (under Construction Complete)
  - AHTF \$ Investment and source(s)
  - Award type: forgivable Loans and repayable Loans
  - Private dollars leveraged
- For non-awarded Projects:
  - Project name
  - Developer
  - Address(es)
  - Neighborhood
  - Project Type: new vs renovation
  - Total # of Units (total # of affordable units with target AMI broken out)
    - Affordability Term
  - Target Population (family, senior, homeless)
  - Total project cost
  - Rationale behind denial

### **Semi-Annual Reporting:**

- Overall AHTF balance
- Overall AHTF dollars disbursed
- AHTF Repayments Collected

### **Annual Reporting (AHTF dollars):**

- Overall AHTF balance
- Overall AHTF dollars disbursed
- AHTF Repayments collected

### **Annual Reporting (Project Aggregate data):**

- Number of applications, received, awarded, denied
- {00356098-5}

- Total funds awarded
- # of projects awarded
- # of total units created/preserved
- # of affordable units (segregated by AMI) and affordability term
- Total private or non-City public dollars leveraged
- Number of forgivable Loans vs. repayable Loans
- List of projects funded by AHTF whose Loans will mature in the next year or for which the affordability term is ending

**Monitoring, Enforcement, Accounting:**

- Service Provider will be responsible for monitoring and enforcement of affordability requirements as well as loan servicing.

***Affordable Housing Advisory Board:*** The City will be the primary liaison with the affordable housing advisory board. The advisory board will be utilized to provide feedback to the strategic priorities of the Service Provider and City program. The City will organize a meeting twice a year to update the Board on projects and expenditures of the Funds. Service Provider will assist the City in that meeting by providing information on lending activity to the City to present to the Board.

**EXHIBIT B**  
**BUDGET**

Subject to appropriation of necessary funds by Council, the City will agree to annually provide \$60,000 in funding for Service Provider’s fees, which represents 50% of the minimum annual projected operating expense. However, whenever financially feasible as determined by Service Provider, to support the program Service Provider may charge origination fees or an interest rate spread (not to exceed 250 basis points) on loans. Service Provider will report to the City annually on revenue generated for fees and expenses for administering the program.

For start-up costs of the program (legal, etc.) and to offset administrative fees of the program, the City will seek to use proceeds from the Liberty and Elm project and as a condition of receipt, Service Provider agrees to only utilize \$250,000 of \$750,000 donation related to the Liberty and Elm project for start-up costs and to cover administrative fees of the program. The remainder will be utilized for project loans under the program. Notwithstanding the foregoing, in the event the Liberty & Elm proceeds are not realized by September 1, 2022, to pay for start-up costs of the program, Service Provider shall be allowed to either (i) use up to \$250,000 of any general funds appropriated by Council and added to this Agreement or (ii) as loans are disbursed under this Agreement, use a pro rata portion of the AHTF funds for the start-up costs of the program (as an example for the purposes of clarity, if a loan was disbursed for \$1,239,150 and no additional funds were added to this Agreement at the time of disbursement, CDF could use \$125,000 of the remaining funds available for administrative costs).

Summary of initial AHTF funds appropriated to support of affordable housing development:

<b>Sources of Funds</b>	
City Capital Funds	\$2,727,000
Fund 439 Revenues*	\$1,300
<b>Total</b>	<b>\$2,728,300</b>

<b>Use of Funds</b>	
Affordable Housing Development Awards	\$2,477,000
Affordable Housing Development Awards (Fund 439 Restricted Unit)*	\$1,300
Administrative Costs	\$250,000
<b>Total</b>	<b>\$2,728,300</b>

\*subject to provisions of Ordinance No. 364-2018

**Note:** Equipment purchases such as computers, fax machines, office furniture, cellular telephones, beepers, and costs such as entertainment, food, flowers for sick employees, etc., are not eligible reimbursement expenses from the City. If you list a contractual agreement under Item

If A for which reimbursement of expenses will be requested from the City, you must submit a copy of each contract agreement.

**EXHIBIT C**

**FORM OF  
FUNDING LETTER AGREEMENT**

Contract No: \_\_\_\_\_

Cincinnati Development Fund, Inc.  
1224 Race Street  
Cincinnati, Ohio 45202  
Attn: [\_\_\_\_\_]

Dear [\_\_\_\_\_]:

Pursuant to Section 7 of the *Funding and Management Agreement*, dated \_\_\_\_\_ (the “**Agreement**”), between Cincinnati Development Fund, Inc. (“**Service Provider**”) and the City of Cincinnati (“**City**”), the City is adding additional funds in the amount of \$[\_\_\_\_\_] to the Agreement (the “**Additional Funds**”) in accordance with Ordinance No. [\_\_\_\_], passed by City Council on [\_\_\_\_\_]. The City and Service Provider hereby agree that the Additional Funds shall constitute part of the Funds and their usage is subject to the terms and conditions of the Agreement. Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Agreement.

The City agrees to disburse the Additional Funds to Service Provider upon Service Provider’s compliance with Section 9 of the Agreement with respect to the Additional Funds as soon as practicable following the Effective Date.

Nothing herein is intended to amend or alter the obligations of Service Provider under the Agreement, and Service Provider shall maintain records of all expenditures of the Additional Funds in accordance with the terms of the Agreement. All terms of the Agreement not amended hereby or not inconsistent herewith shall remain in full force and effect, and the Agreement, as amended hereby, is hereby ratified by the parties.

In consideration of the City’s execution of this Funding Letter Agreement (this “**Letter**”), Service Provider hereby waives any and all defaults or failures on the part of the City to observe or perform the City’s obligations under the Agreement and any other liability of any kind on the part of the City to the extent any such default, failure, or liability occurred on or prior to the Effective Date.

This Letter may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Letter may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

[SIGNATURE PAGE ATTACHED]

This Letter is executed and dated as of \_\_\_\_\_, 20\_\_ (the "Effective Date").

City of Cincinnati

By: \_\_\_\_\_  
[ \_\_\_\_\_ ], City Manager

Approved as to Form:

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

Certified Date: \_\_\_\_\_  
Fund/Code: \_\_\_\_\_  
Amount: \_\_\_\_\_  
By: \_\_\_\_\_  
[ \_\_\_\_\_ ], City Finance Director

**ACCEPTED AND AGREED:**  
Cincinnati Development Fund, Inc.

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_



## ATTACHMENT B

### REFERENCE DOCUMENT #202201639

The Budget and Finance Committee, at its session on September 6, 2022, referred the following item for review and report.

MOTION, submitted by Councilmember Cramerding and Vice Mayor Kearney, WE MOVE that the Administration prepare a comprehensive and prioritized list of Deferred Maintenance projects, categorized by department and neighborhood, with specific cost associated with each project. This report should be produced before the closeout recommendation.

The Administration compiled existing documentation related to capital project needs from the Department of Transportation and Engineering (DOTE), the Department of Public Services (DPS), the Health Department, the Cincinnati Recreation Commission (CRC), and the Department of Parks.

The Department of Transportation and Engineering regularly reports the condition of transportation infrastructure assets, which include details on bridges, pavement, traffic infrastructure, and retaining walls. Please refer to the 2021 Infrastructure Conditions Report ([Report # 202201574](#)) dated August 3, 2022. The report was approved and filed by the City Council on September 14, 2022. Additionally, please refer to the Approved FY 2023 Budget Update (<https://www.cincinnati-oh.gov/finance/budget/>) which contains a section on Transportation Infrastructure Needs as part of the Capital Budget Update.

The Department of Public Services reports on the State of General Fund Facilities and Capital Replacement Priorities. The attached report dated November 17, 2016, includes notes as of January 2022. DPS currently provides about 2,000,000 square feet of building inventory supporting city departments including approximately 780,000 square feet for Police and Fire. Only 46% of facilities are listed as Good or Excellent in the November 2016 report. The deferred maintenance projects are listed in Appendix 1. Capital Replacement Priorities are outlined in Appendix 2.

The Cincinnati Health Department provided the attached list of highest capital priority needs and various deferred maintenance projects by facility and neighborhood.

In December 2021, the Cincinnati Recreation Commission released the attached six-year summary of Capital Costs for FY 2023-2028. The report highlights the capital needs for the Cincinnati Recreation Commission broken down by priorities for each

type of facility, which include Recreation Facilities Renovations, Aquatic Facilities Renovations, Athletic Facilities Renovations, Outdoor Facilities Renovations, and Compliance with the Americans with Disabilities Act (ADA).

The Department of Parks published the [Cincinnati Parks Infrastructure Assessment dated April 9, 2021](#) with the assistance of Brandstetter Carroll Inc. This study assessed the Cincinnati Park Board's system facilities and infrastructure to determine capital improvement needs, priorities, and costs. The attached list dated September 23, 2022, represents the next priorities to the department in terms of deferred maintenance projects.

Please refer to the Approved FY 2023 Budget Update (<https://www.cincinnati-oh.gov/finance/budget/>) which contains a section on Facilities Assessment as part of the Capital Budget Update.

November 17, 2016

Notes added 01/2022

## OVERVIEW

Built assets are the largest expense of any government has right behind personnel expenses. Built assets require constant maintenance, improvement, replacement and investment to support the services and personnel occupying the asset. The broad based 1987 Smale Infrastructure Commission identified immediate safety concerns with minimal increases in maintenance but did not delve into functional, operational or structural reviews. The 1992 Smale Infrastructure Update and subsequent 1996 Facility Asset Management report went further into the topic and found \$45,000,000 in immediate capital needs to keep buildings functioning with no operational improvements, rated 34 facilities obsolete for the use they were serving and identified ongoing underfunding of maintenance at almost fifty percent of industry standards.

*2003, the total estimated capital improvements need for City-owned facilities over the six-year period was \$160.6 million and the planned expenditures totaled \$78.2 million, leaving a shortfall of \$82.4 million. Source: Capital Improvement Plan for City Facilities" report (Doc. #200306339)*

Renovations and improvements to existing City facilities are part of the City's Smale Infrastructure spending requirement and normal operations for an organization moving ahead. If the City continues to inadequately fund City facility needs, the Operating Budget will continue to be negatively impacted with higher operating and maintenance costs. In addition, outdated facilities could hinder service delivery to the citizens.

*In the current six-year plan (2011-2016) the "Capital Improvement Plan for City Facilities" report was updated and the total capital improvements need for the remaining four years in the plan (2013-2016) is \$170.4 million and the planned allocation amount is \$54.1 million, generating a shortfall of \$116.3 million. In the 2013/2014 biennium, the total need is \$77.2 million, the General Capital Budget totals \$29.4 million, and the estimated shortfall for capital improvements for City facilities is \$47.8 million.*

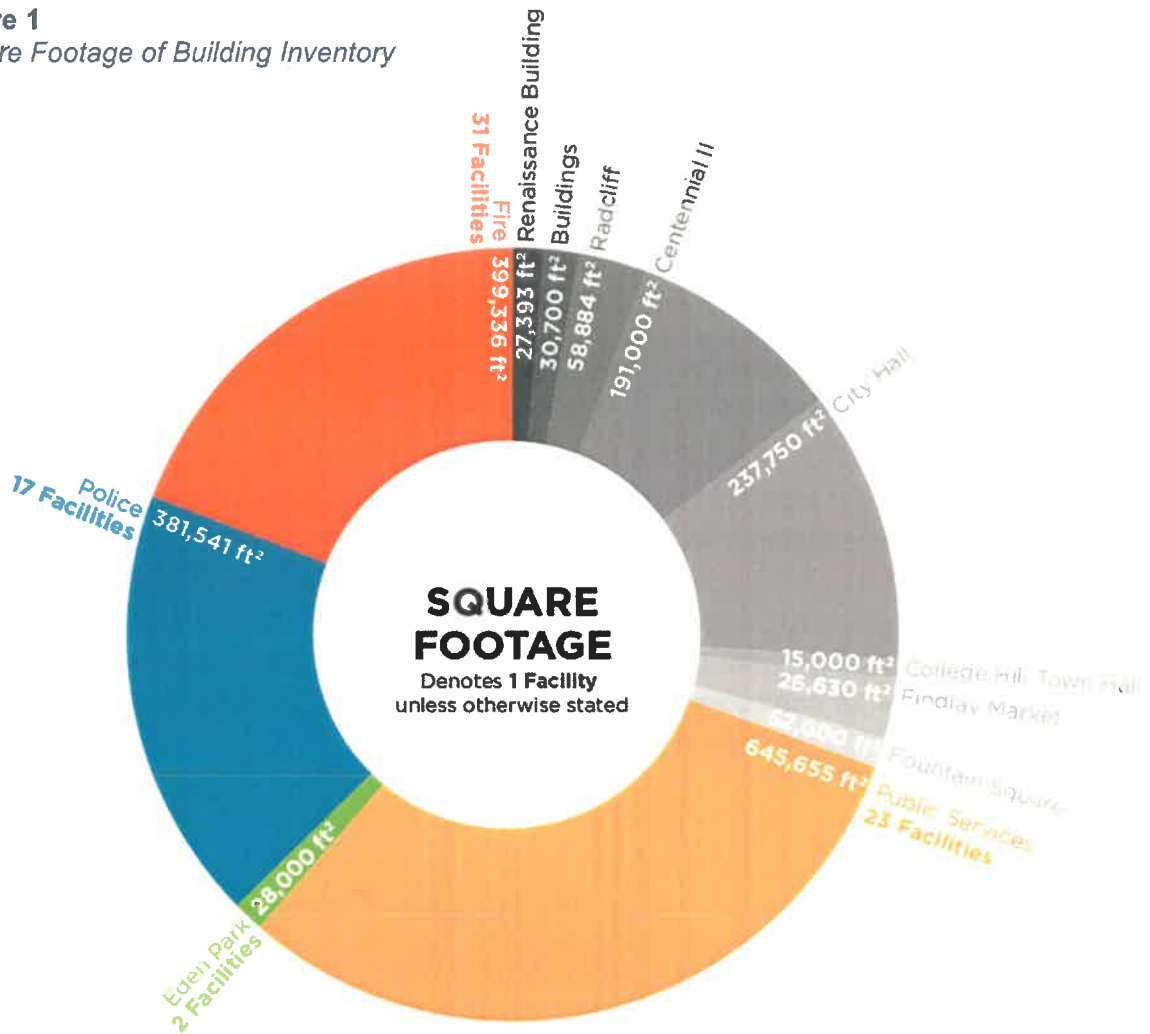
*Source: City of Cincinnati Biannual Capital Budget*

2022: Based on Construction Cost Index (source: [turnerconstruction.com/cost-index](http://turnerconstruction.com/cost-index)), construction cost have risen more than 18% between 2016 and 3rd Quarter 2021

**CURRENT STATE OF CAPITAL ASSETS**

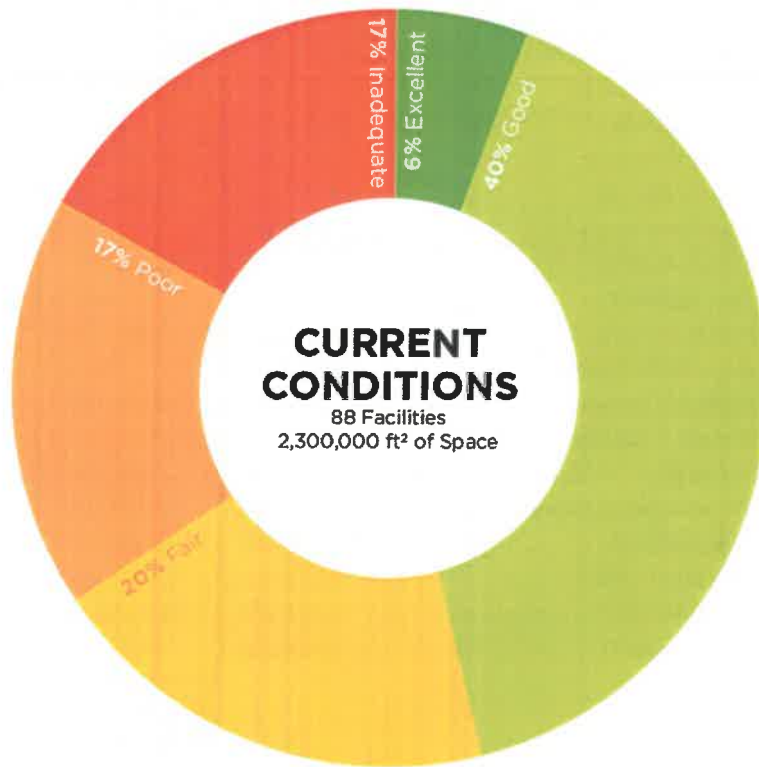
The Department of Public Services provides just over 2,000,000 square feet of building inventory to support the daily needs of 3,500 employees working for, Police, Fire, Public Services, Finance, DOTE, Budget, Law, Trade and Development, Recreation, Planning and Buildings, Budget, OEQ, ETS, HR and City Council. A large percentage of these operate 24/7 providing emergency response and core City services that cannot be interrupted. (Figure 1)

**Figure 1**  
 Square Footage of Building Inventory



This lack of a capital program forces DPS to forego important projects that maintain the condition of this inventory, address health and safety issues, acquire new space, consolidate space, complete phased projects, and address many other capital needs. DPS continuously monitors and updates data on each facility using metrics and cost models created by the International Facility Management Association. As the world's largest facility management organization their guides, procedures and standards are accepted and utilized by the Federal GSA and numerous corporations. Using these formats, which include the asset's physical condition as well as functional and service demands, DPS rates each facility. Figure 2 shows the large percentage rated as poor or inadequate.

**Figure 2**  
*Current Facilities Condition Assessment*



**OBSOLESCENCE / INADEQUATE FOR THE JOB**

Of major concern are the 34 facilities identified in 1996 as functionally obsolete. Seventeen are still in use today. Seven of these have been renovated to remain marginally useful but ten are still inadequate and beyond capital renewal values for continuing any capital investment. These facilities are inadequate for current staffing and provide no potential for adjusting staffing or services. Due to the limited space, the Departments have no flexibility to alter operations and serve the neighborhoods as demands change over time. Figure 3 below identifies the seventeen specific structures with their age, replacement cost and a CRV capital replacement value. Specific details of the ten remaining inadequate facilities are shown in Attachment 2.

**Figure 3**  
*Facility Analysis*

add 18% minimum increase from 2016

	#	ID	FACILITY	AGE	REQUIRED CAPITAL IMPROVEMENTS	REPLACEMENT COST	% CAPITAL NEEDED VS. REPLACEMENT	OVERALL RATING
<b>Primary</b>	1	037	Municipal Garage	76	NA	\$36,000,000		
	2	208	Fire Station 8	84	\$2,700,00	\$5,500,000	49.09%	
	3	005	Police District 5	58	\$4,718,000	\$17,000,000		Temp. Local in Limbo
	4	249	Fire Station 49	125	\$2,215,000	\$5,500,000	40.27%	
	5	020	West Fork Incenerator	61	\$2,400,000			Under review by OES for demolition
<b>Secondary</b>	6	237	Fire Station 37	115	\$1,975,000	\$6,000,000	32.92%	
	7	235	Fire Station 35	108		Sold	0.00%	
	8	250	Fire Station 50	101	\$3,230,000	\$5,500,000	58.73%	
	9	018	Eden Radio Station	135	\$2,275,000	SALE		Historic Structure
	10	024	Cormany Garage	86	\$2,850,000	\$2,500,000	114.00%	
	11	005A	District 5 Garage	48		\$250,000		Currently housed at Fleet
	12	077	Valley View Building	87	\$363,000	\$300,000	121.00%	
	13	019	Renaissance Building	92	\$980,000	\$1,500,000	65.33%	
	14	207	Fire Station 7	78	\$3,200,000	\$6,000,000	53.33%	
	15	224	Fire Station 24	76	\$265,000	\$6,000,000	4.42%	
	16	205	Fire Station 5	56	\$437,000	\$6,000,000	7.28%	
	17	221	Fire Station 21	59	\$140,000	\$5,500,00	2.55%	

**\$66.4 MILLION**

**\$37.15 MILLION**

**\$103.55 MILLION**

FH replacement estimates exclude cost of land

DPS has aligned our priorities to replace these facilities with City-wide goals and determined that the top 5 replacements to be completed include the Municipal Garage, Fire Station 8, Police District 5, Fire Station 49 and the West Fork Incenerator. The Capital Investment required is \$66.4 Million.

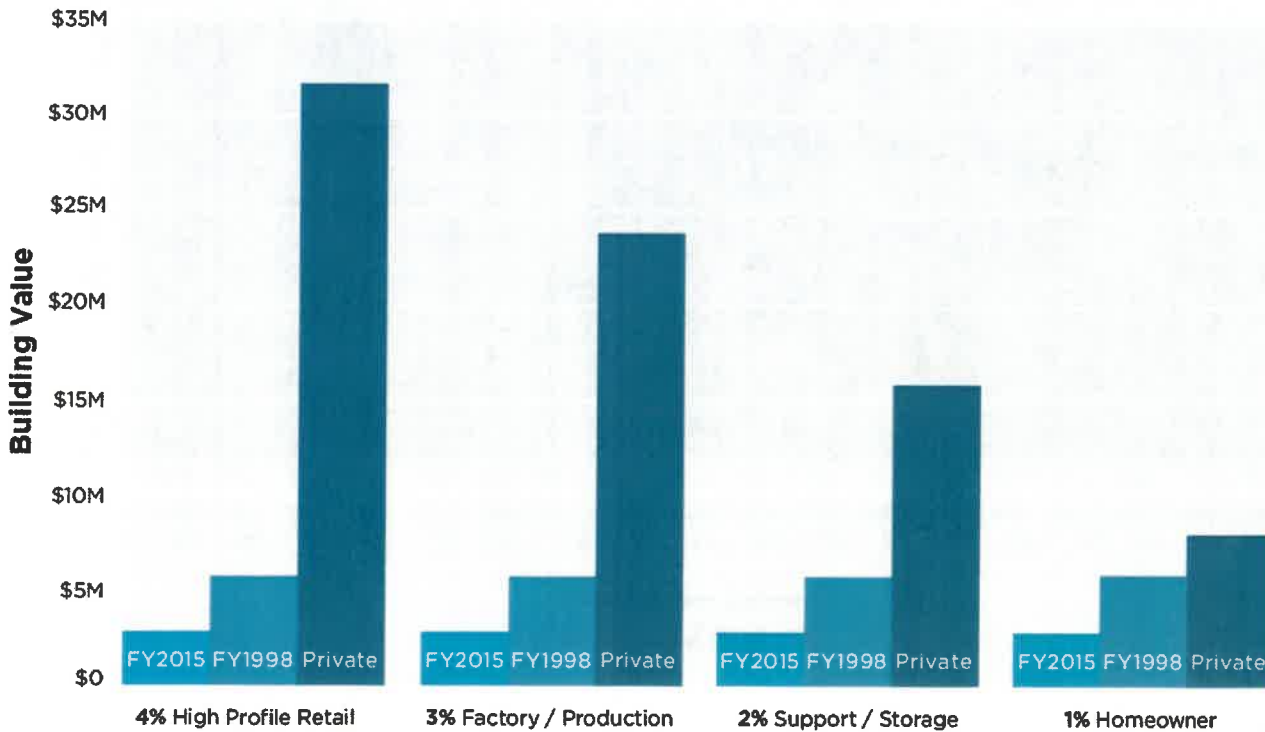
The remaining replacements are to be completed in the following 10-year period. The Capital Investment required is \$37.15 Million. Upon completion, the percentage of facilities ranked as Good to Excellent Condition will increase from 46% to 67%.

**ONGOING CAPITAL INVESTMENT**

Our facility assets have a replacement value in excess of \$700,000,000. The replacement value helps establish a continuing capital renovation/replacement value for the physical assets. This can be compared to private industries standards for various levels of percentage of total asset value for ongoing financial investments to maintain assets. The below chart, Illustration 4, shows this comparison of DPS's current funding level, 1998 funding level verse first a high end retail space for a similar portfolio which equals 4% of the asset. It progresses through manufacturing to storage support space and a final comparison verse a private homeowner. It is the mission of DPS to provide for the long-term improvement and ongoing capital maintenance for the 2,000,000 sq. ft. of General Fund facilities. This includes all planning, budgeting, emergency response and coordinating with client agencies. Each involves the renovation, replacement of equipment, upgrade of facilities and innovation where and when possible to save historic and not so historic structures. Attachment A shows a running list of DPS facilities with the age, replacement values with a total value. At the current rate of funding we are investing less than an average homeowner investment. We are in essence the bad neighbor nearing the level of slum lord.

**Figure 4**  
*Maintenance Cost vs. Industry Standards*

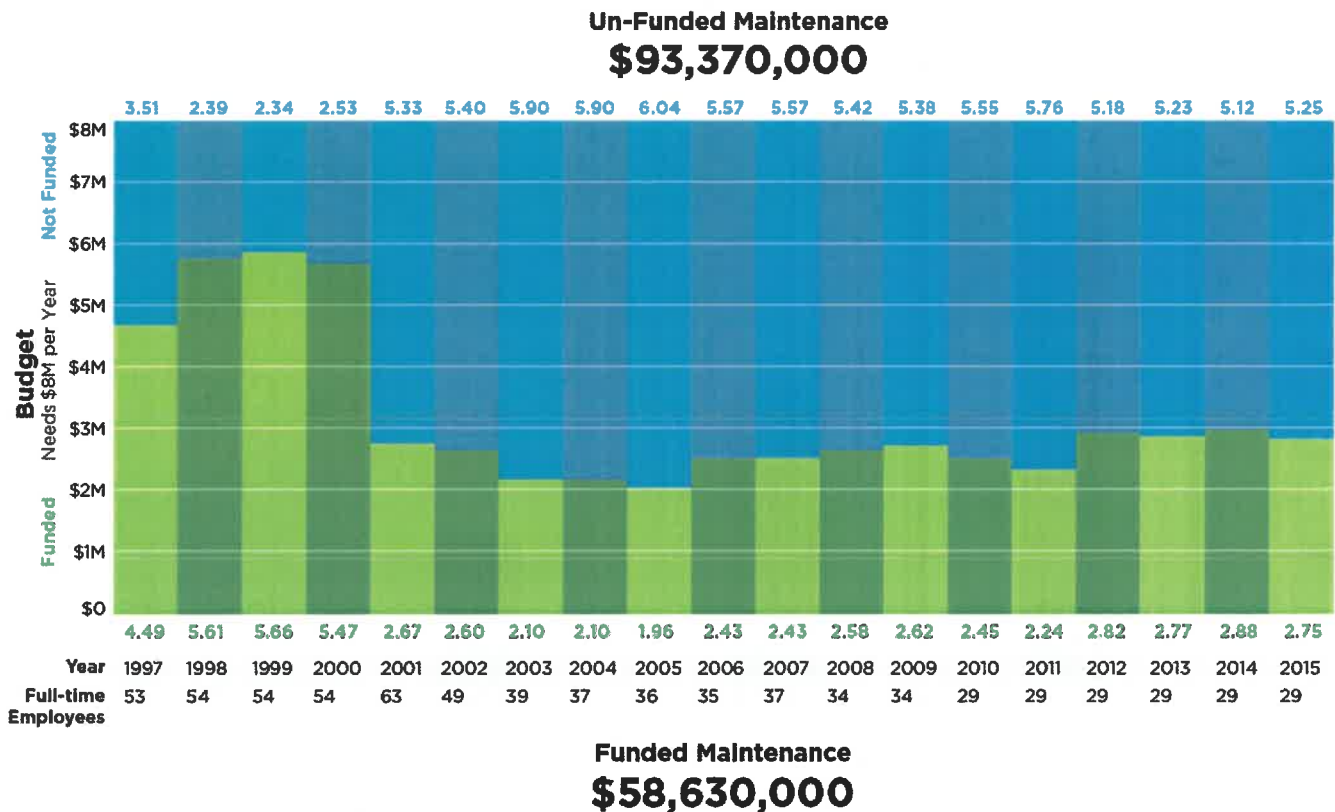
**Building Value**  
**\$790,340,000**



**MAINTENANCE AS CAPITAL SUBSTITUTE**

In 1996 the average industry expenditure for maintenance of facility assets was \$1.20 per square foot. At that time DPS was funded at 0.65 cents per square foot and as a result of the 1996 report received an increase of Small Infrastructure funds for ongoing maintenance, replacement of equipment beyond lifecycle at a level to catch up with previous years neglect. Today almost twenty years later the industry average is \$2.23 per square foot for sustainable. As of 2015 the maintenance funding level at DPS has dropped back to \$1.36 per square foot and maintenance staffing levels have been reduced by almost 50%. This results in increased deterioration of equipment not fully maintained or funded on a regularly scheduled replacement list as almost \$93,370,000 in maintenance has not occurred at the same time capital funds were not available. There exist an increased potential for equipment and building system failures so staff has coordinated a priority list for mission critical equipment at the sacrifice of other equipment and services. As an example specific services such as the 911 Center consumes higher levels of the limited maintenance dollars due to the lifesaving service it provides.

**Figure 5**  
*Maintenance Funding*

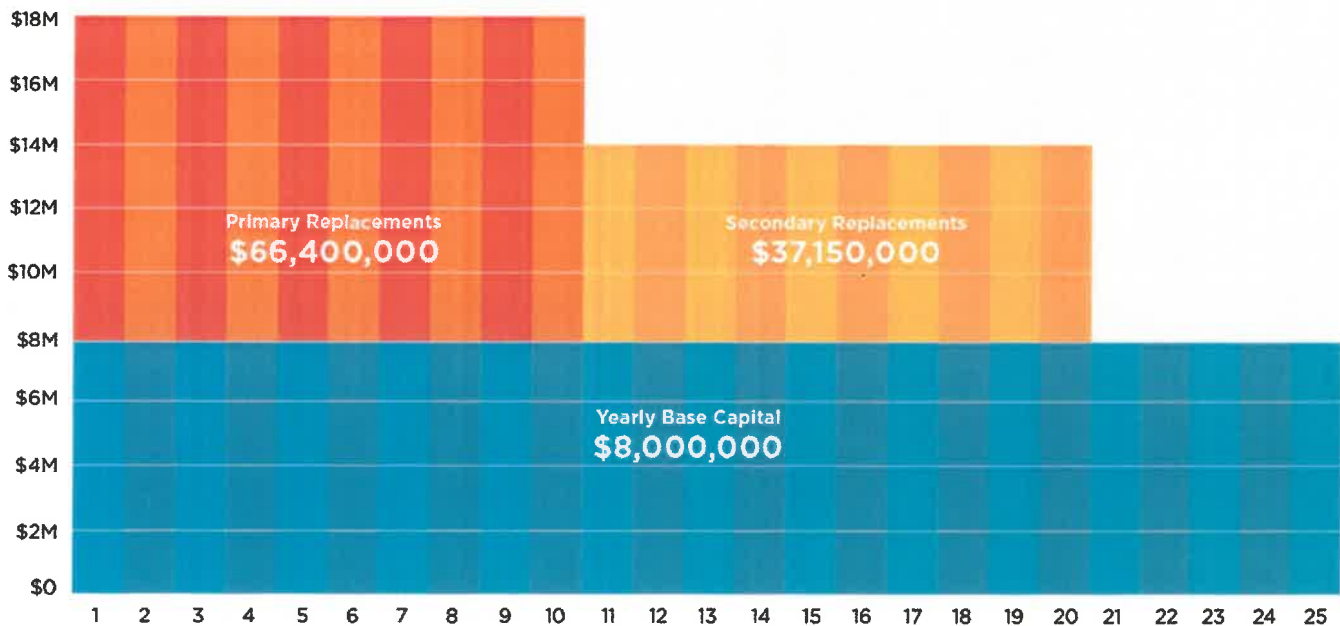




**IMPROVING CONDITIONS AND MOVING FORWARD**

The ability to adjust, improvise and overcome has been an unwritten approach to short and long term planning efforts, maintenance decisions and staff assignments. The Service/Product we provide ranges from daily cleaning, maintenance, equipment replacement, space planning, long range planning, structural review, mechanical systems, hazard determinations, development concepts, real estate strategies, art conservation, upgrades and construction whether for renovation or new facilities. We exist so front line agencies can focus on their main purpose of directly serving the public. DPS provides a wide breadth of experience and institutional knowledge working with assets from the 1880's up to today in a government setting. However, that can only go so far and we passed the tipping point over a decade ago so now we are just treading water. We are putting forward a plan of action that addresses primary goals and services of the City. The illustration below shows us increasing the base capital budget by \$5,000,000 per year for a total of \$8,000,000 or 1 % of the assets value. Plus a \$66,400,000 catastrophic funding to address immediate inadequate and obsolete facilities. Followed by \$37,150,000 in secondary replacements. This illustrates the plan to bring our facilities to the level first submitted in 1988 by the Smale Commission.

**Figure 6**  
*Capital Funding*



## SUMMARY

There are no outside government sources for funding of facility capital improvements and private donors are far more interested and necessary for building such as Music Hall and the Art Museum. Stewardship of over \$700,000,000 in taxpayer investments are being overlooked and ignored while new grand capital improvements are added elsewhere in the City. At the same time simple upkeep levels have fallen below what we expect of homeowners and our maintenance reductions only increase the potential for losing services at one of these vital buildings.

## TODAY WE FACE A DAUNTING REALITY FROM YEARS OF MAKING DUE.

**\$103,550,000** for replacing obsolete and inadequate facilities identified in 1996.

**\$66,400,000** Immediate Replacements

**\$37,150,000** Secondary Replacements

**\$8,000,000** a year in ongoing funding to keep what we have in operating condition

## APPENDIX 1: State of Facilities Report



# FACILITY ANALYSIS

Estimated cost on all following pages should assume a minimum 18% increase.

Facility Analysis

City of Cincinnati  
Department of Public Services

#	ID	Facility	age	Required Capital Improvements	Replacement Cost	Percent Capital Needed vs. Replacement	Overall Rating
1	O37	Municipal Garage	76	NA	\$36,000,000		
2	208	Fire Station 8	84	\$2,700,000	\$5,500,000	49.09%	
3	O05	Police District 5	58	\$4,718,000	\$17,000,000	27.75%	
4	249	Fire Station 49	125	\$2,215,000	\$5,500,000	40.27%	
5	O20	West Fork Incenerator	61	\$2,400,000	NA		
6	237	Fire Station 37	115	\$1,975,000	\$6,000,000	32.92%	
7	235	Fire Station 35	108		SALE	0.00%	
8	250	Fire Station 50	101	\$3,230,000	\$5,500,000	58.73%	
9	O18	Eden Radio Station	135	\$2,275,000	SALE	28.44%	
10	O24	Cormany Garage	86	\$2,850,000	\$2,500,000	114.00%	
11	O05A	District 5 Garage	48		\$250,000	0.00%	
12	O77	Valley View Building	87	\$363,000	\$300,000	121.00%	
13	O19	Renaissance Building	92	\$980,000	\$1,500,000	65.33%	
14	207	Fire Station 7	78	\$3,200,000	\$6,000,000	53.33%	
15	224	Fire Station 24	76	\$265,000	\$6,000,000	4.42%	
16	205	Fire Station 5	56	\$437,000	\$6,000,000	7.28%	
17	221	Fire Station 21	50	\$140,000	\$5,500,000	2.55%	
				\$27,748,000	\$103,550,000	+ 18% = \$149,189,000.00	
				\$66,400,000		+ 18% = \$78,352,000.00	

# FACILITY ANALYSIS



**FACILITY NAME:** MUNICIPAL GARAGE 1106 Bates Ave      **DEPARTMENT/SERVICE:** PUBLIC SERVICES/FLEET      **BUILT/AGE:** 1934/81 yrs.

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	good	acceptable	fair	poor	inadequate
Roof	Out of life-cycle	\$2.5-3M					
Footing stabilization	Required for "slab renovation"	\$3M					
Slab renovation	Within 4 years - potential collapse	\$5-7M					
Doors	Doors too small for modern equipment	\$1-1.5M					
Heating system	Needed within 5 years	\$2.5M					
CNG adaptation	To allow for maintenance of equipment with Natural Gas	\$1.5M					

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 18,500,000**

**OVERALL RATING**



**OTHER CONSIDERATIONS:**

**STRATEGIC LOCATION** **SERVICE**

**CONDITION** **HISTORIC VALUE**

**REPLACEMENT COST:**  
**\$32,000,000**

Land cost not included.



# FACILITY ANALYSIS

**FACILITY NAME:** FIRE STATION 8 5901 Montgomery Rd **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT **BUILT/AGE:** 1931/84 yrs.

## REQUIRED CAPITAL IMPROVEMENTS

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	Condition
Interior Upgrades	Out of life-cycle	\$140,000	poor
Structural Repairs	Leaking throughout	\$225,000	inadequate
Hazard Abatement	Repair and replace	\$85,000	inadequate
Addition for 3 Bays	To meet service demands	\$2,250,000	poor
Drive-thru Bays	Improves response time & improves safety. Not achievable at this location.	\$-	poor

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 2,700,000**

## OTHER CONSIDERATIONS:

<b>STRATEGIC LOCATION</b>		<b>SERVICE</b>	
<b>CONDITION</b>		<b>HISTORIC VALUE</b>	

**OVERALL RATING**



**REPLACEMENT COST:**  
**\$5,500,000**

Police District 5 has vacated this facility and is currently housed in a temporary facility. The current facility does not meet minimum Building Code requirements for a Police District and is operating under a "Time Limited Occupancy. The Leased facility require an estimated \$3,500,000.00 in upgrades to meet the minimum Code.



# FACILITY ANALYSIS

**FACILITY NAME:** POLICE DISTRICT 5 1020 Ludlow Ave      **DEPARTMENT/SERVICE:** CINCINNATI POLICE DEPT.      **BUILT/AGE:** 1954/61 yrs.

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	good	acceptable	fair	poor	inadequate
Fire Alarm Install	Fire safety upgrades	\$50,000					
HVAC Replacements	Equipment out of life-cycle	\$125,000					
Emergency Generator	Back-up power for critical operations	\$143,000					
Location/Size	10,000sf minimum/25% size needed	\$3.2M					
Parking/Mech. Garage	Parking is inadequate & mechanic garage is at remote location	\$350,000-\$1.2M					

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 4,718,000**

**OTHER CONSIDERATIONS:**

<b>STRATEGIC LOCATION</b>		<b>SERVICE</b>	
<b>CONDITION</b>		<b>HISTORIC VALUE</b>	

**OVERALL RATING**



**REPLACEMENT COST:**  
**\$17,000,000**



Land cost not included.

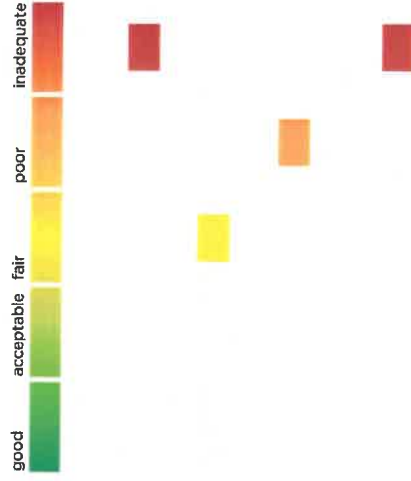


# FACILITY ANALYSIS

**FACILITY NAME:** FIRE STATION 49 5917 Prentice St **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT **BUILT/AGE:** 1890/125 yrs.

## REQUIRED CAPITAL IMPROVEMENTS

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST
Slab renovation	One apparatus bay unusable due to structural deficiency	\$175,000
Interior Upgrades	Required for slab renovation	\$140,000
HVAC Upgrades	Equipment & Distribution	\$150,000
Building Addition	To facilitate 3-Bay apparatus as need for current & future service demands	\$1.75M



## REQUIRED CAPITAL IMPROVEMENTS COST \$ 2,215,000

## OTHER CONSIDERATIONS:

STRATEGIC LOCATION	SERVICE
CONDITION	HISTORIC VALUE

## OVERALL RATING

REPLACEMENT COST: \$5,500,000

The Office of Environmental Sustainability is currently working on an RFP for demolition, to determine accurate cost to raze this structure and possible grant funding options.



# FACILITY ANALYSIS

**FACILITY NAME:** WEST FORK INCINERATOR Millcreek Rd **DEPARTMENT/SERVICE:** PUBLIC SERVICES/VACANT **BUILT/AGE:** 1954/61 yrs.

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	good	acceptable	fair	poor	inadequate
Demolition	Not used/vacant since 1971	\$2.4M					
Roof Replacement	Water pouring into building causing deterioration of structure	\$225,000					
Structural Repairs	Liability	\$400,000					
Hazard Abatement	EPA regulations	\$925,000					
Secure facility	Ongoing vandalism	\$175,000					

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 4,125,000**

**OTHER CONSIDERATIONS:**

<b>STRATEGIC LOCATION</b>	<b>SERVICE</b>
<b>CONDITION</b>	<b>HISTORIC VALUE</b>

**OVERALL RATING**

**REPLACEMENT COST: \$284,000,000**



# FACILITY ANALYSIS

**FACILITY NAME:** FIRE STATION 37 310 Lilienthal St **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT **BUILT/AGE:** 1900/115 yrs.

## REQUIRED CAPITAL IMPROVEMENTS

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	Condition
Interior Upgrades	Ongoing repairs	\$140,000	fair
Located in Flood Plain	Operational deficiency	\$-	poor
Roof Replacement	Out of life-cycle possible failure	\$85,000	inadequate
Building Addition	To facilitate 3-Bay apparatus as need for current & future service demands	\$1.75M	inadequate

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 1,975,000**

## OTHER CONSIDERATIONS:

<b>STRATEGIC LOCATION</b>		<b>SERVICE</b>	
<b>CONDITION</b>		<b>HISTORIC VALUE</b>	

**OVERALL RATING**

**REPLACEMENT COST:**  
**\$6,000,000**

Sold



# FACILITY ANALYSIS

**FACILITY NAME:** OLD FIRE STATION 35 3002 Junietta St **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT **BUILT/AGE:** 1907/108 yrs.

## REQUIRED CAPITAL IMPROVEMENTS

None

## COMMENTS

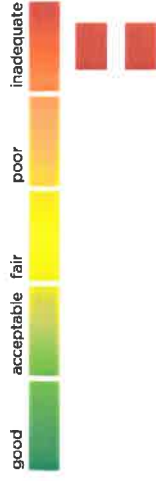
Decommissioned 2013

Negotiating sale of property

## COST

\$0

\$0



## REQUIRED CAPITAL IMPROVEMENTS COST

\$ 0

## OTHER CONSIDERATIONS:

STRATEGIC LOCATION

SERVICE

CONDITION

HISTORIC VALUE

## OVERALL RATING



REPLACEMENT COST:  
\$5,500,000



# FACILITY ANALYSIS

**FACILITY NAME:** FIRE STATION 50 6558 Parkland Ave **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT **BUILT/AGE:** 1914/101 yrs.

## REQUIRED CAPITAL IMPROVEMENTS

Bay size increase

Building addition

Ext. door/windows

Masonry repairs

Roof/Waterproofing

## COMMENTS

Not achievable in current structure  
Current bays do not fit modern equip.

To create 3Bays for service demands

Repair to full operation

Required within 5 years

Required within 5 years

## COST

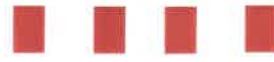
\$-

\$2.5M

\$80,000

\$450,000

\$200,000



## REQUIRED CAPITAL IMPROVEMENTS COST \$ 3,230,000

## OVERALL RATING



## OTHER CONSIDERATIONS:

**STRATEGIC LOCATION**

**SERVICE**

**CONDITION**

**HISTORIC VALUE**

**REPLACEMENT COST:**  
**\$5,500,000**

Historic Structure not to be razed.  
Possible opportunity for Development.



# FACILITY ANALYSIS

**FACILITY NAME:** EDEN PARK RADIO STATION Martin Dr **DEPARTMENT/SERVICE:** VACANT SINCE 1992 **BUILT/AGE:** 1880/135 yrs.

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	good	acceptable	fair	poor	inadequate
Fill vault under road	Original boiler room	\$95,000					
Roof replacement	Significant repairs	\$250,000					
Hazard abatement	Asbestos roof deck	\$750,000					
Masonry repairs	Parapet walls, tuck-pointing & flashing	\$180,000					
Demolition		\$1.5M					

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 2,275,000**

**OTHER CONSIDERATIONS:**

<b>STRATEGIC LOCATION</b>		<b>SERVICE</b>	
<b>CONDITION</b>		<b>HISTORIC VALUE</b>	

**OVERALL RATING**



**REPLACEMENT COST:**  
**\$17,000,000**

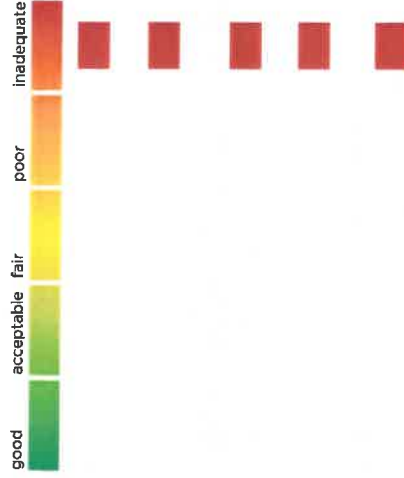


# FACILITY ANALYSIS

**FACILITY NAME:** **CORMANY GARAGE** 3232 Cormanv Ave **DEPARTMENT/SERVICE:** **PUBLIC SERVICES/TROD** **BUILT/AGE:** **1929/86 yrs.**

## REQUIRED CAPITAL IMPROVEMENTS

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST
Roof Replacement	Out of life-cycle	\$750,000
Masonry Repairs	Leaking throughout	\$500,000
Skylights/Windows	Repair and replace	\$200,000
HVAC Equipment	Required within 5 years	\$400,000
Electrical Upgrades	Required within 5 years	\$1,000,00



## REQUIRED CAPITAL IMPROVEMENTS COST

**\$ 2,850,000**

## OTHER CONSIDERATIONS:

<b>STRATEGIC LOCATION</b>		<b>SERVICE</b>	
<b>CONDITION</b>		<b>HISTORIC VALUE</b>	

## OVERALL RATING



**REPLACEMENT COST:**  
**\$2,500,000**



# FACILITY ANALYSIS

**FACILITY NAME:** POLICE DISTRICT 5 GARAGE Ludlow Ave     **DEPARTMENT/SERVICE:** CINCINNATI POLICE DEPT.     **BUILT/AGE:** -/- yrs.

## REQUIRED CAPITAL IMPROVEMENTS

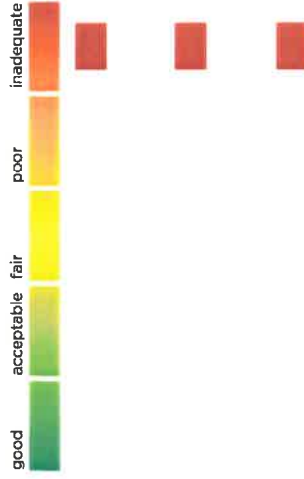
Inadequate facility for Police mechanic  
Leased facility  
Location/Size

## COMMENTS

Service relocated to Municipal Garage  
Operational inefficiency  
Being used for car parking  
Needs to be on site at PD-5

## COST

\$-     \$-     \$-



## REQUIRED CAPITAL IMPROVEMENTS COST \$ -

## OTHER CONSIDERATIONS:

**STRATEGIC LOCATION** [Red bar]     **SERVICE** [Red bar]  
**CONDITION** [Red bar]     **HISTORIC VALUE** [Red bar]

## OVERALL RATING



**REPLACEMENT COST:**  
**\$250,000**





# FACILITY ANALYSIS

**FACILITY NAME:** VALLEY VIEW BLDG 3300 Colerain Ave **DEPARTMENT/SERVICE:** PUBLIC SERVICES/TROD **BUILT/AGE:** 1928/87 yrs.

## REQUIRED CAPITAL IMPROVEMENTS

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	Condition
Hazard Abatement	Currently used for storage only	\$75,000	inadequate
Roof Replacement	Leaking throughout	\$68,000	poor
Masonry Repairs	Water infiltration	\$95,000	poor
Door & Windows	Damaged due to age, not operable	\$45,000	poor
HVAC Equipment	None present	\$80,000	poor

## REQUIRED CAPITAL IMPROVEMENTS COST \$ 363,000

## OVERALL RATING



## OTHER CONSIDERATIONS:

STRATEGIC LOCATION	good	SERVICE	poor
CONDITION	poor	HISTORIC VALUE	poor

**REPLACEMENT COST:**  
\$300,000

Building currently being used as COVID Supply storage, shipping/recieving. Recent development opportunity with National Public Radio has ceased.



# FACILITY ANALYSIS

**FACILITY NAME:** RENAISSANCE BUILDING 316 W. 9th St **DEPARTMENT/SERVICE:** MULTIPLE DEPTS./STORAGE **BUILT/AGE:** 1923/92 yrs.

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	good	acceptable	fair	poor	inadequate
Roof Replacement	Within 3 years	\$180,000					
Masonry Repair	Masonry repair/Door & window replacements/Waterproofing	\$500,000					
Storm Drainage	Repair & replace storm drains	\$35,000					
Fire Suppression System	Complete system for use in document storage facility	\$200,000					
Alarm System		\$65,000					

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 980,000**

**OTHER CONSIDERATIONS:**

<b>STRATEGIC LOCATION</b>		<b>SERVICE</b>	
<b>CONDITION</b>		<b>HISTORIC VALUE</b>	

**OVERALL RATING**



**REPLACEMENT COST:**  
**\$1,500,000**

Land cost not included.



# FACILITY ANALYSIS

**FACILITY NAME:** FIRE STATION 7 2058 Sutton Ave      **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT      **BUILT/AGE:** 1937/78 yrs.

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	Condition Legend
Interior Upgrades	Required for slab renovation	\$150,000	poor
Structural Upgrades	Apparatus Bay slab shoring	\$175,000	inadequate
HVAC Upgrades	Equipment & Distribution	\$125,000	poor
Building Addition	To facilitate 3-Bay apparatus as need for service demands (smallest Station). Not achievable on this site.	\$2.75M	inadequate

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 3,200,000**

**OVERALL RATING**

**OTHER CONSIDERATIONS:**

- STRATEGIC LOCATION
- SERVICE
- CONDITION
- HISTORIC VALUE

**REPLACEMENT COST:**  
**\$6,000,000**



# FACILITY ANALYSIS

**FACILITY NAME:** FIRE STATION 24 4526 Glenway Ave      **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT      **BUILT/AGE:** 1939/76 yrs.

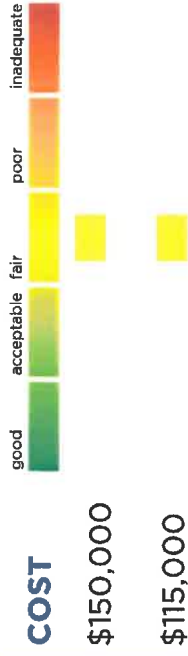
## REQUIRED CAPITAL IMPROVEMENTS

Interior Upgrades  
HVAC Upgrades

## COMMENTS

Repairs & replacements  
Equipment & Distribution

Building addition & renovation completed 2010 to meet service demands of this facility



**COST**  
\$150,000  
\$115,000

**REQUIRED CAPITAL IMPROVEMENTS COST**      **\$ 265,000**

## OTHER CONSIDERATIONS:

**STRATEGIC LOCATION** █

**SERVICE** █

**CONDITION** █

**HISTORIC VALUE** █

## OVERALL RATING



**REPLACEMENT COST:**  
**\$6,000,000**



# FACILITY ANALYSIS

**FACILITY NAME:** FIRE STATION 5 8 E. McMicken St **DEPARTMENT/SERVICE:** CINCINNATI FIRE DEPARTMENT **BUILT/AGE:** 1959/56 yrs.

## REQUIRED CAPITAL IMPROVEMENTS

REQUIRED CAPITAL IMPROVEMENTS	COMMENTS	COST	good	acceptable	fair	poor	inadequate
Structure Improvements	Apparatus bay shoring	\$175,000					
Interior Upgrades	Repairs & replacements	\$140,000					
HVAC Upgrades	Equipment & Distribution	\$122,000					
Apparatus bay improvements	Addition of apparatus, drive-thru bays and increased drive apron to improve response time & safety are not possible at this location.	\$-					

**REQUIRED CAPITAL IMPROVEMENTS COST** **\$ 437,000**

## OTHER CONSIDERATIONS:

<b>STRATEGIC LOCATION</b>		<b>SERVICE</b>	
<b>CONDITION</b>		<b>HISTORIC VALUE</b>	

**OVERALL RATING**

**REPLACEMENT COST:**  
**\$6,000,000**

# State of our Facilities



# What Goes in our “Maintenance” Budget?

## Maintenance

- Electrical
- Plumbing
- Carpentry
- HVAC
- Mason
- Roofing
- Life Safety Systems
- Elevators
- All Building Systems

## Other (i.e. “pass through”)

- Property Taxes
- Storm Water
- Utilities
- Cleaning
- Security
- Fountain Square Management
- Findlay Market
- Centennial II Plaza Rent



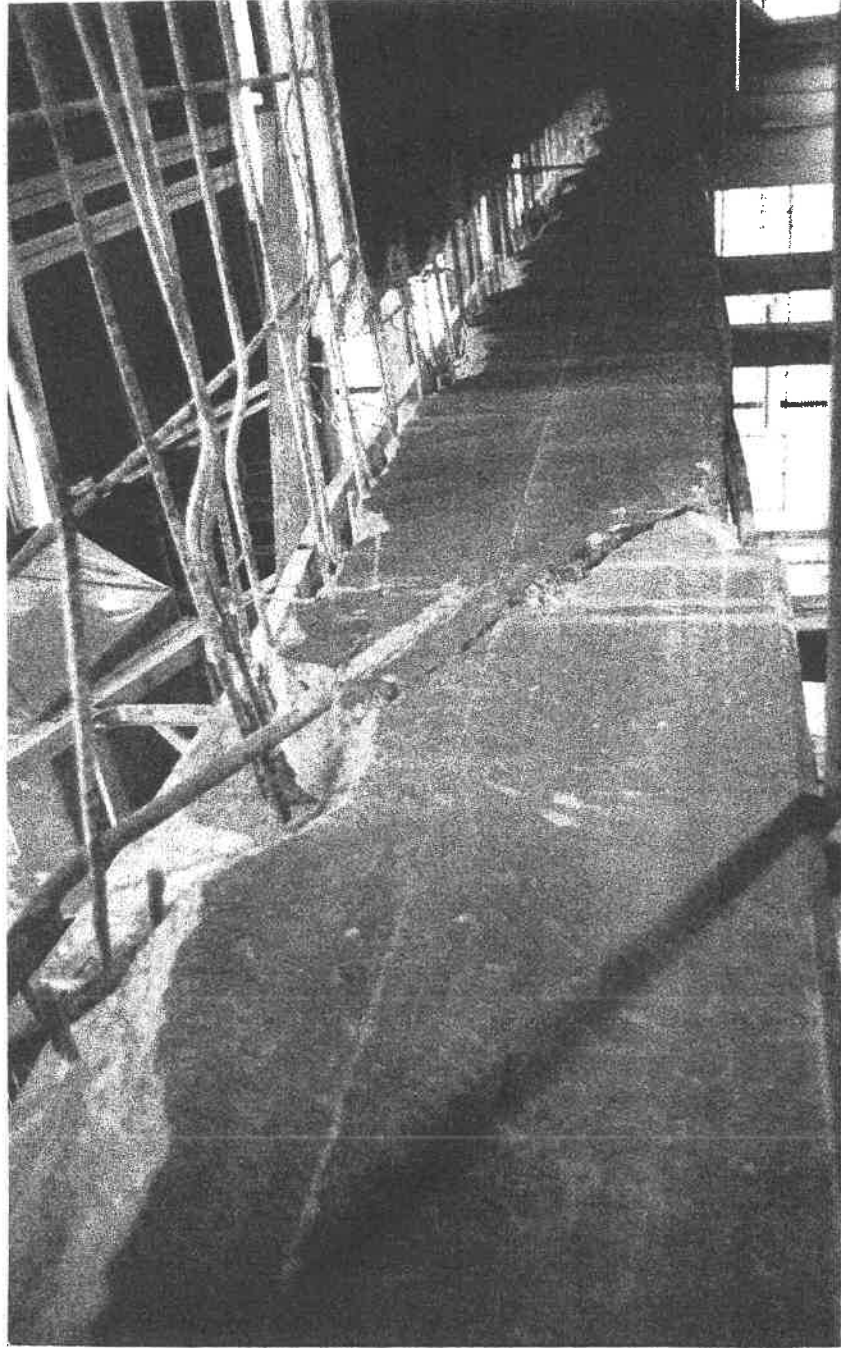
# City Facility Management

## 1998

- FTE 54
- Maintenance Budget \$5,613,000

## 2015

- FTE 29 27 FTE in 2022
- Maintenance Budget \$2.6M
- 1998 Adjusted for inflation \$9.2M





162 Years	1852	Findlay Market	26,630	\$	21,000,000.00
	1871	Tyler Davidson Fountain	26,500	\$	10,000,000.00
140 Years	1880	Eden Park Radio Station	1,500	\$	5,000,000.00
	1880	Eden Park Water/Radio Tower	1,500	\$	1,000,000.00
	1887	Probasco Fountain	15,000	\$	1,000,000.00
	1890	College Hill Town Hall	237,750	\$	3,750,000.00
120 years	1893	City Hall	8,414	\$	200,000,000.00
	1900	Fire Station #37	4,150	\$	6,000,000.00
	1900	Fire Station #49	10,701	\$	5,500,000.00
110 years	1906	Fire Station #34	15,877	\$	6,000,000.00
	1907	Old District 3 Police	6,850	\$	5,000,000.00
	1907	Fire Station #35	10,950	\$	2,000,000.00
	1908	Fire Station #46	8,025	\$	6,000,000.00
	1909	Fire Station #38	6,350	\$	5,500,000.00
100 years	1914	Fire Station #50	27,393	\$	5,500,000.00
90 Years	1925	Renaissance Building	2,800	\$	2,500,000.00
	1928	Valley View Building	41,000	\$	300,000.00
	1929	Cormany Garage	6,888	\$	3,250,000.00
	1931	Fire Station #8	32,400	\$	5,500,000.00
	1932	Dunbar Garage	9,501	\$	3,600,000.00
80 years	1937	Fire Station #2	4,951	\$	5,500,000.00
	1937	Fire Station #7	171,000	\$	6,000,000.00
	1939	Fleet Services	11,165	\$	18,000,000.00
	1939	Fire Station #24	18,752	\$	6,000,000.00
	1939	Fire Station #29	61,875	\$	6,500,000.00
	1943	Beekman Street Garage	5,364	\$	4,600,000.00
70 Years	1946	Police Target Range	12,300	\$	1,150,000.00
	1950	District 2 Police	807	\$	12,000,000.00
	1950	Fire Training Building @ West Fork	2,400	\$	400,000.00
	1950	High Intensity Building	29,328	\$	250,000.00
	1951	Fire Station #3	20,160	\$	6,000,000.00
	1953	Fire Station #17	12,000	\$	6,000,000.00
	1953	Fire Station #31	60,000	\$	6,000,000.00
	1954	West Fork Incinerator	51,688	\$	2,400,000.00
60 Years	1955	District 1 Police	9,445	\$	20,000,000.00
	1957	District 5 Police	17,100	\$	17,000,000.00
	1959	Fire Station #5	44,590	\$	6,000,000.00
	1961	Colerain Avenue Garage	88,000	\$	4,500,000.00
	1961	WestFork Garage		\$	16,000,000.00

1962	Fire Station #14		35,757	\$	6,000,000.00
1964	One Stop Permit Center		30,700	\$	5,250,000.00
1965	Spinney Field		40,000	\$	6,750,000.00
1965	14th Street Lot		80,000	\$	1,200,000.00
1965	Fire Station #21		10,161	\$	5,500,000.00
1967	District 5 Garage	10.80%	5,000	\$	250,000.00
1968	Fire Station #19		17,475	\$	6,500,000.00
1970	Town Center Storage		5,000	\$	250,000.00
1970	Fire Station #18		18,357	\$	6,500,000.00
1971	19 West Elder		20,000	\$	2,900,000.00
1975	District 4 Police		33,367	\$	20,000,000.00
1975	Asphalt Section Bldg.		7,300	\$	365,000.00
1975	Parking Facilities		8,000	\$	1,200,000.00
1977	Fire Station #32		22,033	\$	6,500,000.00
1978	Fire Station #12		17,080	\$	5,500,000.00
1980	Traffic Engineering Controller Shop		3,000	\$	375,000.00
1980	Dunbar Salt Storage		7,861	\$	1,800,000.00
1980	North Central Yards		7,859	\$	275,000.00
1980	Fire Station #23		15,120	\$	5,500,000.00
1982	Asphalt Plant Pole Bldg.		2,400	\$	150,000.00
1982	Fire Station #20		19,922	\$	6,000,000.00
1989	Paint Storage Building		2,250	\$	125,000.00
1989	Two Centennial Plaza		183,000	\$	9,250,000.00
1990	Police Investigations/Property	4.80%	36,000	\$	900,000.00
1991	Traffic Control Center		2,400	\$	3,600,000.00
1992	Crookshank Salt Storage		7,859	\$	1,800,000.00
1995	Police Impounding Lot		7,000	\$	2,500,000.00
1995	Police Impounding Lot Garages		3,000	\$	250,000.00
1995	Asphalt Shed		1,000	\$	125,000.00
1996	Valley View Salt Storage		17,671	\$	2,200,000.00
1998	Police Swat Garage	9.60%	2,500	\$	250,000.00
1999	District 2 Police		5,000	\$	15,000,000.00
2000	Radcliff		58,884	\$	24,000,000.00
2001	Crookshank Garage		28,400	\$	3,800,000.00
2006	North Central Yards Building		1,500	\$	175,000.00
2006	Fountain Square		52,500	\$	150,000,000.00
2008	Fire Burn Building		3,384	\$	1,400,000.00
2008	Fire Station #9	03/19/2015	15,555	\$	5,500,000.00
2009	Fire Training Homeland Security		4,000	\$	600,000.00
2010	Police Welcome Center at the Ranks		5,000	\$	750,000.00

2010	Police Welcome Center at the Banks	5,000	\$	750,000.00
2010	Fire Station #51	15,000	\$	5,750,000.00
2013	DPS Building	29,490	\$	4,200,000.00
2013	Fire Station #35	17,000	\$	5,500,000.00
2015	New Police District 3	40,000	\$	17,000,000.00
*****	Police Vice	30,000	\$	4,200,000.00

**Total Value \$ 790,340,000.00**

**Total Square Foot**

**Community Treasures**

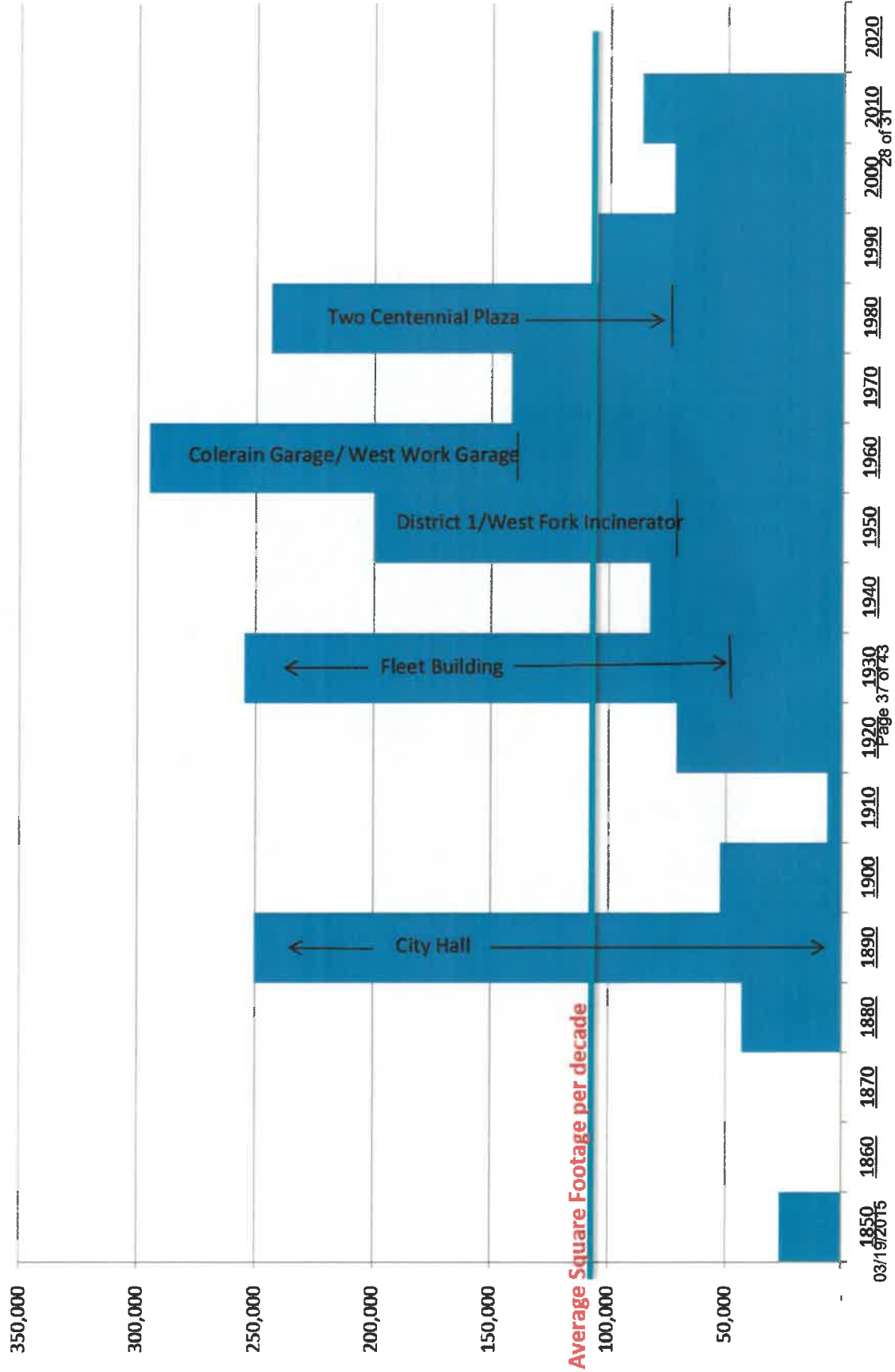
144 Years	1876	Music Hall	300,000	\$	175,000,000.00
	1882	Art Museum	300,000	\$	175,000,000.00
	1890	College Hill Town Hall	15,000	\$	3,750,000.00
90 Years	1930	Cincinnati Museum Center	450,000	\$	300,000,000.00
	1930	Shillito's Building	500,000	\$	90,000,000.00
50 Years	1965	Convention Center	750,000	\$	650,000,000.00

**Value \$ 1,393,750,000.00**

**Square Foot**

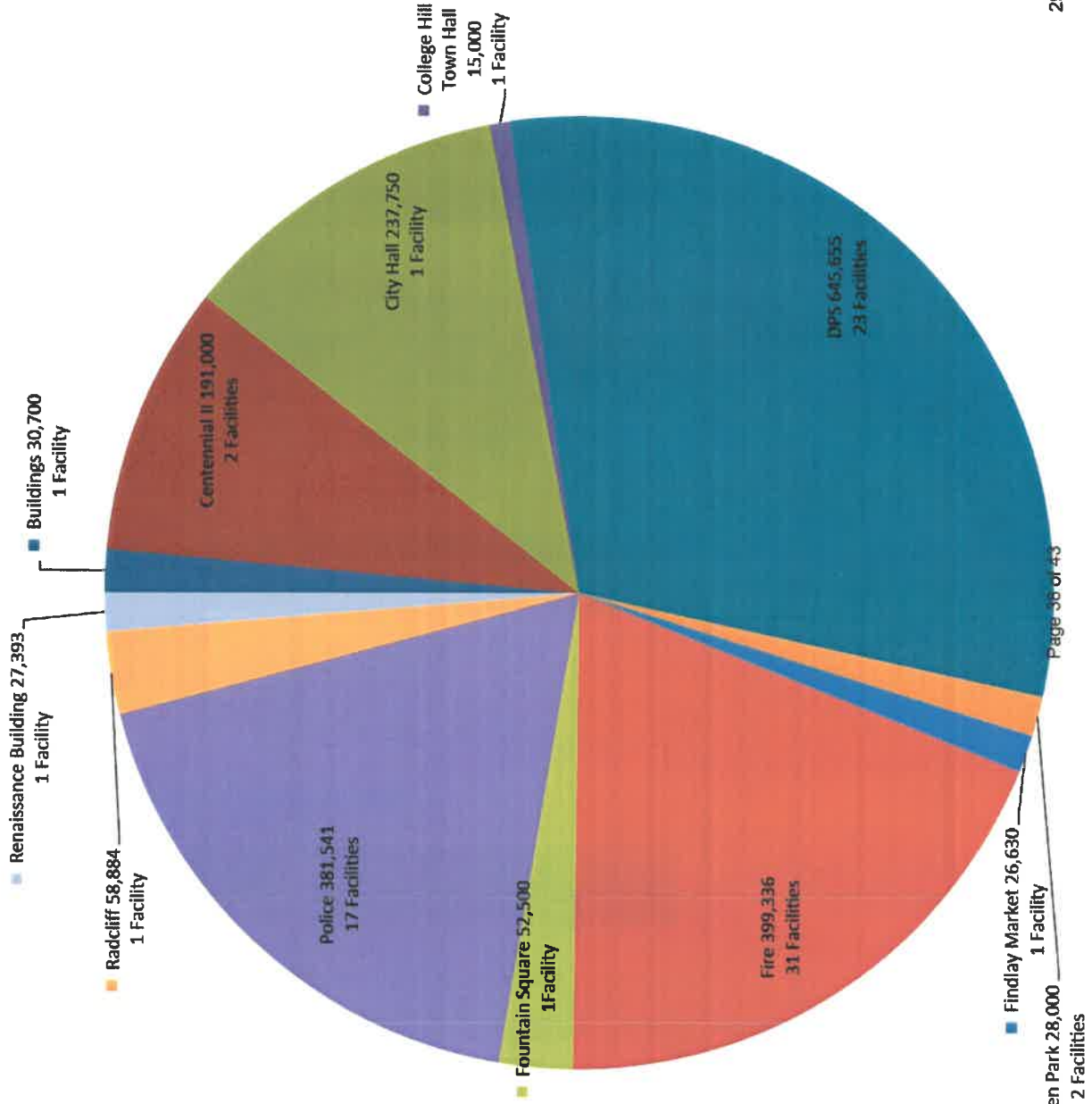
**2,315,000**

# SQ. FT. New Construction 1850-2015



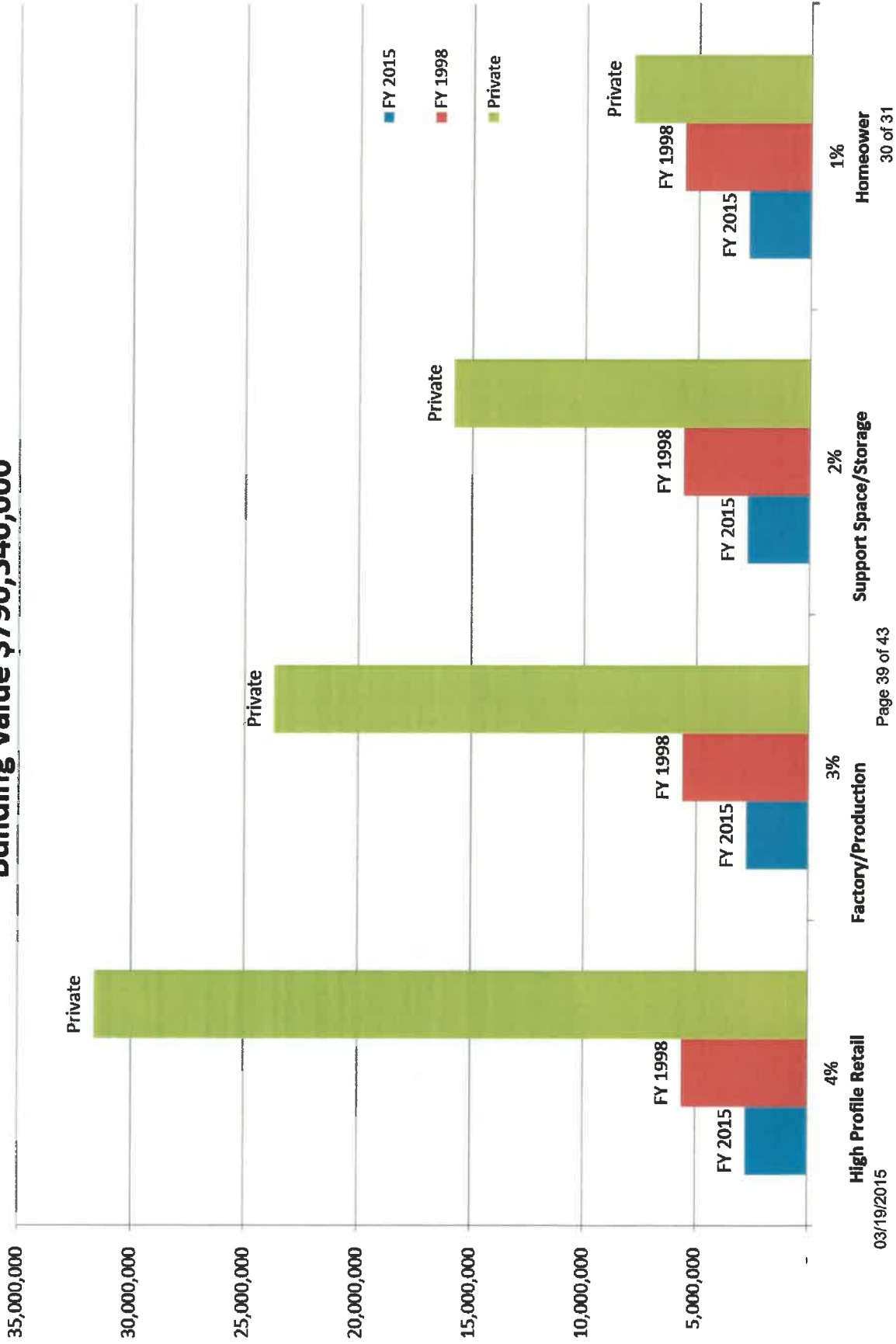
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# Square Footage

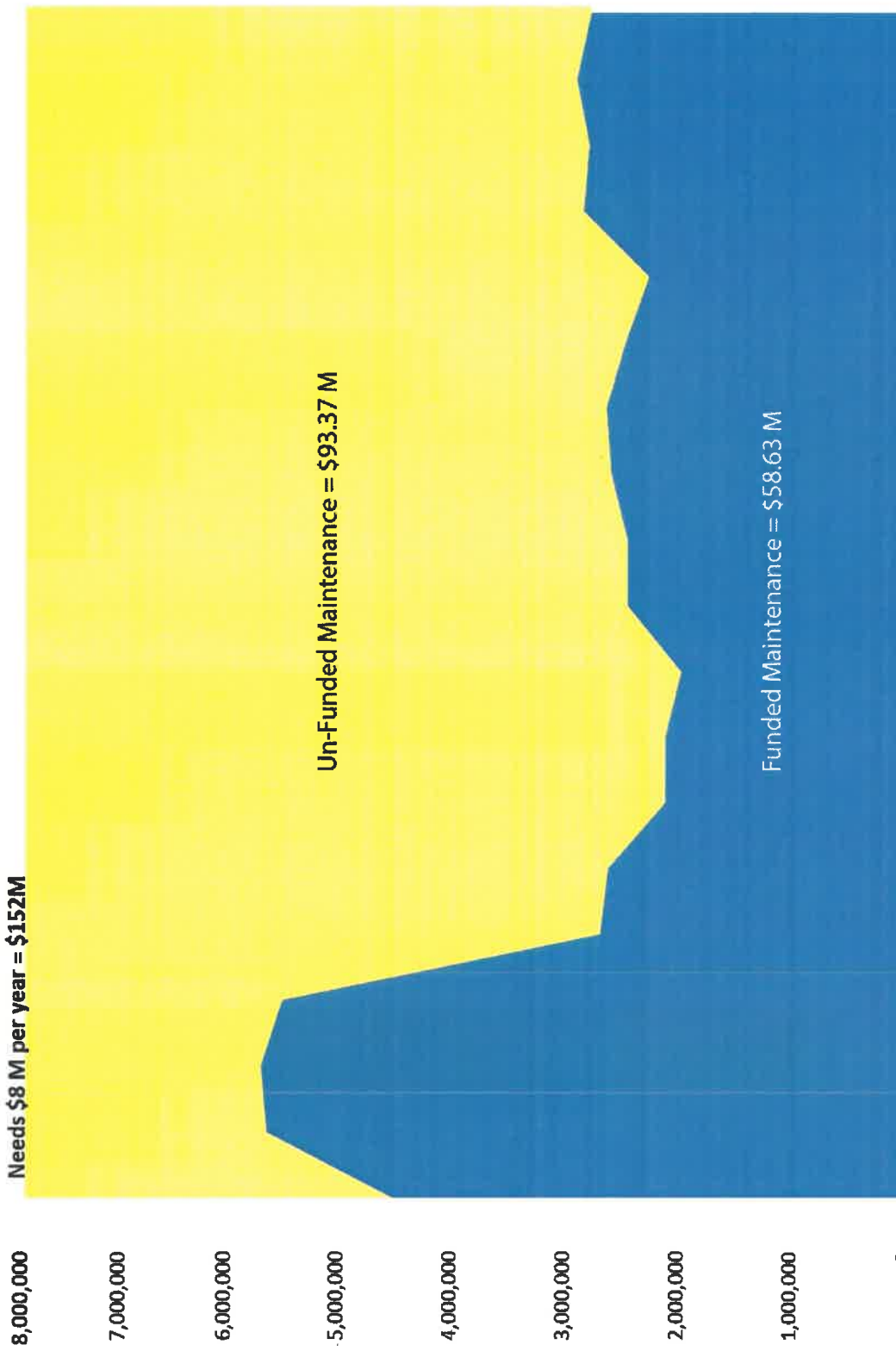




# Maintenance cost compared to Industry Standards Building Value \$790,340,000



# City Facility Management Operating Budget



	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Maintenance	4,49	5,61	5,66	5,47	2,67	2,60	2,10	2,10	1,96	2,43	2,43	2,58	2,62	2,45	2,24	2,82	2,77	2,88	2,75
FTE	53	54	54	54	63	49	39	37	40	35	37	34	34	29	29	29	29	31	29

## APPENDIX 2: Capital Replacement Priorities

## FACILITIES PRIORITIES

### 1. FLEET SERVICES FACILITY \$ 32M

A new Fleet Maintenance Facility would offer not only improved efficiency and reduced maintenance costs; it would also give the opportunity for revenue generation by offering services to other agency fleet owners.

Based on industry best practices, the city can expect to see increased productivity of 10-20% with an improved facility layout. This is prior to any organizational restructuring.

There are significant limitations of existing facility and its site that cannot be effectively improved or corrected. Extensive capital investment is required to keep an inadequate facility merely operating. Items on list could become emergencies at any time, resulting in loss of services.

**CFM reviewed the Fleet Services Study lead by CGWW and the former Director of Public Services for scope, cost per sq. ft., new equipment assumptions, and contingencies and then compared those to our current cost data we have in house. With just that brief review we believe we could value engineer the cost down to between \$28,000,000 to \$29,000,000 from the lowest cost option shown. Additionally equipment for use by Fleet Services included in the study budget would need to be determined if it is a Fleet Capital Equipment or Facility Capital cost. Lastly we would review the potential use of PACE financing for any and all energy related items.**

### 2. FIRE STATION #8 \$ 5.5M

Single Apparatus Bay

Hillside site shows signs of constant settlement

Location is not ideal for current service demands

Previous attempts to acquire adjacent land were unsuccessful

Improvements affecting efficiency and fire fighter safety are not possible at existing location

Located at major intersection often causing delays when traffic is blocking egress

### 3. POLICE DISTRICT 5 \$ 17M

Location is not ideal for current service demands

Site is too small to add necessary functions

Currently operating at ¼ the size required for a comparable district

CPD threat assessment identifies major safety and security issue with current location

**Total \$54,500,000**

**Total after Fleet value engineering \$50,500,000 - \$51,500,000**

**4. FIRE STATION #49** **\$ 5.5M**

Apparatus Bay doors too small for modern apparatus. Currently only using oldest apparatus that can fit. When this equipment becomes non-functional there will be no apparatus that will fit in this station

Station has two apparatus bays, one of which is not structurally capable of supporting apparatus  
Current service demand in this area requires a three-bay station

**5. WEST FORK INCINERATOR DEMOLITION** **\$ 2.4M**

Deterioration of this structure that has been abandoned since vacant since 1971 poses a significant liability to the City.

Demolition of the structure and remediation the site is recommended

**Cincinnati Health Department Capital Priorities and Deferred Capital Maintenance**

<b>Capital Priority Needs</b>			
<b>Project</b>	<b>Scope of Work</b>	<b>Cost</b>	<b>Neighborhood</b>
Security Cameras/Video Surveillance System	Installation of various camera solutions throughout the CHDs 10 stand alone clinics, 12 school-based clinics, and various other health facilities that service the public.	\$450,000	Various
Price Hill Health Center Parking Lot Expansion	Acquisition of property adjacent to, or nearby, the Price Hill Health Center, to convert to additional patient parking. Costs would include demolition of existing building(s) and paving/surfacing of the new lot.	\$300,000	Price Hill
Bobbie Sterne Health Center	Renovate 5 dental operatories that are 20+ years old and beyond useful lifecycle	\$80,000	Over the Rhine
<b>Deferred capital maintenance</b>			
<b>Project</b>	<b>Scope of Work</b>	<b>Cost</b>	<b>Neighborhood</b>
Bobbie Sterne Health Center	Install new fire pump	\$40,000	Over the Rhine
Burnet & King	Paint building exterior	\$155,000	Corryville
Burnet & King	Install new breaker panels	\$70,000	Corryville
Burnet & King	Install new fire pump	\$40,000	Corryville
Burnet & King	Call Center Relocation	\$250,000	Corryville
Burnet & King	Boiler - Original to building, 52 years old. \$6,000 was invested into a new controller last year	\$40,000	Corryville
Burnet & King	Roof - Needs full replacement. Spot repairs have been performed to remediate leaks	\$60,000	Corryville
Burnet & King	Elevators - Original to building, 52 years old. \$30K in preventative maintenance spent annually.	\$250,000	Corryville
Burnet & King	Asbestos remediation - All steam piping and water lines. Not drainage lines. Likely all flooring material.	\$350,000	Corryville
Burnet & King	Structural cracks - Observable in basement and 4th floor mechanical room. Condensation and cracks cause water to leak from the roof.	\$150,000	Corryville
Burnet & King	Doors (ext. & int.) - Repeated issues documented with double entry doors on ground floor, automatic sliding doors, and exit door on loading dock. Many interior doors are showing signs of damage and heavy wear.	\$50,000	Corryville
Burnet & King	Window Seals - Air current observable in some offices. Second floor pools water during heavy rain events.	\$60,000	Corryville

<b>Deferred capital maintenance (continued)</b>			
<b>Project</b>	<b>Scope of Work</b>	<b>Cost</b>	<b>Neighborhood</b>
Burnet & King	Breaker Panels - Panels are weak and require frequent resets.	\$20,000	Corryville
Burnet & King	Painting - Paint chipping on building exterior. Especially observable on 4th floor.	\$155,000	Corryville
Burnet & King	Parking Lot Gates - Existing gates are frequently out of service.	\$35,000	Corryville
Burnet & King	3rd Floor convert old lab to admin space	\$300,000	Corryville
Burnet & King	Generator for the entire building	\$260,000	Corryville
Burnet & King	Generator on the 3rd floor for the Vaccines (as alternate to whole building generator)	\$35,000	Corryville
Northside Health Center	Remodel to create co-located peds-provider area near lab	\$15,000	Northside
Northside Health Center	Remodel to create co-located adult-provider area near records room	\$80,000	Northside
Northside Health Center	Generator	\$30,000	Northside
Price Hill	Reseal & restripe parking lot	\$15,000	Price Hill
Price Hill	Generator	\$30,000	Price Hill



# FACILITY ASSESSMENT & SIX YEAR PLAN 2023-2028

CAPITAL BUDGET REQUEST AND SIX YEAR PLAN







**2023-2024 RECREATION CAPITAL BUDGET REQUEST**

	<u>2023</u>	<u>2024</u>
Recreation Facilities Renovations	\$20,301,000	\$14,104,000
Aquatic Facilities Renovations	\$15,916,000	\$12,296,000
Athletic Facilities Renovations	\$6,156,000	\$2,609,000
Outdoor Facilities Renovations	\$6,943,000	\$4,076,000
Compliance with ADA	\$200,000	\$200,000
Total:	\$49,516,000	\$33,285,000

Recreation Facilities: Recreation Center, Maintenance Buildings, Miscellaneous Buildings, Miscellaneous Capital  
 Athletic Facilities: Athletic Fields, Outdoor Basketball Courts, Tennis Courts, Miscellaneous Athletic Renovations  
 Outdoor Facilities: Playgrounds, Shelters, Trails, Pavement, Miscellaneous Pavement Renovations, Miscellaneous  
 Outdoor Renovations  
 Aquatic Facilities: Pools/Spraygrounds, Miscellaneous Aquatic Renovations

**NOTE: The capital improvement projects listed in the six year plan would only be done in the budget year time frame listed if requested funding is received. Refer to annual capital plan for what projects are scheduled. If funding is not received, the project is delayed until the project is funded.**

**Summary of Capital Costs  
6 Year Projection**

	<b>Recreation Facilities</b>	<b>Aquatic Facilities</b>	<b>Athletic Facilities</b>	<b>Outdoor Facilities</b>	<b>Compliance with ADA</b>	<b>Total</b>
<b>2023</b>	\$20,301,000	\$15,916,000	\$6,156,000	\$6,943,000	\$200,000	\$49,516,000
<b>2024</b>	\$14,104,000	\$12,296,000	\$2,609,000	\$4,076,000	\$200,000	\$33,285,000
<b>2025</b>	\$7,511,000	\$9,795,000	\$2,093,000	\$2,533,000	\$200,000	\$22,132,000
<b>2026</b>	\$8,857,000	\$13,878,000	\$1,938,000	\$3,506,000	\$200,000	\$28,379,000
<b>2027</b>	\$4,821,000	\$7,124,000	\$1,054,000	\$2,169,000	\$200,000	\$15,368,000
<b>2028</b>	\$4,445,000	\$1,585,000	\$1,624,000	\$1,959,000	\$200,000	\$9,813,000
<b>Total:</b>	\$60,039,000	\$60,594,000	\$15,474,000	\$21,186,000	\$1,200,000	\$158,493,000

(Budget Year of 2023 is from July 1, 2022 through June 30, 2023)

**6 Year B&E Preliminary Budget**

	<b>Recreation Facilities</b>	<b>Aquatic Facilities</b>	<b>Athletic Facilities</b>	<b>Outdoor Facilities</b>	<b>Compliance with ADA</b>	<b>Total</b>
<b>2023</b>	\$1,709,000	\$411,000	\$499,000	\$369,000	\$103,000	\$3,091,000
<b>2024</b>	\$1,791,000	\$427,000	\$465,000	\$360,000	\$102,000	\$3,145,000
<b>2025</b>	\$1,811,000	\$432,000	\$470,000	\$364,000	\$101,000	\$3,178,000
<b>2026</b>	\$1,801,000	\$442,000	\$482,000	\$369,000	\$103,000	\$3,197,000
<b>2027</b>	\$1,814,000	\$444,000	\$485,000	\$370,000	\$104,000	\$3,217,000
* <b>2028</b>	\$1,814,000	\$444,000	\$485,000	\$370,000	\$104,000	\$3,217,000
<b>Total:</b>	\$10,740,000	\$2,600,000	\$2,886,000	\$2,202,000	\$617,000	\$19,045,000

\*2027 values used for 2028

**Additional Funds Requested**

	<b>Recreation Facilities</b>	<b>Aquatic Facilities</b>	<b>Athletic Facilities</b>	<b>Outdoor Facilities</b>	<b>Compliance with ADA</b>	<b>Total</b>
<b>2023</b>	\$18,592,000	\$15,505,000	\$5,657,000	\$6,574,000	\$97,000	\$46,425,000
<b>2024</b>	\$12,313,000	\$11,869,000	\$2,144,000	\$3,716,000	\$98,000	\$30,140,000
<b>2025</b>	\$5,700,000	\$9,363,000	\$1,623,000	\$2,169,000	\$99,000	\$18,954,000
<b>2026</b>	\$7,056,000	\$13,436,000	\$1,456,000	\$3,137,000	\$97,000	\$25,182,000
<b>2027</b>	\$3,007,000	\$6,680,000	\$569,000	\$1,799,000	\$96,000	\$12,151,000
<b>2028</b>	\$2,631,000	\$1,141,000	\$1,139,000	\$1,589,000	\$96,000	\$6,596,000
<b>Total:</b>	\$49,299,000	\$57,994,000	\$12,588,000	\$18,984,000	\$583,000	\$139,448,000

**Capital Assessment for Recreation, Maintenance, and Miscellaneous Facilities**

	RECREATION CENTER	SQ. FT.	NEIGHBORHOOD	ESTIMATED FUNDING/COST TO RENOVATE EXISTING CENTER	BUDGET YEAR	LAST RENOVATION/ YEAR BUILT	AGE AT NEXT RENOVATION
1	* Oakley**	8,600	Oakley	\$2,600,000	2023	1991	32
2	* Pleasant Ridge	18,590	Pleasant Ridge	\$4,820,000	2023	1974	49
3	Dunham	40,000	West Price Hill	\$5,967,000	2023	1932	91
4	Sayler Park	14,326	Sayler Park	\$3,887,000	2024	1977	47
5	Bond Hill	22,000	Bond Hill	\$4,671,000	2024	1995	29
6	North Avondale	16,940	North Avondale	\$3,964,000	2024	1976	48
7	Over the Rhine	31,690	Over the Rhine	\$4,968,000	2025	1974	51
8	Corryville	22,000	Corryville	\$3,112,000	2026	1999	27
9	College Hill	28,000	College Hill	\$3,907,000	2026	2002	24
10	Lincoln	18,666	West End	\$3,815,000	2027	2003	24
11	Madisonville	19,405	Madisonville	\$3,383,000	2028	2002	26
12	Mt. Washington	37,600	Mt. Washington	\$4,832,000	2029	2005	24
13	Millvale	45,288	Millvale	\$4,615,000	2030	2005	25
14	Winton Hills	22,202	Winton Hills	\$3,079,000	2031	2006	25
15	* LeBlond	16,340	East End	\$2,941,000	2032	2007	25
16	* Westwood Town Hall	15,039	Westwood	\$3,787,000	2033	2005	28
17	Bush	21,526	Walnut Hills	\$2,891,000	2034	2008	26
18	Hartwell	9,000	Hartwell	\$2,172,000	2035	2009	26
19	Evanston	22,000	Evanston	\$3,111,000	2036	2010	26
20	McKie	19,943	Northside	\$3,787,000	2037	2012	25
21	* Price Hill	15,771	East Price Hill	\$3,289,000	2038	2014	24
22	Clifton	16,970	Clifton	\$3,341,000	2039	2014	25
23	Hirsch	24,600	Avondale	\$2,623,000	2040	2019	21

Total Sq. Ft. 514,496 Total: \$85,562,000

\*\* Funding sources for a new 24,100 sq-ft Oakley Recreation Center (\$8.4M estimate-in 2018 dollars) to be budgeted from: \$2.0M community raising , \$2.5M 2017 city funding , \$1.5M 2018 city funding, \$3.9M 2019 w/o community funds.

Recreation Facility Centers Budget	
Year	Totals
2023	\$13,387,000
2024	\$12,522,000
2025	\$4,968,000
2026	\$7,019,000
2027	\$3,815,000
2028	\$3,383,000

\*On Cincinnati Park Board Property

Site currently under construction.

Service life of a building is infinite as long as the building undergoes a minor renovation every 10 years and a major renovation every 20 years. The major renovation would replace worn out and out dated mechanical and life safety equipment. The interior would also be updated to meet the changing requirements of The Building Codes.

**Miscellaneous Capital**

	<b>MISCELLANEOUS CAPITAL</b>	<b>ADDRESS</b>	<b>NEIGHBORHOOD</b>	<b>COST</b>	<b>YEAR</b>
1	Millvale exit stair railings, install new to code			\$85,000	2023
2	Hille caretaker house - demolition if not sold	Roll Ave		\$15,000	2023
3	Dunham old Golf bldg -roof and ceiling repairs			\$150,000	2023
4	Over The Rhine Steeple Repair	1715 Republic St.	OTR	\$60,000	2023
5	Bush Recreation Center finish exterior masonry	2640 Kemper Ln.	Walnut Hills	\$120,000	2023
6	Dunham Recreation Center - water intrusion issue	4356 Dunham Ln.	West Price Hill	\$65,000	2023
7	Lobby, flooring, upgrade improvements at six recreation centers		Citywide	\$300,000	2023
8	Millvale exterior masonry work		Millvale	\$55,000	2023
9	Lincoln exterior masonry work		west end	\$105,000	2023
10	Roof access codes issues - add ladders, handrails		Citywide	\$150,000	2023
11	Emergencies and Community/Priority Requests	-	Citywide	\$250,000	2023
12	Diagnostic Roof Analysis (8 centers)		Citywide	\$35,000	2023
13	Restore roof warranty and roof renovations (4 sites)		Citywide	\$1,031,000	2023
14	Westwood Town Hall Bell Tower repairs			\$45,000	2023
15	Oakley HVAC units replacement (if new center not built)		Oakley	\$75,000	2023
16	Sayler Park HVAC units replacement		Sayler Park	\$35,000	2023
17	Pleasant Ridge HVAC units replacement		Pleasant Ridge	\$85,000	2023
18	Madisonville HVAC units replacement		Madisonville	\$75,000	2023
19	Over Boxing HVAC replacement	1715 Republic St.	OTR	\$24,000	2023
20	Millvale Water Boiler	3303 Beekman Ave.	Millvale	\$25,000	2023
21	Dunham Recreation Center - lower level structural problem	4356 Dunham Ln.	West Price Hill	\$55,000	2023
22	Mt. Washington Boiler Replacement	1715 Beacon St.	Mt. Washington	\$53,000	2023
23	Dunham School House- Add first floor restroom	4356 Dunham Ln.	West Price Hill	\$125,000	2023
24	Security Systems at Various Centers	-	Citywide	\$75,000	2023
25	North Avondale gym ceiling acoustic material	617 Clinton Springs Ave.	North Avondale	\$55,000	2023
26	North Avondale AC in Weight Room	617 Clinton Springs Ave.	North Avondale	\$17,000	2023
27	Dunham old golf bldg roof		West Price Hill	\$120,000	2023
28	Roof Survey (Misc. Sites)	-	Citywide	\$15,000	2023
29	Dunham tunnel roof structure		West Price Hill	\$64,000	2023
30	Oakley Center Roof replacement (if new center not built)	3900 Paxton Ave	Oakley	\$325,000	2023
31	Asbestos abatement at recreation centers		Citywide	\$30,000	2023
32	Vermiculite Removal (Miscellaneous Sites)	-	Citywide	\$100,000	2023
33	Add/change gym lights to LED		Citywide	\$150,000	2023
34	Add CO sensors and notification controls per bldg. code in 7 centers		Citywide	\$32,000	2023
35	Electric Switch gear replacement, per Arc hazard inspection report		Citywide	\$130,000	2023
36	Corryville Dance Floor Replacement	2823 Eden Ave.	Corryville	\$19,000	2023
37	Gym Floor Resurfacing (Miscellaneous Site)	-	Citywide	\$52,000	2023
38	Lincoln Old Gym Acoustic Panels	1027 Linn St.	West End	\$20,000	2023
39	Diagnostic Roof Analysis (2 centers)		Citywide	\$11,000	2023
40	Restore roof warranty and roof renovations (4 sites)		Citywide	\$1,079,000	2023
41	Pleasant Ridge Ceiling in Hallways	5915 Ridge Ave.	Pleasant Ridge	\$40,000	2023
42	Diaper Changing Tables (Miscellaneous Sites)	-	Citywide	\$15,000	2023
43	Add CO sensors and notification controls per bldg. code in 7 centers		Citywide	\$32,000	2023
44	Upgrade ALC remote access HVAC control software		Citywide	\$4,000	2023
45	Asbestos abatement at recreation centers		Citywide	\$30,000	2023
46	Westwood Town Hall bike rm floor setting - raise slab	3017 Harrison Ave.	Westwood	\$3,000	2023
47	Corryville floor setting - raise slab	2823 Eden Ave.	Corryville	\$3,000	2023
48	Emergencies and Community/Priority Requests	-	Citywide	\$250,000	2024
49	Diagnostic Roof Analysis (2 centers)		Citywide	\$11,000	2024
50	Restore roof warranty and roof renovations (4 sites)		Citywide	\$1,129,000	2024
51	Westwood Town Hall Shower Addition	3017 Harrison Ave.	Westwood	\$35,000	2024
52	Add CO sensors and notification controls per bldg. code in 7 centers		Citywide	\$32,000	2024
53	Asbestos abatement at recreation centers		Citywide	\$30,000	2024
54	Emergencies and Community/Priority Requests	-	Citywide	\$250,000	2025

55	Lincoln Roof HVAC units	1027 Linn St.	West End	\$120,000	2025
56	Diagnostic Roof Analysis (1 centers)		Citywide	\$6,000	2025
57	Restore roof warranty and roof renovations (2 sites)		Citywide	\$589,000	2025
58	Upgrade ALC remote access HVAC control software		Citywide	\$5,000	2025
59	Diagnostic Roof Analysis (3 centers)		Citywide	\$18,000	2025
60	Restore roof warranty and roof renovations (2 sites)		Citywide	\$920,000	2025
61	Roof Rewarranty Work (recoat, gravel, flashing) (Misc. Sites)	-	Citywide	\$350,000	2025
62	Emergencies and Community/Priority Requests	-	Citywide	\$250,000	2026
63	Fire Alarm Upgrades	-	Citywide	\$100,000	2026
64	Diagnostic Roof Analysis (1 centers)		Citywide	\$6,000	2026
65	Restore roof warranty and roof renovations (2 sites)		Citywide	\$957,000	2026
66	Emergencies and Community/Priority Requests	-	Citywide	\$250,000	2027
67	Fire Alarm Upgrades	-	Citywide	\$100,000	2027
68	Diagnostic Roof Analysis (1 centers)		Citywide	\$6,000	2027
69	Restore roof warranty and roof renovations (2 sites)		Citywide	\$650,000	2028
70	Emergencies and Community/Priority Requests	-	Citywide	\$250,000	2028
71	Diagnostic Roof Analysis		Citywide	\$12,000	2028

Total: \$11,765,000

**Maintenance Buildings**

	BUILDING	ADDRESS	SQ. FT.	NEIGHBORHOOD	ESTIMATED COST	BUDGET YEAR
1	East Maintenance	3401 Riverside Dr.	5,200	East End	\$750,000	2023
2	West Maintenance	1931 Dunham Way	15,436	West Price Hill	\$210,000	2025
3	Central Maintenance	1955 Losantiville Ave.	7,620	Roselawn	\$200,000	2026
		Total Sq. Ft.	28,256	Total:	\$1,160,000	

Service life of a building is infinite as long as the building undergoes a minor renovation every 10 years and a major renovation every 20 years. The major renovation would replace worn out and out dated mechanical and life safety equipment. The interior would also be updated to meet the changing requirements of The Building Codes.

**Miscellaneous Buildings**

	BUILDING	ADDRESS	SQ. FT.	NEIGHBORHOOD	ESTIMATED COST	BUDGET YEAR
1	* Riverside Boat Launch	3540 Southside Ave.	4,576	Riverside	\$225,000	2023
2	Dunham storage (old golf bldg)	1931 Dunham Way		West Price Hill	\$350,000	2023
3	Lunken Tennis Building	4750 Playfield Ln.	3,000	Linwood	\$150,000	2023
4	Marian Ahlering at Lunken	4750 Playfield Ln.	1,800	Linwood	\$95,000	2024
5	Ebersole	5701 Kellogg Ave.	4,095	California	\$75,000	2025
6	Schmidt Boat Launch	250 Saint Peters St.	4,576	East End	\$325,000	2026
7	Leonard Shore Senior Center	4750 Playfield Ln.	1,418	Linwood	\$150,000	2028
8	Dunham School House	4356 Dunham Ln.	5,426	West Price Hill	\$200,000	2031
9	Dunham Arts Building	4356 Dunham Ln.	18,488	West Price Hill	\$0	2034
		Total Sq. Ft.	19,465	Total:	\$1,570,000	

\*On Cincinnati Park Board Property

Service life of a building is infinite as long as the building undergoes a minor renovation every 10 years and a major renovation every 20 years. The major renovation would replace worn out and out dated mechanical and life safety equipment. The interior would also be updated to meet the changing requirements of The Building Codes.

Budget Year	Totals		
	Miscellaneous Capital Budget	Maintenance Buildings	Miscellaneous Buildings
2023	\$5,439,000	\$750,000	\$725,000
2024	\$1,487,000	\$0	\$95,000
2025	\$2,258,000	\$210,000	\$75,000
2026	\$1,313,000	\$200,000	\$325,000
2027	\$1,006,000	\$0	\$0
2028	\$912,000	\$0	\$150,000

**Total Recreation, Maintenance, and Miscellaneous Facilities Combined Budget**

<b>Budget Year</b>	<b>Total</b>
2022	\$20,301,000
2023	\$14,104,000
2024	\$7,511,000
2025	\$8,857,000
2026	\$4,821,000
2027	\$4,445,000
<b>6 Year Total:</b>	<b>\$60,039,000</b>

**Capital Assessment for Aquatic Facilities**

	<b>AQUATIC FACILITIES</b>	<b>NEIGHBORHOOD</b>	<b>ESTIMATED COST</b>	<b>BUDGET YEAR</b>	<b>YEAR BUILT/LAST RENOVATION</b>	<b>AGE AT NEXT RENOVATION</b>
1	* LeBlond Pool	East End	\$1,600,000	2023	1940/1980	80
2	* Dyer Sprayground	West End	\$1,750,000	2023	1996	27
3	Winton Hills Pool	Winton Hills	\$4,250,000	2023	1965/1980	54
4	Bush Pool	Walnut Hills	\$3,853,000	2023	1975	48
5	* Mt Adams Pool	Mt. Adams	\$2,470,000	2023	1940/1980	80
6	Mt Washington Pool	Mt. Washington	\$4,082,000	2024	1975	49
7	* Ryan Pool	Westwood	\$3,764,000	2024	1972	52
8	Bond Hill Pool	Bond Hill	\$3,618,000	2024	1975	49
9	* Filson Pool	Mt. Auburn	\$2,384,000	2025	1972	53
10	Millvale Pool	Millvale	\$3,423,000	2025	1969	56
11	Dickman Pool (Sayler Park Recreation Center)	Sayler Park	\$3,470,000	2025	1982	43
12	* Indoor Pool Facility (dome)	TBD	\$3,245,000	2026	Request	-
13	Lincoln Pool	West End	\$5,470,000	2026	1977	49
14	Madisonville Pool	Madisonville	\$4,627,000	2026	1969	57
15	Hartwell Pool	Hartwell	\$3,283,000	2027	1982	45
16	Camp Washington Pool	Camp Washington	\$3,341,000	2027	1990	37
17	Mt Auburn Therapeutic Pool	Mt. Auburn	\$800,000	2028	2012	16
18	* Hanna Aquatic Facility	Over the Rhine	\$2,441,000	2030	2001	29
19	* Spring Grove Village Pool	Winton Place	\$1,029,000	2031	2004	27
20	Dunham Aquatic Facility	West Price Hill	\$3,940,000	2032	2007	25
21	Hirsch Aquatic Facility	Avondale	\$2,441,000	2033	2008	25
22	* Oylar Sprayground	Lower Price Hill	\$2,400,000	2034	2008	26
23	* South Fairmount Sprayground	South Fairmount	\$925,000	2035	2009	26
24	Evanston Aquatic Center	Evanston	\$2,579,000	2037	2010	27
25	* College Hill Sprayground	College Hill	\$456,000	2038	2011	27
26	* North Fairmount Sprayground	North Fairmount	\$1,100,000	2038	2012	26
27	Caldwell Sprayground	Carthage	\$643,000	2038	2010	28
28	McKie Aquatic Center	Northside	\$2,569,000	2039	2012	27
29	* Pleasant Ridge Aquatic Center	Pleasant Ridge	\$2,569,000	2040	2013	27
30	Dempsey Aquatic Facility (Price Hill Rec Center)	East Price Hill	\$2,698,000	2041	2014	27
31	* Oakley Pool	Oakley	\$4,558,000	2042	2016	26

Total \$85,778,000

\*On Cincinnati Park Board Property

<b>Aquatic Facilities</b>	
<b>Budget Year</b>	<b>Totals</b>
2023	\$13,923,000
2024	\$11,464,000
2025	\$9,277,000
2026	\$13,342,000
2027	\$6,624,000
2028	\$800,000



**Capital Assessment for Aquatic Facilities Priority Requests**

<b>MISCELLANEOUS AQUATICS RENOVATIONS</b>		<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>
1	Install Cathodic Protection on Aluminum Pools	2023	\$65,000
2	Add climbing walls to replace diving boards	2023	\$120,000
3	Add Umbrellas at various sites	2023	\$80,000
4	Mt. Washington Pool bottom floor, walls	2023	\$105,000
5	Hartwell pool bottom	2023	\$95,000
6	Madisonville Pool repairs - walls. Floor, decking	2023	\$120,000
7 *	Dyer Filter Building Roof Replacement	2023	\$45,000
8	ADA Chair lifts	2023	\$12,000
9	Add benches and Umbrellas at Various Pools	2023	\$150,000
10	Winton Hills Piping Leaks	2023	\$100,000
11 *	Mt. Adams Fiberglass Floor Replacement	2023	\$120,000
12 *	Ryan Pool Bottom, walls, deck concrete work, piping	2023	\$120,000
13 *	Bond Hill Pool Bottom - dive well, walls	2023	\$85,000
14 *	Bush Pool Bottom, Concrete Work	2023	\$85,000
15 *	Ryan Pool Roof Replacement	2023	\$53,000
16	Emergencies and Community/Priority Requests	2023	\$300,000
17	Caulking and Painting of Pools (Miscellaneous Sites)	2023	\$120,000
18	Battery Back Up for Sump Pumps and Alarm Indicators	2023	\$35,000
19	Fencing Improvements at Various Pools	2023	\$105,000
20	Winton Hills Pool Roof	2023	\$33,000
21	Backwash Meters on Sprayground Filters	2023	\$45,000
22	ADA Chair lifts	2024	\$12,000
23	Pool Design	2024	\$200,000
24	Emergencies and Community/Priority Requests	2024	\$300,000
25	Caulking and Painting of Pools (Miscellaneous Sites)	2024	\$120,000
26	Pool Design	2024	\$200,000
27	ADA Chair lifts	2025	\$12,000
28	Pool Design	2025	\$200,000
29	Emergencies and Community/Priority Requests	2025	\$270,000
30	Chemical Controllers (Miscellaneous Sites)	2025	\$36,000
31	Pool Design	2026	\$200,000
32	Emergencies and Community/Priority Requests	2026	\$300,000
33	Chemical Controllers (Miscellaneous Sites)	2026	\$36,000
34	Pool Design	2027	\$200,000
35	Emergencies and Community/Priority Requests	2027	\$300,000
36	Pool Design	2028	\$200,000
37	Emergencies and Community/Priority Requests	2028	\$300,000
38	Slide Replacements	2028	\$115,000
39	Dempsey Pool Filter to a DE	2028	\$85,000
40 *	Pleasant Ridge main pool to a DE filter	2028	\$85,000
		<b>Total:</b>	<b>\$5,164,000</b>

\*On Cincinnati Park Board Property

<b>Miscellaneous Aquatics Budget Year</b>	<b>TOTAL</b>
2023	\$1,993,000
2024	\$832,000
2025	\$518,000
2026	\$536,000
2027	\$500,000
2028	\$785,000

**Aquatic Facilities Yearly Combined Budget**

<b>Budget Year</b>	<b>TOTAL</b>
2023	\$15,916,000
2024	\$12,296,000
2025	\$9,795,000
2026	\$13,878,000
2027	\$7,124,000
2028	\$1,585,000
<b>6 Year Total:</b>	<b>\$60,594,000</b>

## ATHLETIC FIELDS

	FACILITY NAME	ADDRESS	BUDGET YEAR	ESTIMATED COST	# OF FIELDS	FIELD SIZES
1	Oskamp Recreation Area (2 of 4 )	5652 Glenway Ave.	2023	\$200,000	4	
2	Dunham Recreation Complex (Miracle Field)	4356 Dunham Ln.	2023	\$175,000	1	
3	Sherman Recreation Area fld 2	1501 Sherman Ave.	2023	\$110,000	2	
4	Avondale Recreation Area - add synthetic fld	870 Blair Ave.	2023	\$225,000	1	B?
5	Mt Airy Recreation Area (3 of 4)	2639 Kipling	2023	\$450,000	4	
6	Madisonville Recreation Complex	5320 Stewart Ave.	2023	\$75,000	2	A,C
7	* Paddock Hills Recreation Area	4359 Reading Rd.	2023	\$79,000	1	
8	* Ashland Recreation Area	2810 Ashland Ave.	2023	\$123,000	1	
9	Paddock Tennessee Recreation Area	1001 Tennessee St.	2023	\$245,000	2	
10	Kellogg Recreation Area Soccer Fields	4645 Kellogg Ave.	2023	\$172,000	SOCCER 6	
11	Bond Hill Recreation Area	1580 Yarmouth Ave.	2023	\$125,000	2	
12	Mt Washington Recreation Complex	1715 Beacon St.	2023	\$175,000	2	
13	* Kennedy Heights Recreation Area	6425 McHugh St.	2024	\$120,000	1	
14	* Turkey Ridge Recreation Area	3449 Humbert Ave.	2024	\$147,000	2	
15	* Price Hill Recreation Complex	959 Hawthorne Ave.	2024	\$87,000	1	
16	* Filson Recreation Area	461 Ringgold Ave.	2024	\$65,000	1	
17	Winton Hills Recreation Complex	5170 Winneste Ave.	2024	\$244,000	2	
18	Anderson Place Recreation Area	5051 Anderson Pl.	2024	\$65,000	1	D
19	* Pleasant Ridge Recreation Complex	5915 Ridge Ave.	2025	\$189,000	2	C,C
20	Dunham Recreation Complex	4356 Dunham Ln.	2025	\$195,000	2	A,D
21	* Boldface Recreation Area (Site Restoration/ADA)	3100 River Rd.	2025	\$84,000	2	
22	Armleder, Little Miami Recreation Complex	5057 Wooster Pike	2025	\$173,000	SOCCER	7
23	* Oakley Recreation Complex	3900 Paxton Ave.	2025	\$189,000	3	
24	* McEvoy Recreation Area	6315 Daly Rd.	2025	\$187,000	2	
25	Weaver Recreation Area	830 Derrick Turnbow Ave.	2025	\$126,000	2	
26	Rakestraw Recreation Area	217 Stanley Ave.	2025	\$89,000	1	A
27	* Laurel Recreation Area	1543 John St.	2026	\$94,000	1	
28	* Owl's Nest Recreation Area	1900 Pogue Ave.	2026	\$110,000	1	
29	Schwarz Recreation Area	2197 May St.	2027	\$125,000	1	D
30	* Riverside Sports Complex Fields	3540 Southside Ave.	2027	\$278,000	3	
31	Carson Covedale Recreation Area	4922 Rapid Run Rd.	2027	\$201,000	2	C,C
32	* Bramble Recreation Area	6395 Bramble Ave.	2027	\$85,000	1	C
33	Rockdale Recreation Area	3480 Harvey Ave.	2028	\$65,000	1	B?
34	Caldwell Recreation Area	316 West North Bend Rd.	2028	\$195,000	3	A,D,D
35	Hartwell Recreation Complex	8275 Vine St.	2028	\$238,000	3	
36	* Evanston Recreation Area	3560 Evanston Ave.	2028	\$69,000	1	D
37	Oskamp Recreation Area (2/4 Fields)	5652 Glenway Ave.	2029	\$300,000	4	
38	California Recreation Area	130 Renslar Ave.	2029	\$243,000	2	
39	* College Hill Recreation Area	5660 Belmont Ave.	2030	\$89,000	1	A
40	Roberts Recreation Area	1700 Grand Ave.	2030	\$79,000	1	B
41	Evans Recreation Area	628 Evans St.	2030	\$142,000	2	
42	Daniel Recreation Area	1128 Groesbeck Rd.	2030	\$175,000	2	A,D
43	Sayler Park Recreation Complex (2 fields by rec ctr)	6720 Home City Ave.	2030	\$132,000	2	D,D
44	* LeBlond RecPlex	2335 Riverside Dr.	2033	\$129,000	1	B
45	* Salway Sports Complex	4530 Spring Grove Ave.	2033	\$300,000	4	
46	Queensgate Recreation Area	707 W. Court St.	2033	\$135,000	1	AA
47	* Wayne Recreation Area	3757 Beekman St.	2033	\$252,000	2	B,B
48	* Ryan Recreation Area	2856 Fischer Place	2033	\$231,000	3	B,C,D
49	* Roselawn Sports Complex	2026 Seymour Ave.	2033	\$525,000	4	AA,AA,C,D
50	Sands (New) Recreation Area	6421 Corbly St.	2033	\$252,000	2	A,B
51	* Dyer Recreation Area Ball Fields	2124 Freeman Ave.	2033	\$225,000	2	
52	Hirsch Recreation Complex	3630 Reading Rd.	2036	\$226,000	1	
53	North Avondale Recreation Complex	617 Clinton Springs Ave.	2036	\$189,000	2	A,B

## Athletic Fields

## Cincinnati Recreation Commission

December 2021

54	Sayler Park Recreation Complex and Area (Softball Fld)	6720 Home City Ave.	2036	\$42,000	1	A
55	Hartwell Recreation Complex (Armory)	68 Shadybrook Dr.	2036	\$42,000	SOCCER 1	
56	Withrow Recreation Area	2488 Madison Rd.	2036	\$170,000	3	
57	* Mt Echo Recreation Area	383 Elberon Ave.	2036	\$105,000	1	D
58	* Fairview Recreation Area	2219 Ravine St.	2038	\$35,000	SOCCER 1	
59	Lunken Playfield Recreation Complex	4750 Playfield Ln.	2039	\$184,000	2	
60	Woodward Recreation Area (At High School)	7001 Reading Rd.	2039	\$142,000	2	
61	Hoffman Recreation Area	3059 Woodburn Ave.	2039	\$80,000	1	A
62	* Sacred Heart Soccer Field	607 Lafayette Ave.	2039	\$35,000	SOCCER	
63	St Rose Recreation Complex	2501 Riverside Dr.	2039	\$48,000	SOCCER	
64	West Fork Recreation Area (Soccer Fields)	1558 West Fork Rd.	2039	\$59,000	SOCCER	
65	* Lang Recreation Area	5998 Robison Rd.	2039	\$95,000	1	
66	* Kennedy Heights Park	6039 Kennedy Ave.	2039	\$0	SOCCER	
67	Dater Recreation Area	2840 Boudinot Ave.	2040	\$133,000	1	
68	* Schmidt Sports Complex (4 fields)	250 Saint Peters St.	2040	\$350,000	4	
69	Sherman Recreation Area fld 1	1501 Sherman Ave.	2040	\$283,000		
70	* Rapid Run Recreation Area	4545 Rapid Run Pk.	2040	\$184,000	2	
71	Quebec Heights Recreation Area	1612 Ross Ave.	2041	\$0	0	B

Total: \$11,185,000

\*On Cincinnati Park Board Property

Site currently under/planned construction.

Ball Fields need major renovations every 15 to 20 years.

Athletic Fields	Budget
Year	TOTALS
2023	\$2,154,000
2024	\$728,000
2025	\$1,232,000
2026	\$204,000
2027	\$689,000
2028	\$567,000
	\$5,574,000

**Outdoor Basketball Courts**

	<b>FACILITY NAME</b>	<b>ADDRESS</b>	<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>	<b>NUMBER OF COURTS FULL (HALF)</b>
1	Caldwell Sports Complex	316 W. North Bend Rd.	2023	\$45,000	1
2	* Boldface Recreation Area	3100 River Rd.	2023	\$84,000	1
3	* Fairview Recreation Area	2219 Ravine St.	2023	\$53,000	1
4	* Turkey Ridge Recreation Area	3449 Humbert Ave.	2023	\$78,000	2
5	* Spring Grove Village Recreation Area	600 Hand Ave.	2023	\$24,000	0 (1)
6	* Rapid Run Recreation Area	4545 Rapid Run Pk.	2023	\$52,000	0 (1)
7	Nassau and St James Recreation Area	960 Nassau St.	2023	\$63,000	2
8	Findlay New Recreation Area	1823 Vine St.	2023	\$45,000	0 (2)
9	Madisonville Recreation Complex	5320 Stewart Ave.	2023	\$78,000	2
10	* Mt Echo Recreation Area	383 Elberon Ave.	2023	\$52,000	2
11	* Coy Marshall Recreation Area	2888 Marshall Ave.	2023	\$65,000	1
12	Winton Hills Recreation Complex	5170 Winneste Ave.	2023	\$48,000	1
13	West Fork Recreation Area	1558 West Fork Rd.	2023	\$59,000	1
14	* Linwood Hutton Recreation Area	3710 Hutton St.	2023	\$38,000	1
15	Sayler Park Recreation Complex	Hillside Address	2023	\$32,000	0 (2)
16	McMicken and Klotter Recreation Area	510 W. McMicken Ave.	2024	\$63,000	0 (2)
17	Schwarz Recreation Area	2197 May St.	2024	\$92,000	2
18	Mt Auburn Recreation Complex	270 Southern Ave.	2024	\$21,000	0 (1)
19	* Dyer Recreation Area	2124 Freeman Ave.	2024	\$38,000	0 (2)
20	* Riverside Sports Complex	3540 Southside Ave.	2024	\$32,000	1
21	Hartwell Recreation Complex	8275 Vine St.	2024	\$75,000	1 (2)
22	Ebersole Recreation Center	5701 Kellogg Ave.	2024	\$12,000	0 (2)
23	* Bramble Recreation Area	6395 Bramble Ave.	2024	\$46,000	1
24	* Laurel Recreation Area	1543 John St.	2024	\$42,000	2
25	* Oakley Recreation Complex	3900 Paxton Ave.	2024	\$90,000	2
26	* Evanston Recreation Area	3560 Evanston Ave.	2025	\$37,000	0 (2)
27	* Schiller Hughes Recreation Area	1702 Main St.	2025	\$45,000	3
28	* North Fairmount Recreation Area	1702 Carll St.	2025	\$37,000	0 (3)
29	* Clifton Recreation Center	320 McAlpin Ave.	2025	\$21,000	0 (2)
30	* Wayne Recreation Area	3575 Beekman St.	2026	\$85,000	1 (2)
31	* Roselawn Sports Complex	2026 Seymour Ave.	2027	\$42,000	1 (2)
32	DeHart Recreation Area	3013 Mathers St.	2027	\$38,000	1
33	Evans Recreation Area	628 Evans St.	2027	\$10,000	0 (3)
34	* College Hill Recreation Area	5660 Belmont Ave.	2027	\$27,000	0 (2)
35	Daniel Recreation Area	1128 Groesbeck Rd.	2027	\$45,000	1
36	* LeBlond RecPlex	2335 Riverside Dr.	2028	\$110,000	2
37	* Grant Recreation Area	65 E. McMicken St.	2028	\$65,000	1 (4)
38	* Hollister Recreation Area	2434 Vine St.	2028	\$0	1(1)
39	Spring Street Recreation Area	1117 Spring St.	2028	\$27,000	1
40	Carll St. Recreation Area	1769 Carll St.	2028	\$47,000	1
41	* Camp Washington Recreation Complex	1201 Stock St.	2028	\$32,000	1
42	Lincoln Recreation Complex	1027 Linn St.	2028	\$50,000	2
43	* Paddock Hills Recreation Area	4359 Reading Rd.	2028	\$48,000	1
44	* Hanna Recreation Area	223 W. McMicken St.	2028	\$75,000	0 (2)
45	Forest-Irving Recreation Area	69 Forest Ave.	2028	\$29,000	1
46	* Price Hill Recreation Complex (bball)	959 Hawthorne Ave.	2028	\$15,000	1
47	* Lang Recreation Area	5998 Robison Rd.	2028	\$64,000	1
48	* St. Clair Recreation Area	2504 Iroquois St.	2028	\$72,000	0 (1)
49	* Bond Hill Recreation Area	1580 Yarmouth Ave.	2030	\$48,000	1
50	Corryville Recreation Complex	2823 Eden Ave.	2030	\$74,000	1
51	* South Fairmount Recreation Area	1685 Queen City Ave.	2030	\$76,000	1 (2)
52	Avondale Recreation Area	870 Blair Ave.	2031	\$63,000	1
53	Rockdale Recreation Area	3480 Harvey Ave.	2031	\$46,000	1 (1)
54	* Ryan Sports Complex	2856 Fischer Pl.	2037	\$48,000	0
55	Carson Covedale Recreation Area	4922 Rapid Run Rd.	2037	\$21,000	0 (0)

Total: \$2,724,000

\*On Cincinnati Park Board Property

Site currently under construction.

The service life of the color coat on a basketball court is every 7 years. Every 14 years a basketball court needs a major renovation.

<b>Outdoor Basketball Budget Year</b>	<b>Totals</b>
2023	\$816,000
2024	\$511,000
2025	\$140,000
2026	\$85,000
2027	\$162,000
2028	\$634,000

**Capital Assessment for Tennis Courts**

	<b>FACILITY NAME</b>	<b>ADDRESS</b>	<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>	<b># OF COURTS</b>
1	* Mt Echo Recreation Area (4 courts)	383 Elberon Ave.	2023	\$250,000	6
2	* Wayne Recreation Area	3757 Beekman St.	2023	\$159,000	2
3	* Bond Hill Recreation Area	1580 Yarmouth Ave.	2023	\$290,000	4
4	North Avondale Recreation Complex	617 Clinton Springs Ave.	2023	\$115,000	1 (2) ***
5	Lunken Playfield Regional RecPlex (asphalt)	4750 Playfield Ln.	2023	\$771,000	8
6	Ryan Sports Complex	2856 Fischer Pl.	2024	\$145,000	5
7	Madisonville Recreation Complex	5320 Stewart Rd.	2024	\$275,000	2 (2) ***
8	* Losantiville Recreation Area (3 courts)	2501 Reading Rd.	2024	\$125,000	7
9	Mt Airy Recreation Area	2639 Kipling	2024	\$150,000	4 (1)**
10	Oskamp Recreation Area	5652 Glenway Ave.	2025	\$110,000	2
11	Oakley Recreation Complex	3900 Paxton Ave.	2025	\$221,000	3
12	* Lunken Playfield Regional RecPlex (clay)	4750 Playfield Ln.	2025	\$150,000	8
13	* Pleasant Ridge Recreation Complex	5915 Ridge Ave.	2026	\$170,000	5
14	Spring Grove Village Recreation Area	600 Hand Ave.	2026	\$185,000	2
15	Mt Washington Recreation Complex	1715 Beacon St.	2026	\$110,000	2
16	* College Hill Recreation Area	5660 Belmont Ave.	2026	\$73,000	2
17	Withrow Recreation Area	2248 Madison Rd.	2026	\$525,000	8
18	* Dunham Recreation Complex (Add 2 Courts)	1931 Dunham Way	2026	\$283,000	2
19	East Hyde Park Commons Recreation Area	3357 Erie Ave.	2027	\$50,000	3
20	* Avondale Recreation Area	870 Blair Ave.	2028	\$50,000	1
21	* Hollister Recreation Area (2 courts)	2434 Vine St.	2028	\$0	5
				Total	\$4,157,000

\*On Cincinnati Park Board Property, \*\* (#) Practice Courts, \*\*\* (#) Junior Courts

**Capital Assessment for Bike Polo, Pickleball Courts, Futsal and Mini-Pitch, sand volleyball courts**

	<b>FACILITY NAME</b>	<b>ADDRESS</b>	<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>	<b># OF COURTS</b>
1	Evans Bike Polo Courts	628 Evans St.	2024	\$78,000	1
2	Dunham Recreation Complex (Sand V-ball)	1931 Dunham Way	2024	\$22,000	2
3	* Price Hill Recreation Complex (Futsal)	959 Hawthorne Ave.	2026	\$93,000	1
4	Oskamp Recreation Area (pickle ball)	5652 Glenway Ave.	2026	\$20,000	2
5	Lang Recreation Area (pickleball only)	5998 Robison Rd.	2026	\$75,000	6
6	Hartwell Recreation Complex (mini pitch)	8275 Vine St.	2026	\$82,000	1
7	* Avondale Recreation Area (pickleball)	870 Blair Ave.	2028	\$25,000	2
8	Lincoln Recreation Complex (mini pitch)	1027 Linn St.	2032	\$65,000	1
9	North Avondale Rec Complex (mini pitch)	617 Clinton Springs Ave.	2034	\$65,000	1
				Total	\$460,000

Site currently under/tbs construction.

The service life of the color coat on a tennis court is every 7 years. Every 14 years a tennis court needs a major renovation

<b>Tennis Courts Budget Year</b>	<b>TOTAL</b>
2023	\$1,585,000
2024	\$795,000
2025	\$481,000
2026	\$1,534,000
2027	\$50,000
2028	\$75,000

		BUDGET YEAR	ESTIMATED COST
<b>MISCELLANEOUS ATHLETIC RENOVATIONS</b>			
1	Crack Fill, Color Coat Touch Ups (Misc. sport courts)	2023	\$94,000
2	Install new poles, lights and wiring (Misc. Sites)	2023	\$140,000
3	Replace old basketball hoops with new (12 sites)	2023	\$90,000
4	North Avondale Ball Field Access	2023	\$37,000
5	Bond Hill Recreation Area perimeter fencing	2023	\$105,000
6	Paddock and Tennessee perimeter fencing	2023	\$75,000
7	Crack Fill, Color Coat, repairs (Misc. Basketball Cts)	2023	\$89,000
8	Emergencies and Community/Priority Requests	2023	\$100,000
9	Ballfield Amenities	2023	\$35,000
10	* Mt. Airy Ballfield Access Path	2023	\$25,000
11	* Dyer Recreation Area (new Lights)	2023	\$305,000
12	Install ADA Access, Miscellaneous Sites	2023	\$150,000
13	Crack Fill, Color Coat Touch Ups (Misc. Sport Courts)	2023	\$53,000
14	Install new poles, lights and wiring (Misc. Sites)	2023	\$74,000
15	Add Access, Miscellaneous Sites	2023	\$79,000
16	Install synthetic baseball infield (RCF project total cost \$300k)	2023	\$150,000
17	Emergencies and Community/Priority Requests	2024	\$80,000
18	Crack Fill, Color Coat Touch Ups (Misc. Sport Courts)	2024	\$90,000
19	Ballfield Amenities	2024	\$35,000
20	Install new poles, lights and wiring (Misc. Sites)	2024	\$85,000
21	Install ADA Access, Miscellaneous Sites	2024	\$100,000
22	Install synthetic baseball infield (RCF project total cost \$300k)	2024	\$100,000
23	Carson Covedale Recreation Area perimeter fencing	2024	\$85,000
24	Emergencies and Community/Priority Requests	2025	\$80,000
25	Ballfield Amenities	2025	\$35,000
26	Install synthetic/duraedge baseball infield	2025	\$125,000
27	Emergencies and Community/Priority Requests	2026	\$80,000
28	Ballfield Amenities	2026	\$35,000
29	Emergencies and Community/Priority Requests	2027	\$73,000
30	Ballfield Amenities	2027	\$35,000
31	Crack Fill, Color Coat Touch Ups (Misc. Sport Courts)	2027	\$45,000
32	Emergencies and Community/Priority Requests	2028	\$80,000
33	Ballfield Amenities	2028	\$35,000
34	Archery at Dunham	2028	\$100,000
35	* Armleder, Little Miami Soccer Irrigation Pump	2028	\$78,000
36	Crack Fill, Color Coat Touch Ups (Misc. Sport Courts)	2028	\$55,000
37	Evans (Warsaw Federal) Skate Park	2032	\$73,500
38	* Oakley Recreation Complex (New Lights)	2032	\$346,000
39	* Schmidt Sports Complex (New Lights)	2036	\$525,000
40	* Salway Sports Complex (Lights)	2037	\$309,750
41	Oskamp Recreation Area (Add Lights)	2037	\$341,250
42	* Riverside Sports Complex (new Lights)	2037	\$47,500
		Total:	\$4,675,000

\*On Cincinnati Park Board Property

Miscellaneous Athletics Budget Year	TOTALS
2023	\$1,601,000
2024	\$575,000
2025	\$240,000
2026	\$115,000
2027	\$153,000
2028	\$348,000

**Athletic Facilities Yearly Combined Budget**

Athletic Facilities Budget Year	TOTALS
2023	\$6,156,000
2024	\$2,609,000
2025	\$2,093,000
2026	\$1,938,000
2027	\$1,054,000
2028	\$1,624,000
<b>6 Year Total:</b>	<b>\$15,474,000</b>

### Capital Assessment for Playgrounds and Recreation Areas w/o Playgrounds

	<b>FACILITY NAME</b>	<b>ADDRESS</b>	<b>CAPITAL RENOVATION YEAR</b>	<b>ESTIMATED CAPITAL COST</b>
1	McMicken and Klotter Recreation Area	510 West McMicken Ave.	2023	\$95,000
2	* Dyer Recreation Area	2124 Freeman Ave.	2023	\$145,000
3	* Bond Hill Recreation Area	1580 Yarmouth Ave.	2023	\$135,000
4	* Spring Grove Recreation Area	600 Hand Ave.	2023	\$136,000
5	DeHart Recreation Area	3013 Mathers St.	2023	\$125,000
6	North Avondale Recreation Complex	617 Clinton Springs Ave.	2023	\$179,000
7	Schwarz Recreation Area	2197 May St.	2023	\$110,000
8	Burnet Recreation Area	2094 Burnet Ave.	2023	\$85,000
9	Oskamp Recreation Area	5652 Glenway Ave.	2023	\$156,000
10	Park and Myrtle Recreation Area	2712 Park Ave.	2023	\$105,000
11	Findlay Old Recreation Area	1822 Elm St.	2023	\$140,000
12	Carson Covedale Recreation Area	4922 Rapid Run Ave.	2023	\$146,000
13	* Boldface Recreation Area	3100 River Rd.	2023	\$135,000
14	Findlay New Recreation Area	1823 Vine St.	2023	\$250,000
15	Haven Recreation Area	3589 Haven St.	2023	\$111,000
16	* Linwood Hutton Recreation Area	3710 Hutton St.	2023	\$145,000
17	Moorman Recreation Area	2611 Moorman Ave.	2023	\$116,000
18	Avondale Recreation area	870 Blair Ave.	2023	\$189,000
19	* Riverside Sports Complex	3540 Southside Ave.	2024	\$163,000
20	* Ashland Recreation Area	2810 Ashland Ave.	2024	\$115,000
21	Colerain and Shepherd Recreation Area	5277 Shepherd Rd.	2024	\$115,000
22	Hartwell Recreation Area	98 Ferndale Ave.	2024	\$146,000
23	Lunken Playfield Recreation Complex - L.O.M.B.	4750 Playfield Ln.	2024	\$365,000
24	Corryville Recreation Complex	2823 Eden Ave.	2024	\$158,000
25	Glendora Recreation Area	3299 Glendora Ave.	2024	\$95,000
26	Nassau and St. James Recreation Area	960 Nassau St.	2024	\$105,000
27	Madisonville Recreation Complex	5320 Stewart Ave.	2024	\$115,000
28	Henrienne Recreation Area	3571 McHenry Ave.	2024	\$136,000
29	Rockdale Recreation Area	3480 Harvey Ave.	2024	\$138,000
30	Linwood Russell Recreation Area	4932 Eastern Ave.	2024	\$63,000
31	Hartwell Recreation Complex	8275 Vine St.	2024	\$162,000
32	Ebersole Recreation Center	5701 Kellogg Ave.	2024	\$85,000
33	* College Hill Recreation Area	5660 Belmont Ave.	2024	\$157,000
34	Hendy Recreation Area	977 Woodbriar Ln.	2024	\$135,000
35	Rakestraw Recreation Area	217 Stanley Ave.	2025	\$94,000
36	* North Fairmount Recreation Area	1702 Carll St.	2025	\$145,000
37	Cornuelle Recreation Area	6505 Desmond Ave.	2025	\$111,000
38	Hannaford Recreation Area	4445 Mellwood Ave.	2025	\$136,000
39	East Hyde Park Commons Recreation Area	3357 Erie Ave.	2025	\$175,000
40	* Pleasant Ridge Recreation Complex (1000 hands)	5915 Ridge Ave.	2025	\$200,000
41	Dunham Regional RecPlex (1000 hands)	4356 Dunham Ln.	2025	\$220,000
42	Sayler Park Recreation Area	6607 Hillside Ave.	2026	\$165,000
43	Lunken Playfield Regional RecPlex- Spirit of '76	4750 Playfield Ln.	2026	\$315,000
44	Forest and Irving Recreation Area	69 Forest Ave.	2026	\$111,000
45	* Hanna Recreation Area	223 West McMicken St.	2026	\$139,000
46	* Lang Recreation Area	5998 Robison Rd.	2026	\$128,000
47	* Rapid Run Recreation Area	4545 Rapid Run Pk.	2026	\$140,000
48	* Price Hill (Dempsey Field)	959 Hawthorne Ave.	2026	\$29,000
49	* Fairview Recreation Area	2219 Ravine St.	2026	\$174,000
50	Zinsle Recreation Area	3750 Zinsle Ave.	2026	\$93,000
51	Martin Luther King Jr. Recreation Area	630 Glenwood Ave.	2026	\$147,000



Playgrounds

Cincinnati Recreation Commission

December 2021

52	* Kennedy Heights Recreation Area	6425 McHugh St.	2026	\$102,000
53	Lincoln Recreation Complex	1027 Linn St.	2026	\$85,000
54	* Schmidt Sports Complex	250 Saint Peters St.	2026	\$165,000
55	Paddock and Tennessee Recreation Area	1001 Tennessee St.	2026	\$155,000
56	* Armleder, Little Miami Recreation Complex	5057 Wooster Pk.	2026	\$185,000
57	* Wayne Recreation Area	3757 Beekman St.	2026	\$159,000
58	Wulsin Recreation Area	2270 Dana Ave.	2026	\$120,000
59	Milton and Boal Recreation Area	411 Boal St.	2026	\$85,000
60	Daniel Recreation Area	1128 Groesbeck Rd.	2027	\$128,000
61	* Laurel Recreation Area	1543 John St.	2027	\$145,000
62	* Coy Marshall Recreation Area	2888 Marshall Ave.	2027	\$142,000
63	Carmalt Recreation Area	520 Carmalt St.	2027	\$105,000
64	* Bramble Recreation Area	6395 Bramble Ave.	2027	\$160,000
65	* Filson Recreation Area	461 Ringgold Ave.	2027	\$115,000
66	Carthage Recreation Area	255 West Seymour Ave.	2027	\$105,000
67	Dunham Regional RecPlex (Rec Center)	4356 Dunham Ln.	2028	\$110,000
68	* Evanston Recreation Area	3560 Evanston Ave.	2028	\$130,000
69	Price Hill Recreation Complex (Daycare)	959 Hawthorne Ave.	2028	\$62,000
70	* LeBlond Regional RecPlex	2335 Riverside Dr.	2028	\$345,000
71	Rice Recreation Area	2229 Rice St.	2028	\$105,000
72	* Camp Washington Recreation Complex	1201 Stock St.	2028	\$126,000
73	* Olden Recreation Area	3446 Warsaw Ave.	2028	\$175,000
74	* Roselawn Sports Complex	2026 Seymour Ave.	2029	\$172,000
75	McKie Recreation Complex	1655 Chase Ave.	2029	\$75,000
76	Queensgate Recreation Area	707 West Court St.	2029	\$125,000
77	Spring Street Recreation Area	1117 Spring St.	2029	\$105,000
78	Caldwell Sports Complex	316 West North Bend Rd.	2029	\$118,000
79	Massachusetts Recreation Area	2900 Massachusetts Ave.	2029	\$49,000
80	Millvale Recreation Complex	3303 Beekman St.	2029	\$65,000
81	* Grant Recreation Area	65 East McMicken St.	2029	\$175,000
82	Lower Price Hill Recreation Area	2122 Hatmaker St.	2029	\$105,000
83	* Oakley Recreation Complex	3900 Paxton Ave.	2030	\$275,000
84	Walnut Hills Recreation Area	1507 Jonathan Ave.	2031	\$101,000
85	Chase and Fergus Recreation Area	1503 Chase Ave.	2031	\$137,000
86	Evans Recreation Area	628 Evans St.	2031	\$105,000
87	* Ryan Sports Complex	2856 Fischer Pl.	2031	\$194,000
88	Hawkins Recreation Area	1884 Hawkins	2034	\$194,000
89	Evanston Recreation Complex Nature Scape	3225 Hackberry	2034	\$168,000
90	* Salway Sports Complex	4530 Spring Grove Ave.	2034	\$135,000
91	Price Hill Recreation Complex (by center)	959 Hawthorne Ave.	2034	\$150,000
92	Hirsch Recreation Complex	3630 Reading Rd.	2034	\$160,000
93	Winton Hills Recreation Complex (Add new 5-12)	5170 Winneste Ave.	2034	\$143,000
94	* St. Clair Recreation Area	2504 Iroquois St.	2034	\$125,000
95	Evanston Recreation Complex	3204 Woodburn Ave.	2034	\$155,000
96	* South Fairmount Recreation Area	1685 Queen City Ave.	2037	\$280,000
			Total:	\$23,798,000

\*On Cincinnati Park Board Property

Playgrounds need to receive a minor renovation every 10 years and a major renovation every 15 years.

Site currently under/planned construction.

Playground Budget Year	Totals
2023	\$2,503,000
2024	\$2,253,000
2025	\$1,081,000
2026	\$2,497,000
2027	\$900,000
2028	\$1,053,000

## Capital Assessment for Shelter Buildings

	<b>SHELTER FACILITY NAME</b>	<b>ADDRESS</b>	<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>
1	* Boldface Recreation Area	3100 River Rd.	2023	\$300,000
2	* Schmidt Sports Complex	250 Saint Peters St.	2023	\$70,000
3	* Oyler Recreation Area	2125 Storrs St.	2023	\$70,000
4	Lunken Playfield Regional RecPlex (L.O.M.B.)	4750 Playfield Ln.	2023	\$69,000
5	* Ryan Sports Complex (gazebo)	2856 Fischer Pl.	2023	\$23,000
6	Caldwell Sports Complex	316 West North Bend Rd.	2024	\$43,000
7	* Hanna Recreation Area	223 West McMicken St.	2024	\$30,000
8	Madisonville Recreation Complex (ADD)	5320 Stewart Ave.	2024	\$85,000
9	Lunken Playfield Regional RecPlex (Open Shelter)	4750 Playfield Ln.	2025	\$83,000
10	Lunken Playfield Regional RecPlex (Spirit of '76)	4750 Playfield Ln.	2025	\$72,000
11	* Wayne Recreation Area (2)	3757 Beekman St.	2026	\$50,000
12	* Armleder, Little Miami Sports Complex	5057 Wooster Pk.	2026	\$85,000
13	* North Fairmount Recreation Area (2)	1702 Carll St.	2027	\$85,000
14	Dunham Miracle Field	4356 Dunham Ln.	2027	\$25,000
15	Dunham Miracle Field Pavilion	4356 Dunham Ln.	2027	\$39,000
16	Lower Price Hill Recreation Area	2122 Hatmaker St.	2027	\$35,000
17	* Riverside Sports Complex	3540 Southside Ave.	2028	\$55,000
18	* College Hill Recreation Area	5660 Belmont Ave.	2028	\$45,000
19	* Bramble Recreation Area (lower)	6395 Bramble Ave.	2028	\$73,000
20	* Oakley Recreation Complex	3900 Paxton Ave.	2028	\$35,000
21	* Roselawn Sports Complex	2026 Seymour Ave.	2030	\$85,000
22	Carson Covedale Recreation Area	4922 Rapid Run Ave.	2031	\$17,000
23	* Bramble Recreation Area (upper)	6395 Bramble Ave.	2031	\$62,000
24	* South Fairmount Recreation Area (2)	1685 Queen City Ave.	2034	\$28,000
25	Evans Recreation Area	628 Evans St.	2036	\$56,000
26	* Riverside Sports Complex (Stowe fld)	3540 Southside Ave.	2038	\$25,000
27	Dunham Recreation Complex (1000 Hands)	4356 Dunham Ln.	2038	\$110,000
28	* Olden Recreation Area (new added)	3446 Warsaw Ave.	2038	\$30,000
29	Wulsin Recreation Area	2270 Dana Ave.	2042	\$89,000
30	North Avondale Recreation Complex	617 Clinton Spring Ave.	2042	\$82,000
31	* Evanston Recreation Area	3560 Evanston Ave.	2042	\$75,000

Total \$1,785,000

\*On Cincinnati Park Board Property

<b>Shelters Budget Year</b>	<b>TOTAL</b>
2023	\$532,000
2024	\$158,000
2025	\$155,000
2026	\$135,000
2027	\$184,000
2028	\$208,000
	<b>\$1,372,000</b>

**Capital Assessment for Trails**

	<b>FACILITY NAME</b>	<b>ADDRESS</b>	<b>LENGTH (MILES)</b>	<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>
1	* LeBlond Recreation Complex (connect trails)	2335 Riverside Dr.	0.25	2023	\$145,000
2	* Kennedy Heights Recreation Area	6425 McHugh Street	0.26	2023	\$68,000
3	* Oakley Recreation Complex	3900 Paxton Avenue	0.35	2023	\$55,000
4	* Armleder, Little Miami Sports Complex	5057 Wooster Pike	2	2023	\$145,000
5	* Schmidt Sports Complex	205 St. Peters St.	0.55	2023	\$55,000
6	* Turkey Ridge Recreation Area	3449 Humbert Ave.	0.27	2024	\$45,000
7	Madisonville Recreation Complex	5320 Stewart Avenue	0.27	2024	\$15,000
8	* Salway Sports Complex	4530 Spring Grove Avenue	0.52	2026	\$65,000
9	* Evanston Recreation Area	3560 Evanston Avenue	0.33	2027	\$30,000
10	Price Hill Recreation Complex	959 Hawthorne Avenue	0.06	2028	\$15,000
11	Hawkins Recreation Area	1884 Hawkins Ave.	0.125	2028	\$20,000
12	<b>Dunham Regional RecPlex</b>	4356 Dunham Lane	1.5	2030	\$150,000
13	* Roselawn Sports Complex fitness trail	2026 Seymour Ave.	0.25	2035	\$65,000
14	* Ryan Memorial Sports Complex	3324 Meyer Place	0.52	2035	\$151,000
15	Evans Recreation Area	628 Evans St.	0.09	2036	\$15,000
16	Wayne Recreation Area	3757 Beekman Avenue	0.14	2038	\$25,000
17	Hirsch Recreation Complex	3630 Reading Road	0.33	2038	\$45,000
18	* Riverside ORT West	3540 Southside Ave.	0.42	2038	\$55,000
19	St. Clair Recreation area	2504 Iroquois St.	0.2	2040	\$75,000
20	Lunken Playfield Regional RecPlex*	4750 Playfield Lane	5.5		\$0

13.9                      Total:            \$1,239,000

\*On Cincinnati Park Board Property  
Lunken Trail Capital and Maint now by Great Parks\*

<b>Trails Budget Year</b>	<b>TOTAL</b>
2023	\$468,000
2024	\$60,000
2025	\$0
2026	\$65,000
2027	\$30,000
2028	\$35,000

## Capital Assessment for Pavement

	FACILITY NAME	ADDRESS	BUDGET YEAR	ESTIMATED COST	SIZE OF LOT
1	* Pleasant Ridge Recreation Complex (North)	5915 Ridge Avenue	2023	\$78,000	Small
2	Dunham Regional RecPlex (Roads)	4356 Dunham Lane	2023	\$166,000	Large
3	St. Clair Recreation Area (1)	2504 Iroquois Street	2023	\$25,000	small
4	West Fork Recreation Area	1558 West Fork Road	2023	\$125,000	Large
5	* Boldface Recreation Area- Driveway/add lot	3100 River Road	2023	\$140,000	Small
6	* Schmidt Sports Complex	250 Saint Peters Street	2023	\$315,000	Large
7	Wayne Recreation Area	3757 Beekman Street	2023	\$133,000	Medium
8	* Pleasant Ridge Recreation Complex (South)	5915 Ridge Avenue	2023	\$95,000	Medium
9	Dunham Regional RecPlex (Center) (2)	4356 Dunham Lane	2023	\$122,000	Medium
10	Colerain and Shepherd Recreation Area	5277 Shepherd Road	2023	\$72,000	Small
11	* Salway Sports Complex - rec area	4530 Spring Grove Avenue	2023	\$166,000	Medium
12	Kellogg Recreation Area (West)	4645 Kellogg Avenue	2023	\$45,000	Small
13	Oskamp Recreation Area	5652 Glenway Avenue	2023	\$100,000	Small
14	Rapid Run Recreation Area	4545 Rapid Run Pike	2024	\$43,000	Small
15	Dunham Regional RecPlex (Miracle Field Lot)	4356 Dunham Lane	2024	\$28,000	Small
16	West Maintenance- Dunham Lot	1931 Dunham Way	2024	\$125,000	Medium
17	* Armleder, Little Miami Sports Complex (parking lots)	5057 Wooster Pike	2024	\$285,000	Large
18	Lunken Playfield Regional RecPlex (LOMB)	4750 Playfield Lane	2024	\$166,000	Large
19	Lunken Playfield Regional RecPlex (Spirit of '76)	4750 Playfield Lane	2024	\$155,000	Large
20	Sayler Park Recreation Complex	6720 Home City Avenue	2024	\$116,000	Medium
21	Central Region Maintenance Facility	1955 Losantiville Avenue	2024	\$85,000	Small
22	* Sacred Heart Recreation Area	607 Lafayette Avenue	2024	\$72,000	Small
23	Dunham Regional RecPlex (Playground)	4356 Dunham Lane	2025	\$138,000	Large
24	Sayler Park Recreation Area	6607 Hillside Avenue	2025	\$78,000	Small
25	Dunham Regional RecPlex (Aquatics)	4356 Dunham Lane	2025	\$125,000	Large
26	College Hill Recreation Center	5545 Belmont Avenue	2025	\$130,000	Medium
27	* Riverside Sports Complex	3540 Southside Avenue	2025	\$188,000	Large
28	Madisonville Recreation Complex	5320 Stewart Avenue	2025	\$146,000	Large
29	Lunken Playfield Regional RecPlex (Playfield Ln, Tennis)	4750 Playfield Lane	2025	\$76,000	Large
30	Hartwell Recreation Complex (1)	8275 Vine Street	2025	\$101,000	Medium
31	Mt. Washington Recreation Complex	1715 Beacon Street	2026	\$173,000	Large
32	Bush Recreation Complex (main lot)	2640 Kemper Lane	2026	\$66,000	Small
33	Bush Recreation Complex (lower lot)	2640 Kemper Lane	2026	\$20,000	Small
34	* Coy Marshall Recreation Area	2888 Marshall Avenue	2026	\$67,000	Small
35	Winton Hills Recreation Complex	5170 Winneste Avenue	2026	\$133,000	Large
36	Carson Covedale Recreation Area	4922 Rapid Run Avenue	2026	\$100,000	Medium
37	Hendy Recreation Area (Activity Court)	977 Woodbriar Ln.	2027	\$20,000	Small
38	Lincoln Recreation Complex	1027 Linn Street	2027	\$122,000	Large
39	* Mt. Airy Recreation Area	2639 Kipling	2027	\$132,000	Medium
40	Ebersole Recreation Center	5701 Kellogg Avenue	2027	\$56,000	Small
41	* Linwood Hutton Recreation Area	3710 Hutton Street	2027	\$87,000	Small
42	Clifton Recreation Center	320 McAlpin Avenue	2027	\$75,000	Medium
43	* Roselawn Sports Complex (Eastlawn Dr.)	2026 Seymour Avenue	2027	\$72,000	Medium
44	Paddock and Tennessee Recreation Area	1001 Tennessee Street	2027	\$72,000	Small
45	* Ryan Sports Complex	2856 Fischer Place	2027	\$174,000	Large
46	Sherman Recreation Area	1501 Sherman Avenue	2028	\$61,000	Small
47	St. Rose Recreation Area (add spots)	2501 Riverside Drive	2028	\$44,000	Small
48	* Hollister Recreation Area	2434 Vine Street	2028	\$61,000	Small
49	Mt. Auburn Recreation Area	270 Southern Avenue	2028	\$38,000	Small
50	* Spring Grove Village Recreation Area	600 Hand Avenue	2028	\$56,000	Small
51	* Paddock Hills Recreation Area	4359 Reading Road	2028	\$50,000	Small
52	Hartwell Recreation Complex (street lot)	8281 Vine St	2028	\$30,000	small
53	Madisonville Recreation Complex (Luhn)	5491 Luhn Avenue	2029	\$45,000	Small
54	* Armleder, Little Miami Sports Complex (main roads)	5057 Wooster Pike	2029	\$125,000	Large
55	Avondale Recreation Area	870 Blair Avenue	2030	\$78,000	Small
56	Rakestraw Recreation Area	217 Stanley Avenue	2030	\$50,000	Small
57	Evanston Recreation Area	3560 Evanston Avenue	2030	\$34,000	Small
58	Evanston Recreation Complex (2)	3204 Woodburn Avenue	2030	\$105,000	Medium

59	*	LeBlond Regional RecPlex	2335 Riverside Drive	2031	\$155,000	Large
60	*	Bramble Recreation Area	6395 Bramble Avenue	2031	\$116,000	Small
61		Caldwell Sports Complex	316 West North Bend Road	2031	\$145,000	Large
62	*	Salway Sports Complex - trail head lot	4530 Spring Grove Avenue	2032	\$120,000	Small
63		Daniel Recreation Area	1128 Groesbeck Road	2032	\$83,000	Small
64		Kellogg Recreation Area (East)	4645 Kellogg Avenue	2032	\$122,000	Large
65	*	Camp Washington Recreation Complex	1201 Stock Street	2033	\$72,000	Small
66	*	Turkey Ridge Recreation Area	3449 Humbert Avenue	2033	\$28,000	Small
67		Price Hill Recreation Complex	959 Hawthorne Avenue	2033	\$155,000	Medium
68	*	Lang Recreation Area	5998 Robison Road	2033	\$67,000	Small
69		North Avondale Recreation Complex	617 Clinton Springs Avenue	2034	\$105,000	Medium
70		Lunken Playfield Regional RecPlex (entrance lot)	4750 Playfield Lane	2035	\$199,000	Large
71	*	College Hill Recreation Area	5660 Belmont Avenue	2035	\$94,000	Medium
72	*	Roselawn Sports Complex	2026 Seymour Avenue	2036	\$185,000	Large
73	*	Oakley Recreation Complex (pool)	3900 Paxton Avenue	2036	\$144,000	Medium
74		Corryville Recreation Complex	2823 Eden Avenue	2037	\$153,000	Medium
75	*	South Fairmount Recreation Area (2)	1685 Queen City Boulevard	2038	\$75,000	Small
76		California Recreation Area	130 Renslar Ave.	2038	\$39,000	Small
77		Evans Recreation Area	628 Evans Street	2038	\$61,000	Small
78		Hartwell Recreation Complex (Armory)	68 Shadybrook Dr.	2038	\$111,000	Medium
79		Over The Rhine Recreation Center (CMHA)	1715 Republic Street	2038	\$45,000	Small
80		Over The Rhine Center/Boxing	1715 Republic Street	2038	\$125,000	Small
81		Hirsch Recreation Complex	3630 Reading Road	2038	\$125,000	Small
82	*	Bond Hill Recreation Area	1580 Yarmouth Avenue	2038	\$45,000	Medium
83	*	St. Clair Recreation Area (1)	2504 Iroquois Street	2039	\$166,000	Medium
84		McKie Recreation Complex	1655 Chase Avenue	2039	\$65,000	Small
84		Quebec Recreation Area	1659 Ross Avenue	2038	\$0	Small

\*On Cincinnati Park Board Property

Site currently under construction.

<u>Pavement Budget Year</u>	<u>Totals</u>
2023	\$1,582,000
2024	\$1,075,000
2025	\$982,000
2026	\$559,000
2027	\$810,000
2028	\$340,000
	<u>\$5,348,000</u>

**Capital Assessment for Miscellaneous Pavement**

<b>MISCELLANEOUS PAVEMENT RENOVATIONS</b>		<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>
1	Pothole Repairs at Miscellaneous Lots	2023	\$71,000
2	Sitework, Resealing, and Restriping Miscellaneous Lots	2023	\$250,000
3 *	Asphalt parking lot for Losantiville Recreation Area	2023	\$140,000
4	Asphalt access road for baseball fields at Mt. Airy	2023	\$26,000
5	Asphalt/curb repairs to Dunham Way	2023	\$35,000
6	Pothole Repairs at Miscellaneous Lots	2024	\$45,000
7	Sitework, Resealing, and Restriping Miscellaneous Lots	2024	\$120,000
8	Sitework, Resealing, and Restriping Miscellaneous Lots	2025	\$120,000
9	Sitework, Resealing, and Restriping Miscellaneous Lots	2026	\$100,000
10	Sitework, Resealing, and Restriping Miscellaneous Lots	2027	\$100,000
11	Sitework, Resealing, and Restriping Miscellaneous Lots	2028	\$100,000
12	Evanston Recreation Complex Pervious Pavement	2028	\$18,000
		Total:	\$1,125,000

<b>Miscellaneous Pavement</b>	
<b>Budget Year</b>	<b>TOTAL</b>
2023	\$522,000
2024	\$165,000
2025	\$120,000
2026	\$100,000
2027	\$100,000
2028	\$118,000

**Miscellaneous Capital Assessment for Outdoor Facilities**

	<b>MISCELLANEOUS OUTDOOR RENOVATIONS</b>	<b>BUDGET YEAR</b>	<b>ESTIMATED COST</b>
1	Site Amenities	2022	\$50,000
2	Emergencies and Community/Priority Requests	2022	\$70,000
3	Site Signage	2022	\$100,000
4	Wall repairs - several sites.	2022	\$135,000
5	New Findlay Recreation Area renovations	2022	\$250,000
6	East Hyde Park site drainage improvements	2022	\$65,000
7	Sayler Park drainage corrections	2022	\$15,000
8	Sayler park remove vacated bldg.	2022	\$18,000
9	Reinstall a playground at Winton Hills	2022	\$33,000
10	Wayne Recreation Area - community requests	2022	\$30,000
11	Fencing replacement at various sites	2022	\$225,000
12	Salway Bridge Repairs	2022	\$23,000
13	Lunken Playfield Putt Putt Area	2022	\$15,000
14	Stainless Steel Slide Replacements (3)	2022	\$18,000
15	Hawkins Recreation Area - add drinking fountain	2022	\$18,000
16	* Riverside Boat Docks	2022	\$50,000
17	* Bramble Recreation Area creek bank erosion repairs	2022	\$28,000
18	* Dyer Outfield/alley Wall Renovation	2022	\$45,000
19	Install ADA Access, Miscellaneous Sites	2022	\$65,000
20	Oakley Recreation Complex stairs to trail	2022	\$75,000
21	LeBlond NEOS repairs	2022	\$8,000
22	Site Amenities	2023	\$20,000
23	Emergencies and Community/Priority Requests	2023	\$70,000
24	Site Signage	2023	\$100,000
25	Fencing replacement at various sites	2023	\$125,000
26	Install ADA Access, Miscellaneous Sites	2023	\$50,000
27	Site Amenities	2024	\$50,000
28	Site Signage	2024	\$75,000
29	Emergencies and Community/Priority Requests	2024	\$70,000
30	Site Amenities	2025	\$50,000
31	Site Signage	2025	\$30,000
32	Emergencies and Community/Priority Requests	2025	\$70,000
33	Site Amenities	2026	\$50,000
34	Site Signage	2026	\$25,000
35	Emergencies and Community/Priority Requests	2026	\$70,000
36	Site Amenities	2027	\$50,000
37	Site Signage	2027	\$25,000
38	Wall repairs - several sites.	2027	\$60,000
39	Emergencies and Community/Priority Requests	2027	\$70,000
40	Ryan NFL Challenge course	2033	\$175,000
41	* Roselawn outdoor exercise equipment	2036	\$63,000
42	* Olden outdoor exercise equipment	2036	\$75,000
43	Wayne Recreation Area Restroom building	2042	\$42,000
44	Dunham outdoor restroom facility	2042	\$45,000
45	Imagination Alley	2042	\$0
46	Republic Senior Haven	2042	\$0
47	Twelfth and Broadway Recreation Area	2042	\$0
		<b>Total:</b>	<b>\$2,796,000</b>

\*On Cincinnati Park Board Property

<b>Miscellaneous Outdoor</b>	
<b>Budget Year</b>	<b>TOTALS</b>
2023	\$1,336,000
2024	\$365,000
2025	\$195,000
2026	\$150,000
2027	\$145,000
2028	\$205,000

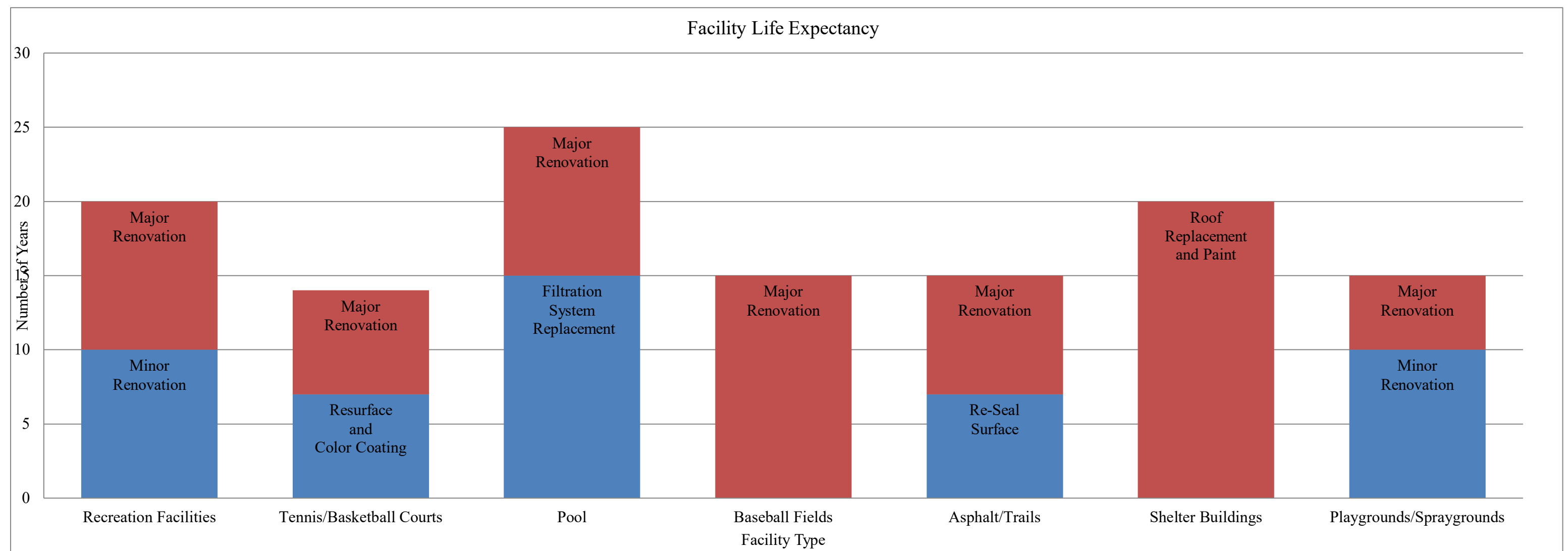
**Outdoor Facilities Yearly Combined Budget**

<b>Outdoor Facilities Budget Year</b>	<b>TOTALS</b>
2023	\$6,943,000
2024	\$4,076,000
2025	\$2,533,000
2026	\$3,506,000
2027	\$2,169,000
2028	\$1,959,000
	<b>\$21,186,000</b>



**Facility Life Expectancy**

	<b>Minor Renovation</b>	<b>Major Renovation</b>
Recreation Facilities	10	10
Tennis/Basketball Courts	7	7
Pool	15	10
Baseball Fields		15
Asphalt/Trails	7	8
Shelter Buildings		20
Playgrounds/Spraygrounds	10	5



**CPB - Priority Deferred Maintenance Projects 9.23.2022**

Rank	Park	District	Neighborhood	Proposed Project	Budget	Comments
1	Smale Riverfront Park	WATERFRONT	Downtown	Smale Rivers Edge	\$ 3,000,000	Significant (6+ feet) of erosion is occurring along the river edge at the west end of CPB-controlled property. Discussion is already underway with the USACE to armor the riverfront with a hard edge. Properly completed, this project will cost in excess of \$15,000, with matching, funding and grant potential to close funding gaps. All funding allotted to this effort will be used for armoring of the river edge.
2	Fairview Park	WEST	CUF	Overlook Stabilization	\$ 750,000	Parks is awaiting the results of August 2022 geotechnical borings to inform the next steps in design and stabilization of these historic overlooks. All funding allotted to this effort would be placed toward stabilization, erosion control and restoration of these overlooks.
3	California Woods	EAST	California	Additional Stream Restoration Funding beyond FY23	\$ 2,000,000	This project will focus on the sustainable stabilization of the tributaries and stream within California Woods that are eroding with the more recent intensified rainfall events. The tributary and stream armoring and repairs will inform the remaining road stabilization work to ensure the preserve remains accessible from Kellogg Avenue.
4	Bellevue Park	CENTRAL	CUF	Pavilion / Park Sliding Renovation	\$ 2,250,000	The historic Bellevue Pavilions are beginning to slide, and need to be properly stabilized. The loop road will be isolated from illegal car parking via removable bollards. The pavilion floor will be stabilized and the grade lowered to reduce people climbing on and defacing the historic the concrete overhangs. Accessible parking features will be added to ensure inclusive enjoyment of the overlook.
5	McEvoy Park	WEST	College Hill	Safety, Circulation, Pavilion and Playground	\$ 1,500,000	The wide roadway and loop configuration make this park a haven for drug trafficking and other nefarious use that prevent other from enjoying the park. The intent of this project will be to narrow and constrict the loop road from vehicle traffic, install an overdue new playground with safety buffers, install fencing and strategic plantings to activate the park, protect and separate amenities and promote safety.
6	Mt. Echo Park	DISTRICT 1	East Price Hill	Pavilion Restoration (Under Design)	\$ 2,000,000	Several drainage and degradation issues at the pavilion exist, that if not dealt with soon will shortly lead to much more significant maintenance challenges. Pavilion and drainage remedies are currently under design. This work will include accessibility improvements to the pavilion.
7	Glenway Park	WEST	East Price Hill	Invasives Removal, Playground Replacement	\$ 300,000	The invasive species that have grown along the eastern and western park edges seclude the majority of the park from sight. The playground is also in need of replacement. Under this project, the invasive species will be removed and playground will be replaced to promote safe, visible use of the space.
8	Ault Park	EAST	Hyde Park	Cascade Restoration	\$ 2,500,000	The historic cascades below the Ault Pavilion are in need of a full restoration in the next three years prior to significant failure and limestone degradation. The recirculating pumping system and associated appurtenances also need replaced and reconfigured to be more environmentally sustainable.

<b>Sum of Priority Maintenance Projects:</b>	<b>\$ 14,300,000</b>
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**ATTACHMENT C**

**Neighborhood Capital Proposed RFP Process**

**2022 Catalytic Neighborhood Capital Investment Program**

**Description:** This new program will provide resources for catalytic projects within the City’s neighborhoods. Projects funded through this program are evaluated based on their ability to create a catalytic impact to stabilize and revitalize neighborhoods.

**Funding Awards:** Recommendations for funding awards are determined based on the project’s needs, total project costs, the strategic priorities and scoring methodology outlined below, and funding availability. Projects may be awarded:

- Funding up to 25% of the total project costs and at a maximum not to exceed \$2 Million.
- Funds contributing towards expenditures (e.g. hard construction costs).

Also, the project must show it would not be financially feasible if limited to only real estate tax incentives or other available DCED programs.

**Strategic Priorities:** The following strategic priorities will be weighed in making funding recommendations:

- Priority will be given for projects based in neighborhoods that have historically received less investment as compared to other City neighborhoods.
- Priority will be given to projects that include a substantial amount of investment in real estate development relative to the average real estate development in the neighborhood surrounding the project.
- Priority will be given to projects that can show demonstrated ability to commence construction in the 18 months following a City contract.
- Resources will be further targeted to viable, market-driven, and mixed-use development in Strategic Investment Areas and Neighborhood Revitalization Strategy Areas, listed here:

**Strategic Investment Areas**

**NRSA (Strategy Area)**

Avondale NRSA  
Bond Hill NRSA  
Camp Washington NRSA  
College Hill NRSA  
Empowerment Zone  
Laurel Homes and Lincoln Court  
Walnut Hills NRSA  
Madisonville NRSA

**CDBG Local Target Area**

East Price Hill  
Avondale  
West Price Hill  
Westwood  
Lower Price Hill  
Walnut Hills  
College Hill  
Madisonville

South Cumminsville / Millvale NRSA	Bond Hill
Lower Price Hill NRSA	Evanston
East and West Price Hill NRSA	Over-the-Rhine
English Woods NRSA	South Cumminsville
Mt. Airy NRSA	Millvale
North Fairmount NRSA	West End
South Fairmount NRSA	
Roselawn NRSA	
Winton Hills NRSA	

**Scoring Criteria: (100 points total)** – Note point totals are for preliminary discussion purposes and will be weighed in conjunction with how a project meets the strategic priorities above:

1. **Neighborhood Impact (~20 points)**
  - a. Project meets a goal or major need identified in the neighborhood plan and/or community vision plan.
  - b. Project has a demonstrated ability to reactivate additional sites within a two-block radius and serves as a neighborhood revitalization catalyst.
2. **Benefit to Strategic Investment Areas (~20 points):**
  - a. Project impacts Low/Mod job creation, Low/Mod area benefit, or the removal of Slum and Blight.
  - b. Creates a benefit to a NRSA or CDBG local target area, listed above.
3. **Job Creation (5 points):**
  - a. Project directly results in verifiable job creation or retention.
4. **Community Support (20 points):**
  - a. Project demonstrates community support and has written confirmation from, but not limited to, community council, business association, community development corporation, and other stakeholders.
5. **Project Scope and Budget (~10 points):**
  - a. Applicant clearly explains the work needed to complete the project.
  - b. Applicant has outlined a thorough and reasonable budget with line items verified through quotes and bids.
  - c. Project ready to start construction within 18 months from City contract
6. **Private Leverage (~10 points):** Budget demonstrates direct (project specific) private leverage.
  - a. Amount of committed funding in place.
  - b. Applicant has explained a funding strategy that at least 75% of other funds are or will be committed to the project.
  - c. Private leverage/committed funds shall be secured within 18 months from City award.

**7. Organization's Capacity (~10 points):**

- a. Applicant has the capacity to carry out the project and complete the construction activities.
  - b. Applicant demonstrates the ability to occupy and operate the intended business venture and underwriting of the operating budget shows strong backing.
  - c. Applicant has ability to operate for at least a ten-year period.
- 8. Completeness of Application (5 points):** Applicant submitted a completed application along with the applicable supporting documents verifying budgets, financial commitments, and direct benefits.
- a. Applicant has submitted a complete financial assistance application.
  - b. Complete Balance development Priorities Scoring sheet submitted with application.

**Application, Evaluation Committee, and Appropriation:** DCED will develop an application for all interested parties to submit for this program within a set time.

An evaluation committee will score and evaluate responses to the application. The evaluation committee will consist of five City staff (to be selected by the City Manager), one representative from Invest in Neighborhoods, and one representative from Homebase.

Following evaluation and scoring, the Administration will submit recommendations for project funding to Council for a final determination and appropriation.

October 5, 2022

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

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

202201887

**SUBJECT:** Department of Finance Report for the Fiscal Year Ended June 30, 2022 (unaudited)

The following report provides an overview of the City of Cincinnati’s financial condition for the fiscal year (FY) ending June 30, 2022. Final revenue and expenditures are compared against the estimates for the fiscal year. Revenues and expenditure trends are reviewed, followed by an explanation of the General Fund’s year-end carryover balance.

**General Fund 2022 Fiscal Year-End Balance**

As shown in the summary table below, the City’s General Fund ended FY 2022 with an actual carryover amount of \$85.1million including \$7.2 million net FY 2021 carryover. This represents an increase in the FY 2022 carryover balance of \$77.9 million. This is primarily the result of revenues exceeding the estimate by \$7.5. million, the cancellation of \$2.8 million in prior year encumbrances, and expenditure savings of \$85.6 million. Revenue estimates included \$67.5 million in ARPA revenue; however, based on guidance from the U.S. Treasury the ARPA revenue was receipted to Fund 469 and \$67.5 million dollars of General Fund expenditures were paid directly from that fund thus decreasing the actual revenue and expenditures in the General Fund.

**General Fund Resources, Expenditures and Carryover (in thousands)**

	<b>FY 2022 Final Budget per CFS and After <u>FY2021 Close-out Adj.</u></b>	<b>FY 2022 Unaudited After FY2021 <u>Close-out Adj.</u></b>	<b><u>\$ Change</u></b>
<b>Resources:</b>			
Revenues	\$463,410	\$470,893	\$7,483
Transfers In	\$120	\$120	\$0
Transfers In from Reserves	1,719	1,719	\$0
<i>Total Resources</i>	<u>465,249</u>	<u>472,732</u>	<u>7,483</u>
<b>Expenditures:</b>			
Operating Expenditures	458,024	372,444	(\$85,580)
Operating Expenditures related to 2021 close-out	(3,163)	(3,163)	\$0
Operating Expenditures net of 2021 close-out adjustments	<u>454,861</u>	<u>369,281</u>	<u>(85,580)</u>
Transfers Out net of 2021 close-out adjustments	28,385	28,385	0
<i>Net Expenditures and Transfers Out</i>	<u>483,246</u>	<u>397,666</u>	<u>(85,580)</u>
<b>Operating Surplus/Deficit</b>	<b>(17,997)</b>	<b>75,066</b>	<b>93,063</b>
Cancelled Prior Year Encumbrances	<u>2,728</u>	<u>2,792</u>	<u>64</u>
<b>Net Surplus</b>	<b>(15,269)</b>	<b>77,858</b>	<b>93,127</b>
Prior Year Carryover after FY2021 close-out adjustments	<u>7,243</u>	<u>7,243</u>	<u>0</u>
<b>Cash Basis Carryover Balance FY2022</b>	<b>(8,026)</b>	<b>\$85,101</b>	<b>93,127</b>

What follows is a brief explanation of resources received and expenditures that occurred throughout the year to achieve the ending FY 2022 carryover balance.

### **Total Resources**

**General Fund Revenues** – Actual FY 2022 revenues of \$470.9 million were above revenue estimates of \$463.4 million by \$7.5 million, or 1.61%. Overall revenues ended above the estimates due to strong income tax collections in the fiscal year and continued positive collections in several other areas throughout the year. Below are factors that affected revenues:

Favorable Variances:

- Income Tax revenues exceeded estimates by \$59.8 million. Refunds and withholding changes due to the shift to remote work were significantly lower than estimated; however, the refund liability will remain for three years from the date the income tax was due.
- Admission tax collections were \$3 million better than expected. The FY 2022 estimates were conservative due to the unknown level of response to the ongoing pandemic. However, events returned for most of the fiscal year and new entertainment venues were added both contributing to the favorable variance.
- Short Term Rental Excise Tax exceeded estimates by \$949k. The contract with a third-party contractor to help identify short term rentals and ensure compliance resulted in a significant increase in the number of registrations leading to the variance.
- License and Permit fees were \$1.5 million above the estimate primarily due to building permits trending toward pre-pandemic levels along with increased heating & ventilating permits.
- Casino revenue outperformed estimates by \$2.0 million, which were set at pre-pandemic levels.

Unfavorable Variances:

- Other revenue ended the year \$70.4 million below the estimate due to a change in how \$67.5 million of ARPA revenue was receipted. Based on guidance received from the U.S. Treasury, ARPA dollars could not be receipted to the General Fund. Instead, it was required that they be segregated in their own fund, Fund 469, thus resulting in a large negative revenue variance in the General Fund.

### **Total Expenditures**

Actual FY 2022 operating expenditures of \$359.2 million, which are a combination of actual expenditures and encumbrances, were less than the Approved FY 2022 Budget by \$85.6 million. This total includes \$3.2 million of one-time expenditures that were approved during FY 2022 but are not recurring annual expenditures. The majority of these savings resulted from a required accounting change based on guidance from the U.S. Treasury which required the ARPA revenue to be receipted in Fund 469 vs. the General Fund and therefore \$67.5 million dollars of General Fund expenditures were paid directly from Fund 469 vs. the General Fund. This resulted in a large reduction in revenue and expenditures in the General Fund.

### **Cancelled Encumbrances**

Cancelled encumbrances are prior year planned or anticipated expenditures that did not materialize into actual expenditures in the current fiscal year. Cancelled encumbrances effectively return resources back to the fund balance of the General Fund and thereby contribute to the carryover balance. The Finance Department reviewed prior year encumbrances with departments and cancelled some prior year encumbrances to achieve additional savings for FY 2022. In FY 2022, actual cancelled prior year encumbrances were \$2.8 million.

**FY 2022 Final Reserve Balances**

Reserve balances at June 30, 2022 are as follows:

Actual Balances FY 2022 As of June 30, 2022			
Annual Revenue	\$538,393,480 *		
Working Capital Reserve	\$42,523,794	7.90%	
General Fund Contingency Account	\$7,937,388	1.47%	
Economic Downturn Reserve	\$9,310,527	1.73%	
General Fund Carryover Balance (includes \$7.2 million from FY 2021)	\$85,100,533	15.81%	
Combined Reserves	\$144,872,242	26.91%	

\*Includes \$67.5 million of ARPA funding.

Details related to the application of the City’s stabilization funds policy and other potential one-time uses of carryover balance are contained in the FY 2022 Carryover to FY 2023 Report.

**Finance Reports**

In conjunction with this year-end report, submitted herewith are the following Department of Finance reports:

1. Comparative Statement of Revenue for the month ended June 30, 2022
2. City Treasurer’s Monthly Cash Reconciliation Reports for May and June 2022 and May and June monthly audit report of the accounts of the City Treasurer
3. Statement of Balances for all Funds as of June 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.

Attachments

- c: William “Billy” Weber, Assistant City Manager  
Karen Alder, Director of Finance



October 5, 2022

**To:** Mayor and Members of City Council 202201888  
**From:** Sheryl M. M. Long, City Manager  
**Subject: Emergency Ordinance – FY 2022 Year-End Report  
Recommended Transfers and Appropriations**

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Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer of the sum of \$1,624,471 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Working Capital Reserve Fund 754 for the purpose of increasing the City’s working capital reserve; **AUTHORIZING** the transfer of the sum of \$17,609,147 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2585, “Economic Downturn Reserve,” for the purpose of increasing the City’s emergency reserve; **AUTHORIZING** the transfer of the sum of \$2,830,482 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2580, “Reserve for Weather Events, Other Emergency and One-Time Needs,” for the purpose of providing resources for unanticipated emergencies including those caused by unusual weather events, in order to increase the City’s reserve; **ESTABLISHING** new capital improvement program project account no. 980x162x231645, “Affordable Housing Trust Funding – GF CO,” for the purpose of providing resources for a one-time contribution to the City’s Affordable Housing Trust Fund; **AUTHORIZING** the transfer of the sum of \$5,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x162x231645, “Affordable Housing Trust Funding – GF CO,” for the purpose of providing a one-time contribution to the City’s Affordable Housing Trust Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of General Fund 050, the source of which is the FY 2022 Carryover Balance, to the City Manager’s Office personnel operating budget account no. 050x101x7500 for the purpose of providing a one-time contribution to address the City’s pension obligation to the Cincinnati Retirement System; **RENAMING** balance sheet reserve account no. 050x2535 within the General Fund 050 from “Emergency Reserve” to “Reserve for Operating Budget Contingencies”; **AUTHORIZING** the transfer of the sum of \$500,000 from the unappropriated surplus of the General Fund 050 to the newly renamed balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” for the purpose of providing resources for subsequent appropriation for one-time unforeseen operating needs that

arise during the remainder of the ongoing fiscal year; AUTHORIZING the transfer and appropriation of the sum of \$250,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation for the purpose of providing one-time funds for the following: the Emergency Communications Center to extend the Alternate Response to Crisis mental health pilot program with Police Dispatch until the end of FY 2023 (\$140,000); the Cincinnati Police Department for Downtown Event Deployment Overtime (\$60,000); the Law Department for expungement efforts (\$25,000); and the Cincinnati Recreation Commission for the lifeguard recruitment and retention pay program (\$25,000); AUTHORIZING the transfer and appropriation of the sum of \$26,103,292 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to Schedule B of the Capital Budget Schedule of Transfer; ESTABLISHING new capital improvement program project account no. 980x164x231619, "Neighborhood Business District Support – GF CO," for the purpose of providing resources for neighborhood projects that were submitted through the City's Neighborhood Business District Improvement Program ("NBDIP") or the Neighborhood Business District Support Grant Program but did not receive funding due to limited resources; AUTHORIZING the transfer of the sum of \$1,500,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231619, "Neighborhood Business District Support – GF CO," for the purpose of providing resources for neighborhood projects that were submitted through the City's NBDIP or the Neighborhood Business District Support Grant Program but did not receive funding due to limited resources; ESTABLISHING new capital improvement program project account no. 980x164x231618, "Convention Center District – GF CO," for the purpose of providing resources for improvements to the Convention Center District; AUTHORIZING the transfer of the sum of \$7,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231618, "Convention Center District – GF CO," for the purpose of providing resources for improvements to the Convention Center District; ESTABLISHING new capital improvement program project account no. 980x164x231617, "OTR Outdoor Improvements – GF CO," for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine; AUTHORIZING the transfer of the sum of \$3,500,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231617, "OTR Outdoor Improvements – GF CO," for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine; ESTABLISHING new capital improvement program project account no.

980x164x231627, “CEAI – GF CO,” for the purpose of providing resources for Community Economic Advancement Initiatives (“CEAI”) for business district investment in the Bond Hill and Roselawn neighborhoods; AUTHORIZING the transfer of the sum of \$250,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231627, “CEAI – GF CO,” for the purpose of providing resources for CEAI for business district investment in the Bond Hill and Roselawn neighborhoods; ESTABLISHING new capital improvement program project account no. 980x164x231626, “Minority Business Accelerator-Ascend – GF CO,” for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati; AUTHORIZING the transfer of the sum of \$1,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231626, “Minority Business Accelerator-Ascend – GF CO,” for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati; AMENDING Ordinance No. 0196-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0224-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0257-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0278-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; ESTABLISHING new balance sheet reserve account no. 050x3440 within the General Fund 050, “Infrastructure and Capital Project Reserve,” for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; AUTHORIZING the transfer of the sum of \$7,294,178 from the unappropriated surplus of the General Fund 050 to the newly established balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

This Emergency Ordinance would authorize the various transfers and appropriations as recommended in the FY 2022 Carryover to FY 2023 Report (Item #202201885) which includes the following transfers and appropriations:

**Application of FY 2022 Carryover Balance**

<b>Cash Basis Carryover Balance FY 2022</b>	\$ 85,100,533
<b>Uses of Carryover Balance</b>	
<b>Application of Stabilization Funds Policy:</b>	
Less General Fund Carryover Balance (1.5% of operating revenue )	\$ 8,075,902
Less Transfers to Reserve Accounts:	
General Fund Contingency Account (2.00% of operating revenue)	\$ 2,830,482
Economic Downturn Reserve (5.00% of operating revenue)	\$17,609,147
Working Capital Reserve (8.2% of operating revenue)	<u>\$ 1,624,471</u>
Total Reserve Transfer from Stabilization Funds Policy	\$ 22,064,100
<b>Carryover Balance Less Total Applied to Stabilization Funds Policy</b>	<b>\$ 54,960,531</b>
<b>Less Modified Waterfall Uses:</b>	
CRS Pension Contribution	\$ 2,000,000
Affordable Housing Trust Fund	\$ 5,000,000
Operating Budget Contingencies Account	<u>\$ 500,000</u>
<b>Total</b>	<b>\$ 7,500,000</b>
<b>Balance Available</b>	<b>\$ 47,460,531</b>
<b>Less One-Time Uses:</b>	
Administration's Recommended One-Time Uses	
Deferred Capital Maintenance - 55%	\$ 26,103,292
Neighborhood Business District Capital Support	\$ 1,500,000
Convention Center District Improvements	\$ 7,000,000
Over-the-Rhine (OTR) Outdoor Improvements (Inc. Ziegler Park Expansion)	\$ 3,500,000
CEAI - Bond Hill Business District Investment	\$ 250,000
Lincoln and Gilbert	<u>\$ 1,000,000</u>
<b>Total</b>	<b>\$ 39,353,292</b>
<b>Balance Available</b>	<b>\$ 8,107,239</b>
Council Funding Priorities	
FY 2022 Reappropriations - Ordinance No. 0196-2022	\$ 793,111
Councilmember Landsman Reappropriation from FY 2022 - Ordinance No. 0224-2022	\$ 5,000
Vice-Mayor Kearney Reappropriation from FY 2022 - Ordinance No. 0257-2022	\$ 10,000
Councilmember Cramerding Reappropriation from FY 2022 - Ordinance No. 0278-2022	<u>\$ 4,950</u>
<b>Total</b>	<b>\$ 813,061</b>
<b>Balance Available</b>	<b>\$ 7,294,178</b>

Additional information regarding the overview of the City of Cincinnati's financial condition for the fiscal year (FY) ending June 30, 2022, can be found in the Department of Finance Reports for the Fiscal Year Ended June 30, 2022 (unaudited) (Item #202201887).

The reason for the emergency is the immediate need to accomplish the authorized transfers and appropriations so that the funding described herein is in place immediately and so that the necessary expenditures described herein may be made as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

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

## Attachments

EMERGENCY

City of Cincinnati

AKS *ESAN*

An Ordinance No. \_\_\_\_\_

- 2022

**AUTHORIZING** the transfer of the sum of \$1,624,471 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Working Capital Reserve Fund 754 for the purpose of increasing the City’s working capital reserve; **AUTHORIZING** the transfer of the sum of \$17,609,147 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2585, “Economic Downturn Reserve,” for the purpose of increasing the City’s emergency reserve; **AUTHORIZING** the transfer of the sum of \$2,830,482 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2580, “Reserve for Weather Events, Other Emergency and One-Time Needs,” for the purpose of providing resources for unanticipated emergencies including those caused by unusual weather events, in order to increase the City’s reserve; **ESTABLISHING** new capital improvement program project account no. 980x162x231645, “Affordable Housing Trust Funding – GF CO,” for the purpose of providing resources for a one-time contribution to the City’s Affordable Housing Trust Fund; **AUTHORIZING** the transfer of the sum of \$5,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x162x231645, “Affordable Housing Trust Funding – GF CO,” for the purpose of providing a one-time contribution to the City’s Affordable Housing Trust Fund; **AUTHORIZING** the transfer and appropriation of the sum of \$2,000,000 from the unappropriated surplus of General Fund 050, the source of which is the FY 2022 Carryover Balance, to the City Manager’s Office personnel operating budget account no. 050x101x7500 for the purpose of providing a one-time contribution to address the City’s pension obligation to the Cincinnati Retirement System; **RENAMING** balance sheet reserve account no. 050x2535 within the General Fund 050 from “Emergency Reserve” to “Reserve for Operating Budget Contingencies”; **AUTHORIZING** the transfer of the sum of \$500,000 from the unappropriated surplus of the General Fund 050 to the newly renamed balance sheet reserve account no. 050x2535, “Reserve for Operating Budget Contingencies,” for the purpose of providing resources for subsequent appropriation for one-time unforeseen operating needs that arise during the remainder of the ongoing fiscal year; **AUTHORIZING** the transfer and appropriation of the sum of \$250,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation for the purpose of providing one-time funds for the following: the Emergency Communications Center to extend the Alternate Response to Crisis mental health pilot program with Police Dispatch until the end of FY 2023 (\$140,000); the Cincinnati Police Department for Downtown Event Deployment Overtime (\$60,000); the Law Department for expungement efforts (\$25,000); and the Cincinnati Recreation Commission for the lifeguard recruitment and retention pay program (\$25,000); **AUTHORIZING** the transfer and appropriation of the sum of \$26,103,292 from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to Schedule B of the Capital Budget Schedule of Transfer; **ESTABLISHING** new capital improvement program project account no. 980x164x231619,

“Neighborhood Business District Support – GF CO,” for the purpose of providing resources for neighborhood projects that were submitted through the City’s Neighborhood Business District Improvement Program (“NBDIP”) or the Neighborhood Business District Support Grant Program but did not receive funding due to limited resources; AUTHORIZING the transfer of the sum of \$1,500,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231619, “Neighborhood Business District Support – GF CO,” for the purpose of providing resources for neighborhood projects that were submitted through the City’s NBDIP or the Neighborhood Business District Support Grant Program but did not receive funding due to limited resources; ESTABLISHING new capital improvement program project account no. 980x164x231618, “Convention Center District – GF CO,” for the purpose of providing resources for improvements to the Convention Center District; AUTHORIZING the transfer of the sum of \$7,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231618, “Convention Center District – GF CO,” for the purpose of providing resources for improvements to the Convention Center District; ESTABLISHING new capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements – GF CO,” for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine; AUTHORIZING the transfer of the sum of \$3,500,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements – GF CO,” for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine; ESTABLISHING new capital improvement program project account no. 980x164x231627, “CEAI – GF CO,” for the purpose of providing resources for Community Economic Advancement Initiatives (“CEAI”) for business district investment in the Bond Hill and Roselawn neighborhoods; AUTHORIZING the transfer of the sum of \$250,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231627, “CEAI – GF CO,” for the purpose of providing resources for CEAI for business district investment in the Bond Hill and Roselawn neighborhoods; ESTABLISHING new capital improvement program project account no. 980x164x231626, “Minority Business Accelerator-Ascend – GF CO,” for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati; AUTHORIZING the transfer of the sum of \$1,000,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x164x231626, “Minority Business Accelerator-Ascend – GF CO,” for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati; AMENDING Ordinance No. 0196-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0224-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0257-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; AMENDING Ordinance No. 0278-2022 to identify the source of the unappropriated surplus as being FY 2022 Carryover Balance; ESTABLISHING new balance sheet reserve account no. 050x3440 within the General Fund 050, “Infrastructure and Capital Project Reserve,” for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; AUTHORIZING the transfer of the sum of \$7,294,178 from the unappropriated surplus of the General Fund 050 to the newly established balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” for the purpose of providing

resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, in 2015, in Ordinance No. 0253-2015, City Council adopted a Stabilization Funds Policy to define appropriate funding for the City's various reserve funds, with such policy being later revised in 2019 through Ordinance No. 0213-2019 and revised again in 2022 through Ordinance No. 0056-2022; and

WHEREAS, in accordance with the terms of the Stabilization Funds Policy, the Administration recommends transferring funds into the Working Capital Reserve Fund and into two separate balance sheet reserve accounts: "Economic Downturn Reserve" and "Reserve for Weather Events, Other Emergency and One-Time Needs"; and

WHEREAS, Council wishes to establish a new balance sheet reserve account within the General Fund, "Infrastructure and Capital Project Reserve," for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle; and

WHEREAS, Ordinance Nos. 0196-2022, 0224-2022, 0257-2022, and 0278-2022 have already appropriated \$813,061 in General Fund FY 2022 carryover resources, resulting in a recommended balance of \$7,294,178 for the Infrastructure and Capital Project Reserve; now, therefore,

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

Section 1. That the sum of \$1,624,471 is hereby transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Working Capital Reserve Fund 754 for the purpose of increasing the City's working capital reserve.

Section 2. That the sum of \$17,609,147 is hereby transferred from the unappropriated surplus of General Fund 050 to the balance sheet reserve account no. 050x2585, "Economic Downturn Reserve," for the purpose of increasing the City's emergency reserve.

Section 3. That the sum of \$2,830,482 is hereby transferred from the unappropriated surplus of General Fund 050 to the balance sheet reserve account no. 050x2580, "Reserve for Weather Events, Other Emergency and One-Time Needs," for the purpose of providing resources



for unanticipated emergencies including those caused by unusual weather events, in order to increase the City's reserve.

Section 4. That capital improvement program project account no. 980x162x231645, "Affordable Housing Trust Funding – GF CO," is hereby established for the purpose of providing resources for a one-time contribution to the City's Affordable Housing Trust Fund.

Section 5. That the transfer and appropriation of \$5,000,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x162x231645, "Affordable Housing Trust Funding – GF CO," is hereby authorized for the purpose of providing resources for a one-time contribution to the City's Affordable Housing Trust Fund.

Section 6. That the transfer and appropriation of \$2,000,000 from the unappropriated surplus of General Fund 050, the source of which is FY 2022 Carryover Balance, to the City Manager's Office personnel operating budget account no. 050x101x7500 is hereby authorized for the purpose of providing a one-time contribution to address the City's pension obligation to the Cincinnati Retirement System.

Section 7. That balance sheet reserve account no. 050x2535 within the General Fund 050 is hereby renamed from "Emergency Reserve" to "Reserve for Operating Budget Contingencies."

Section 8. That the sum of \$500,000 is hereby transferred from the unappropriated surplus of General Fund 050 to the newly renamed balance sheet reserve account no. 050x2535, "Reserve for Operating Budget Contingencies," for the purpose of providing resources for subsequent appropriation for one-time unforeseen operating needs that arise during the remainder of the ongoing fiscal year.

Section 9. That the sum of \$250,000 is hereby transferred and appropriated from balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the various General Fund operating budget accounts according to the attached Schedule A of the General Fund Operating Budget Schedule of Appropriation for the purpose of providing one-time funds for: the Emergency Communications Center to extend the Alternate Response to Crisis mental health pilot program with Police Dispatch until the end of FY 2023 (\$140,000); the Cincinnati Police Department for Downtown Event Deployment Overtime (\$60,000); the Law Department for expungement efforts (\$25,000); and the Cincinnati Recreation Commission for the lifeguard recruitment and retention pay program (\$25,000).

Section 10. That the sum of \$26,103,292 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to various capital improvement program project accounts according to Schedule B of the Capital Budget Schedule of Transfer.

Section 11. That capital improvement program project account no. 980x164x231619, "Neighborhood Business District Support – GF CO," is hereby established for the purpose of providing resources for neighborhood projects that were submitted through the City's Neighborhood Business District Improvement Program ("NBDIP") or the Neighborhood Business District Support Grant Program but did not receive funding due to limited resources.

Section 12. That the transfer and appropriation of \$1,500,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x164x231619, "Neighborhood Business District Support – GF CO," is hereby authorized for the purpose of providing resources for neighborhood projects that were submitted through the City's NBDIP or the Neighborhood Business District Support Grant Program but did not receive funding due to limited resources.

Section 13. That capital improvement program project account no. 980x164x231618, “Convention Center District – GF CO,” is hereby established for the purpose of providing resources for improvements to the Convention Center District.

Section 14. That the transfer and appropriation of \$7,000,000 from the unappropriated surplus of the General Fund 050 to newly established capital improvement program project account no. 980x164x231618, “Convention Center District – GF CO,” is hereby authorized for the purpose of providing resources for improvements to the Convention Center District.

Section 15. That capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements – GF CO,” is hereby established for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine.

Section 16. That the transfer and appropriation of \$3,500,000 from the unappropriated surplus of the General Fund 050 to newly established capital improvement program project account no. 980x164x231617, “OTR Outdoor Improvements – GF CO,” is hereby authorized for the purpose of providing resources for outdoor improvements to the Ziegler Park area in Over-the-Rhine.

Section 17. That capital improvement program project account no 980x164x231627, “CEAI – GF CO,” is hereby established for the purpose of providing resources for Community Economic Advancement Initiatives (“CEAI”) for business district investment in the Bond Hill and Roselawn neighborhoods.

Section 18. That the transfer and appropriation of \$250,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x164x231627, “CEAI – GF CO,” is hereby authorized for the purpose of providing resources for CEAI for business district investment in the Bond Hill and Roselawn neighborhoods.

Section 19. That capital improvement program project account no. 980x164x231626, “Minority Business Accelerator-Ascend – GF CO,” is hereby established for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati.

Section 20. That the transfer and appropriation of the sum of \$1,000,000 from the unappropriated surplus of General Fund 050 to newly established capital improvement program project account no. 980x164x231626, “Minority Business Accelerator-Ascend – GF CO,” is hereby authorized for the purpose of providing resources to support the Lincoln & Gilbert initiative for minority business investment in Cincinnati.

Section 21. That Section 1 of Ordinance No. 0196-2022, approved by Council on June 23, 2022, is hereby amended as follows:

Section 1. That the sum of \$793,110.64 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050, the source of which is FY 2022 Carryover Balance, to various operating budget accounts according to the attached Schedule of Transfer, effective July 1, 2022, for the purpose of providing resources for leveraged support commitments, the Black Lives Matter mural refresh, 311 service line technology purchases and advertisements, and the Cities for Financial Empowerment grant and matching resources that were previously approved by Council in fiscal years 2021 and 2022.

Section 22. That all terms of Ordinance No. 0196-2022 not amended in this ordinance remain in full force and effect.

Section 23. That Section 1 of Ordinance No. 0224-2022, approved by Council on June 29, 2022, is hereby amended as follows:

Section 1. That the sum of \$5,000 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050, the source of which is FY 2022 Carryover Balance, to the City Manager’s Office non-personnel operating budget account no. 050x101x7400, effective July 1, 2022, for the purpose of providing additional one-time leveraged support finding for the St. Vincent de Paul Society’s Eviction Prevention Initiative (the “Initiative”).

Section 24. That all terms of Ordinance No. 0224-2022 not amended in this ordinance remain in full force and effect.

Section 25. That Sections 1 and 2 of Ordinance No. 0257-2022, approved by Council on August 3, 2022, are hereby amended as follows:

Section 1. That the sum of \$5,000 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050, the source of which is FY 2022 Carryover Balance, to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing one-time resources for the Christ Temple Baptist Church summer camp program.

Section 2. That the sum of \$5,000 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050, the source of which is FY 2022 Carryover Balance, to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing one-time resources to 1N5.

Section 26. That all terms of Ordinance No. 0257-2022 not amended in this ordinance remain in full force and effect.

Section 27. That Section 1 of Ordinance No. 0278-2022, approved by Council on September 8, 2022, is hereby amended as follows:

Section 1. That the sum of \$4,950 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050, the source of which is FY 2022 Carryover Balance, to the Law Department's General Fund non-personnel operating budget account no. 050x111x7200 for the purpose of providing one-time resources for continuing legal education for Law Department personnel.

Section 28. That all terms of Ordinance No. 0278-2022 not amended in this ordinance remain in full force and effect.

Section 29. That a new balance sheet reserve account no. 050x3440, "Infrastructure and Capital Project Reserve," is established within the General Fund 050 for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle.

Section 30. That the transfer of the sum of \$7,294,178 from the unappropriated surplus of the General Fund 050 to the newly established balance sheet reserve account no. 050x3440, “Infrastructure and Capital Project Reserve,” is hereby authorized for the purpose of providing resources for subsequent appropriation by Council for identified one-time infrastructure and capital projects for identified urgent needs or as part of the next annual budget cycle.

Section 31. That the Affordable Housing Trust Funding – GF CO; Neighborhood Business District Support – GF CO; Convention Center District – GF CO; OTR Outdoor Improvements – GF CO; CEAI – GF CO; and Minority Business Accelerator-Ascend – GF CO capital improvement program projects are hereby declared to serve a public purpose because the projects will foster local improvements and investment and increase neighborhood vitality and because each project has an estimated life or period of usefulness of five years or more.

Section 32. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 through 31 herein.

Section 33. 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 accomplish the authorized transfers and appropriations so that the funding described herein is in place immediately and so that the necessary expenditures described herein may be made as soon as possible.

Passed: \_\_\_\_\_, 2022

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

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

**SCHEDULE OF TRANSFER**

**SCHEDULE A. FY 2022 Closeout Operating Budget Transfer Schedule**

General Fund 050

<i>REDUCTIONS</i>		<i>INCREASES</i>					
Fund Agency Bureau	Appropriation Unit	Obj Code	\$ Amount	Fund Agency Bureau	Appropriation Unit	Obj Code	\$ Amount
050			250,000	050 103 0000	7100	7197	140,000
SUPPLEMENTAL APPROPRIATIONS							
SOURCE ACCOUNTS							
UNAPPROPRIATED SURPLUS							
				050 111 1000	7200	7289	25,000
				050 197 7000	7100	7172	25,000
				050 222 1000	7100	7121	60,000
				Subtotal Supplemental Appropriations			250,000
<b>TOTAL FUND REDUCTIONS</b>			<b>250,000</b>	<b>TOTAL FUND INCREASES</b>			<b>250,000</b>

That the amounts set forth hereinafter totaling \$26,103,292.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS PRIOR	REVISSED	AMOUNT TO BE APPROPRIATED OR TRANSFERRED
ETS 091	050 General Fund	230926 Radio Replacements - GFCO	0.00	1,703,292.00	1,703,292.00
City Manager 101	050 General Fund	231034 Community Budget Requests - GFCO	0.00	1,500,000.00	1,500,000.00
Recreation Administration 199	050 General Fund	231036 Communication Equipment - GFCO	0.00	500,000.00	500,000.00
	050 General Fund	231915 Recreation Facilities Renovation - GFCO	0.00	2,500,000.00	2,500,000.00
	050 General Fund	231916 Pavement & HVAC Improvements - GFCO	0.00	2,000,000.00	2,000,000.00
	050 General Fund	231917 Evanston Recreation Area Improvement - GFCO	0.00	500,000.00	500,000.00
Parks Administration & Program Services 203	050 General Fund	232025 California Woods - GFCO	0.00	1,500,000.00	1,500,000.00
	050 General Fund	232026 Inwood Park - GFCO	0.00	1,000,000.00	1,000,000.00
	050 General Fund	232027 Riverfront Parks Stabilization - GFCO	0.00	1,000,000.00	1,000,000.00
Trans. & Eng. Engineering 233	050 General Fund	232344 Spot Infrastructure Winter Weather - GFCO	0.00	500,000.00	500,000.00
Trans. & Eng. Traffic Eng. 239	050 General Fund	232347 Traffic Signals Infrastructure - GFCO	0.00	2,000,000.00	2,000,000.00
	050 General Fund	232348 Street Light Infrastructure - GFCO	0.00	1,400,000.00	1,400,000.00
Public Services City Facility Management 255	050 General Fund	232532 Fleet Facilities Renovation - GFCO	0.00	3,500,000.00	3,500,000.00
	050 General Fund	232533 Public Safety Facilities Improvements - GFCO	0.00	1,000,000.00	1,000,000.00
	050 General Fund	232534 ADA Compliance Improvements - GFCO	0.00	500,000.00	500,000.00
Motorized Equip. 981	050 General Fund	232524 Fleet Replacements - GFCO	0.00	1,500,000.00	1,500,000.00
Public Health 261	050 General Fund	232608 Health Facilities Improvements - GFCO	0.00	3,500,000.00	3,500,000.00



That the amounts set forth hereinafter totaling \$26,103,292.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
ETS 091	050	General Fund	230926	Radio Replacements - GFCO	0.00	1,703,292.00	1,703,292.00
City Manager 101	050	General Fund	231034	Community Budget Requests - GFCO	0.00	1,500,000.00	1,500,000.00
	050	General Fund	231036	Communication Equipment - GFCO	0.00	500,000.00	500,000.00
Recreation Administration 199	050	General Fund	231915	Recreation Facilities Renovation - GFCO	0.00	2,500,000.00	2,500,000.00
	050	General Fund	231916	Pavement & HVAC Improvements - GFCO	0.00	2,000,000.00	2,000,000.00
	050	General Fund	231917	Evanston Recreation Area Improvement - GFCO	0.00	500,000.00	500,000.00
Parks Administration & Program Services 203	050	General Fund	232025	California Woods - GFCO	0.00	1,500,000.00	1,500,000.00
	050	General Fund	232026	Inwood Park - GFCO	0.00	1,000,000.00	1,000,000.00
	050	General Fund	232027	Riverfront Parks Stabilization - GFCO	0.00	1,000,000.00	1,000,000.00
Trans. & Eng. Engineering 233	050	General Fund	232344	Spot Infrastructure Winter Weather - GFCO	0.00	500,000.00	500,000.00
Trans. & Eng. Traffic Eng. 239	050	General Fund	232347	Traffic Signals Infrastructure - GFCO	0.00	2,000,000.00	2,000,000.00
	050	General Fund	232348	Street Light Infrastructure - GFCO	0.00	1,400,000.00	1,400,000.00
Public Services City Facility Management 255	050	General Fund	232532	Fleet Facilities Renovation - GFCO	0.00	3,500,000.00	3,500,000.00
	050	General Fund	232533	Public Safety Facilities Improvements - GFCO	0.00	1,000,000.00	1,000,000.00
	050	General Fund	232534	ADA Compliance Improvements - GFCO	0.00	500,000.00	500,000.00
Motorized Equip. 981	050	General Fund	232524	Fleet Replacements - GFCO	0.00	1,500,000.00	1,500,000.00
Public Health 261	050	General Fund	232608	Health Facilities Improvements - GFCO	0.00	3,500,000.00	3,500,000.00

**SCHEDULE OF TRANSFER**

**SCHEDULE A. FY 2022 Closeout Operating Budget Transfer Schedule**

General Fund 050													
<i>REDUCTIONS</i>							<i>INCREASES</i>						
	Fund	Agency	Bureau	Appropriation Unit	Obj Code	\$ Amount		Fund	Agency	Bureau	Appropriation Unit	Obj Code	\$ Amount
<b>SUPPLEMENTAL APPROPRIATIONS SOURCE ACCOUNTS</b>							<b>SUPPLEMENTAL APPROPRIATIONS USE ACCOUNTS</b>						
UNAPPROPRIATED SURPLUS	050					250,000	CITY MANAGER'S OFFICE						
							EMERGENCY COMMUNICATIONS CENTER	050	103	0000	7100	7197	140,000
							LAW DEPARTMENT						
							CIVIL LITIGATION	050	111	1000	7200	7289	25,000
							CINCINNATI RECREATION COMMISSION						
							ATHLETICS	050	197	7000	7100	7172	25,000
							CINCINNATI POLICE DEPARTMENT						
							NEIGHBORHOOD POLICING	050	222	1000	7100	7121	60,000
							<b>Subtotal Supplemental Appropriations</b>						<b>250,000</b>
<b>TOTAL FUND REDUCTIONS</b>						<b>250,000</b>	<b>TOTAL FUND INCREASES</b>						<b>250,000</b>

**Date:** September 23, 2022

**To:** Councilmember Reggie Harris,  
**From:** Emily Smart Woerner, City Solicitor *EESW*  
**Subject:** **Ordinance – LGBT+ Pride Crosswalk**

---

Transmitted herewith is an ordinance captioned as follows:

**AUTHORIZING** the City Administration to solicit and accept donations of money, in-kind contributions, and other things of value from members of the Cincinnati business community, individual benefactors, and other available sources for the purpose of the design, installation, and maintenance of the LGBT+ Pride crosswalks on Vine Street; and **AUTHORIZING** the Finance Director to deposit the donated funds into Special Revenue Fund No. 314, “Special Events.”

EESW/JRS/(lnk)  
Attachment  
371134



# City of Cincinnati

JRS

EESW

## An Ordinance No. \_\_\_\_\_

- 2022

**AUTHORIZING** the City Administration to solicit and accept donations of money, in-kind contributions, and other things of value from members of the Cincinnati business community, individual benefactors, and other available sources for the purpose of the design, installation, and maintenance of the LGBT+ Pride crosswalks on Vine Street; and **AUTHORIZING** the Finance Director to deposit the donated funds into Special Revenue Fund No. 314, "Special Events."

WHEREAS, City Council adopted Ordinance No. 202-2018 on June 27, 2018, through which the Council authorized the City Manager to install a LGBT Pride crosswalk (the "Crosswalk") at the crosswalk on the northside of Vine Street at Twelfth Street and authorized the acceptance of monetary donations for the installation of the Crosswalk; and

WHEREAS, Ordinance No. 202-2018 recognized the design, installation, and maintenance of the Crosswalk is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum; and

WHEREAS, Council now seeks to allow for the installation of new LGBT+ Pride crosswalks, at the Crosswalk's current location and directly south of the existing Crosswalk, and at the crosswalk on the southside of Vine Street at Twelfth Street, in the Over-the-Rhine neighborhood; and

WHEREAS, the City's design, installation, and maintenance of the new LGBT+ Pride crosswalks is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum; and

WHEREAS, the City may designate one or more agents or contractors, including Cincinnati Center City Development Corporation ("3CDC") to carry out all or a portion of the work required to design, install, and maintain the new LGBT+ Pride crosswalks which work may include maintenance and redesign of the Crosswalk; and

WHEREAS, the City may also accept donations from one or more persons, including 3CDC, in order to offset the cost and expense associated with the design, installation, and maintenance of the new LGBT+ Pride crosswalks and to ensure the design, installation, and maintenance of the new LGBT+ Pride crosswalks shall have little or no impact on the General Fund of the City of Cincinnati; and

WHEREAS, Council wishes to authorize the City Manager to redesign the Crosswalk and install the new LGBT+ Pride crosswalks and further permit the City to accept additional monetary and in-kind donations for the installation of the new LGBT+ Pride crosswalks; and

WHEREAS, the LGBT+ Pride crosswalks are in accordance with the “Compete” goal to “Become nationally and internationally recognized as a vibrant and unique City” and strategy to “Promote Cincinnati’s lifestyle” as well as the “Live” goal to “Build a robust public life” and strategy to “Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” as described on pages 121-125 and 149-152, respectively, 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 Administration is hereby authorized to solicit and accept donations of money, in-kind contributions, and other things of value from members of the Cincinnati business community, individual benefactors, and other available sources for the purpose of the design, installation, and maintenance of the LGBT+ Pride crosswalks on Vine Street.

Section 2. That the Finance Director is hereby authorized to deposit funds donated to the City of Cincinnati for the LGBT+ Pride crosswalks into Special Revenue Fund No. 314, “Special Events.”

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to implement 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: \_\_\_\_\_, 2022

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

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

September 28, 2022

**To:** Mayor and Members of City Council 202201736  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **EMERGENCY ORDINANCE – CRA AGREEMENT WITH Kaladin LLC**

---

Attached is an Ordinance captioned:

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Kaladin LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1923-1927 Elm Street and 201-207 Henry Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 15,303 square feet of residential space, with 20 apartment units, at a total remodeling cost of approximately \$1,666,557.

### **BACKGROUND/CURRENT CONDITIONS**

Kaladin LLC (the “Developer”) owns the 168-year-old building located at 1923 Elm Street in Over-the-Rhine and which has been vacant since at least 2008. Given the age of the property and its length of being vacant, it requires substantial reinvestment to bring it to market standards for rental units.

### **DEVELOPER INFORMATION**

Kaladin LLC is affiliated with Kunst Development. Kunst Development LLC has fully renovated 4 other vacant buildings in Over-the-Rhine and one in Walnut Hills. Kunst is also in the process of renovating 5 other properties in Cincinnati.

### **PROJECT DESCRIPTION**

The Developer plans to remodel the 168-year-old building into approximately 15,303 square feet of residential space, with 20 one-bedroom apartment units, with monthly rents ranging from \$690 to \$1,280. The total project cost is expected to be approximately \$3,465,335. The project will support the creation of 1 Full-Time Equivalent jobs with \$40,000 in annual payroll and 16 temporary construction jobs with \$700,036 in annual payroll.

**PROPOSED INCENTIVE**

DCED is recommending a 100% (net 52%), 15-year CRA tax exemption for this property.

The exemption applies only to the increase in value of the building attributable to the project improvements.

Pursuant to the Commercial CRA policy established by City Council, this project is located within the Streetcar VTICA Area and is therefore eligible for a 100% (net 52%), 15-year tax exemption. The project merits a fifteen-year, net 52% CRA Tax Abatement based on the following criteria:

- This project would not be financially feasible without a property tax incentive.
- Net 15% Streetcar VTICA contribution totals to \$82,088.
- The project will support the creation of 1 Full-Time Equivalent job with \$40,000 in annual payroll and 16 temporary construction jobs with \$1,400,073 in annual payroll.

<b>Incentive Value</b>	
Annual Net Incentive to Developer	\$14,862
<b>Total Term Incentive to Developer</b>	<b>\$222,934</b>
<b>City's Portion of Property Taxes Forgone</b>	<b>\$60,249</b>
<b>Public Benefit</b>	
CPS PILOT	
Annual CPS Pilot	\$9,432
Total Term CPS PILOT	<b>\$141,477</b>
VTICA	
Annual VTICA	\$4,287
Total Term VTICA	<b>\$64,308</b>
Income Tax (Max)	<b>\$61,203</b>
<b>Total Public Benefit (CPS PILOT/VTICA /Income Tax)</b>	<b>\$266,988</b>
Total Public Benefit ROI*	\$1.20
City's ROI*	\$4.43

\*If the project were going to happen regardless of incentive, this is the return of real dollars for public benefits as potential future dollars are forgone. Note that the City's underwriting indicates the project is unlikely to proceed without incentive.

<b>PROFORMA WITHOUT ABATEMENT</b>	
Revenue	\$280,099
Operating Expenses and Reserves	\$212,705
Net Operating Income	\$67,394
Debt Service	\$62,092
Cash Flow After Debt Service	\$5,301
Cash on Cash Return	1%

<b>PROFORMA WITH ABATEMENT</b>	
Revenue	\$280,099
Operating Expenses and Reserves	\$155,949
Net Operating Income	\$124,150
Debt Service	\$101,896
Cash Flow After Debt Service	\$22,254
Cash on Cash Return	3%

Market rate of return: ~8-10%

### **PROJECT TEAM & TIMELINE**

The project team (listed below) will make themselves available at the request of the Councilmember(s).

- Assistant City Manager: Billy Weber (Ext. 3318)
- DCED Director: Markiea Carter (Ext. 1953)
- Project Attorneys: Samantha Brandenburg (Ext. 4704)

The anticipated Council timeline is as follows:

- September 14, 2022: Introduction to Council
- September 19: Budget and Finance (1)
- September 26: Budget and Finance (2)
- September 28: City Council for Final Approval

### **RECOMMENDATION**

The Administration recommends approval of this Ordinance.

The project will bring a currently vacant building back into multi-family residential use in Over-the-Rhine, further adding to the neighborhood's vibrancy. After 168 years, this property requires substantial reinvestment to bring it to market standards, and to enable it to contribute positively in the forthcoming decades.

Attachment: A. Property location and photographs



**Attachment A: Property Location and Photographs**



*Property Location*



*1923 Elm Street*

EMERGENCY

City of Cincinnati

EVK

EESW

An Ordinance No. \_\_\_\_\_

- 2022

**APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Kaladin LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 1923-1927 Elm Street and 201-207 Henry Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 15,303 square feet of residential space, consisting of 20 residential rental units, at a total construction cost of approximately \$1,666,557.

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

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

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

WHEREAS, Kaladin LLC (the "Company") desires to remodel an existing building on real property at 1923-1927 Elm Street and 201-207 Henry Street located within the corporate boundaries of the City of Cincinnati (the "Improvements"), provided that the appropriate development incentives are available to support the economic viability of the Improvements; and

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

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

WHEREAS, the Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020 (as may be amended, the "Board of Education Agreement"), has approved exemptions of up to 100% of Community Reinvestment Area projects, waived advance notice and the right to review

such projects, and waived sharing or allocation of municipal income taxes in connection with such projects; and

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

WHEREAS, the Company has represented that it has entered into (or will enter into) a voluntary tax incentive contribution agreement with a third-party organization for amounts equal to 15% of the exempt real property taxes, which funds shall be committed by the third-party organization to support the streetcar that specially benefits the property; and

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

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

Section 1. That Council approves a *Community Reinvestment Area Tax Exemption Agreement* with Kaladin LLC (the "Agreement"), thereby authorizing a 15-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 1923-1927 Elm Street and 201-207 Henry Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 15,303 square feet of residential space, consisting of 20 residential rental units, to be completed at a total construction cost of approximately \$1,666,557.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City in substantially the form of Attachment A to this ordinance; and
- (ii) to forward on behalf of Council a copy of the Agreement, within fifteen (15) days after execution, to the Director of the Ohio Development Services Agency in accordance with Ohio Revised Code Section 3735.671(F); and
- (iii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Development Services Agency and to the Board of Education of the Cincinnati City School District, in accordance with Ohio Revised Code Section 3735.672; and

- (iv) to take all necessary and proper actions to fulfill the City's obligations under the Agreement.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to allow the remodeling described in this ordinance and the corresponding revitalization of the City of Cincinnati and the benefits to the City's economic welfare to begin at the earliest possible time.

Passed: \_\_\_\_\_, 2022

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

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

ATTACHMENT A

## Community Reinvestment Area Tax Exemption Agreement

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

## Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 1923-1927 Elm Street and 201-207 Henry Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

(i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.
- P. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.
- Q. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.



- R. This Agreement has been authorized by Ordinance No. \_\_\_\_\_-2022, passed by Cincinnati City Council on \_\_\_\_\_, 2022.
- S. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

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

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building into approximately 15,303 square feet of residential space, consisting of 20 residential rental units on the Property (the "Improvements") at an estimated aggregate cost of \$1,666,557 to commence after the execution of this Agreement and to be completed no later than June 1, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "ADA"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of fifteen (15) years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the

exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15<sup>th</sup>) year of exemption.

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

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

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

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

Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

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

Section 11. Small Business Enterprise Program.<sup>1</sup>

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

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

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

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<sup>1</sup> Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

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

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 1 full-time equivalent permanent job, and (ii) 16 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$40,000 of additional annual payroll with respect to the full-time equivalent permanent jobs, and (ii) \$1,400,073 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

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

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

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

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

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may

extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

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

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this

Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

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

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

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

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

To the City:

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

To the Company:

Kaladin LLC  
Attention: John Blatchford  
PO Box 340380  
P.M.B 75910  
Columbus, Ohio 43234

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

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

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

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

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

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

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

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

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

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

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

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

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

Section 36. Wage Enforcement.

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

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

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

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn



and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

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

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

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

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

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

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

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

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

CITY OF CINCINNATI,  
an Ohio municipal corporation

KALADIN LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
John P. Curp, Interim City Manager

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

Date: \_\_\_\_\_, 2022

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

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

Date: \_\_\_\_\_, 2022

Authorized by resolution dated \_\_\_\_\_

Approved as to Form:

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

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

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

**Exhibit A to CRA Agreement**

**LEGAL DESCRIPTION OF PROPERTY**

Parcel Number: 096-0005-0114-00  
Property Address: 1923-1927 Elm Street and 201-207 Henry Street, Cincinnati, Ohio 45202

**Situate in Cincinnati, Hamilton County, Ohio, being lots 7, 8, and 9 in J.C. Ludlow's Subdivision, Recorded in DB 88, Page 574, in the Recorder's Office and more particularly described as follows:**

**Beginning at the Southwest corner of Elm and Henry Streets, thence S 73 deg. 45' W 100 feet along the South line of Henry Street to the East line of Colby Alley, thence S 16 deg. E 75 feet along said East line of Colby Alley, thence N 73 deg. 45' E 100 feet to the West line of Elm Street, thence N 16 deg. W 75 feet to the point of beginning.**

**Subject to all legal easements, restrictions, and highways of record, if any.**

**Exhibit B to CRA Agreement**

**APPLICATION FOR TAX EXEMPTION**

***TO BE ATTACHED TO EXECUTION VERSION***

## Community Reinvestment Area Tax Exemption Agreement

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

## Recitals:

- A. The City, through the adoption of Ordinance No. 274-2017 on September 27, 2017, designated the entire City of Cincinnati as a Community Reinvestment Area to encourage the development of real property and the acquisition of personal property in that area, pursuant to Ohio Revised Code Sections 3735.65 through 3735.70 (the "Statute").
- B. In accordance with the Statute, the Ohio Director of Development has forwarded to the City the Director's determination dated October 23, 2017, stating that the findings contained in Ordinance No. 274-2017 are valid and that the entire City is a Community Reinvestment Area under the Statute. By such determination, the Director of Development of the State of Ohio determined that the area within the corporate boundaries of the City of Cincinnati contains the characteristics set forth in the Statute and confirmed such area as a Community Reinvestment Area under the Statute.
- C. The Council of the City of Cincinnati has also passed Ordinance No. 275-2017 as of September 27, 2017, as amended by Ordinance No. 339-2018, passed on October 31, 2018, Ordinance No. 370-2020, passed on November 12, 2020, and Ordinance No. 24-2022, passed on February 2, 2022 (as amended, the "Commercial Policy Ordinance"), which sets forth certain additional policies, conditions and limitations regarding newly constructed or remodeled commercial and residential structures in the Community Reinvestment Area.
- D. The Company is the sole owner of certain real property within the City, located at 1923-1927 Elm Street and 201-207 Henry Street, Cincinnati, Ohio 45202 (the "Property"), as further described in Exhibit A (Legal Description of Property) hereto. Notwithstanding the foregoing, the Property shall not include any residential condominiums being developed in connection with the Project (as defined below) (the "Excluded Property"), and the Company acknowledges and agrees that the City's Community Reinvestment Area program entails separate applications by the owner of any residential condominium units included within the Project. For the avoidance of doubt, the Excluded Property shall not be exempt under this Agreement; however, this provision shall not be deemed to prohibit any owners from time to time of any Excluded Property from separately applying for a tax abatement in accordance with applicable law.
- E. The Company has proposed to remodel a building located on the Property, within the boundaries of the City of Cincinnati, as more fully described in Section 1 herein (the "Project"), provided that the appropriate development incentives are available to support the economic viability of the Project.
- F. The Statute provides that if any part of a project is to be used for commercial or industrial purposes, including projects containing five or more dwelling units, in order to be eligible for tax exemption the City and the Company must enter into an agreement pursuant to Ohio Revised Code Section 3735.671 prior to commencement of construction or remodeling.
- G. The City, having appropriate authority under the Statute for this type of project, agrees (as provided herein and subject to all conditions herein) to provide the Company with the tax exemption incentives stated herein, available under the Statute, for development of the Project.
- H. The Company has submitted to the City an application for this tax exemption agreement (the "Application"), a copy of which is attached hereto as Exhibit B, has remitted with the Application

(i) the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City and (ii) in accordance with Ohio Revised Code Section 3735.672(C), the state application fee of Seven Hundred Fifty Dollars (\$750) made payable to the Ohio Development Services Agency ("ODSA"), to be forwarded to the ODSA with an executed copy of this Agreement.

- I. The Director of the City's Department of Community and Economic Development has recommended approval of the Application on the basis that the Company is qualified by financial responsibility and business experience to create and preserve employment opportunities and improve the economic climate of the City.
- J. The Board of Education of the Cincinnati City School District (the "Board of Education"), pursuant to that certain *Tax Incentive Agreement* effective as of April 28, 2020, has approved exemptions of up to one hundred percent (100%) of Community Reinvestment Area projects, waived advance notice and right to review such projects, and waived sharing or allocation of municipal income taxes in connection with such projects.
- K. The Company has entered into (or will enter into) an agreement with the Board of Education requiring the Company to pay the Board of Education amounts equal to thirty-three percent (33%) of the full amount of exempt real property taxes that would have been paid to Hamilton County if this Agreement were not in effect (the "Board of Education Agreement").
- L. The Company represents and warrants to the City that the Company and its major tenants, if any, do not intend to relocate part or all of their operations to the City from another county or municipal corporation in the State of Ohio (the "State").
- M. The Company represents that within the past five (5) years neither the Company, any related member of the Company, nor any entity to which the Company is a successor has discontinued operations at a project site in the State during the term of a property tax exemption agreement (under Ohio Revised Code Section 3735.671, 5709.62, 5709.63 or 5709.632) applicable to that site, and the Company acknowledges that misrepresentation hereunder will result in voiding of this Agreement.
- N. The Company represents and warrants to the City that the Company is not subject to an Enterprise Zone Agreement with the City of Cincinnati for the Property or the Project.
- O. City Council passed (i) Motion No. 201401368 on November 19, 2014, establishing a tax incentive policy that incentivizes each applicant for a real property tax abatement in the neighborhoods of Downtown and OTR to enter into a voluntary tax incentive contribution agreement with a third-party organization ("VTICA") for an amount equal to a percentage of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"), which funds shall be committed by a third-party organization to support the streetcar that specially benefits the abated property, and (ii) Motion No. 201501592 on December 16, 2015, which established that the VTICA Contribution to be recognized by the Director of the Department of Community and Economic Development is 15% of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement. The Commercial Policy Ordinance confirmed that such motions have not been superseded and remain the will of Council.
- P. The Company acknowledges that the Streetcar will specially benefit the Project due to (a) the Streetcar's enhancement of public transit options in such neighborhoods and (b) the anticipated increase in property values attributable to public investment in Streetcar infrastructure.
- Q. The Company represents and warrants to the City that the Company has entered or will enter into a VTICA and shall pay the VTICA Contribution each year for the full term of the abatement.

- R. This Agreement has been authorized by Ordinance No. \_\_\_\_\_-2022, passed by Cincinnati City Council on \_\_\_\_\_, 2022.
- S. In determining to recommend and authorize this Agreement, the Department of Community and Economic Development and City Council, respectively, have acted in material reliance on the Company's representations in the Application and herein regarding the Project including, but not limited to, representations relating to the number of jobs to be created and/or retained by the Company, the Board of Education Agreement, the VTICA Contribution, and the Project's effect in promoting the general welfare of the people of Cincinnati by, for example, encouraging the development of real property located in the Community Reinvestment Area and thereby promoting economic growth and vitality in Cincinnati.

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

Section 1. Project. Upon issuance of the necessary zoning and building approvals, the Company agrees to remodel the existing building into approximately 15,303 square feet of residential space, consisting of 20 residential rental units on the Property (the "Improvements") at an estimated aggregate cost of \$1,666,557 to commence after the execution of this Agreement and to be completed no later than June 1, 2025; *provided*, however, that the Director of the Department of Community and Economic Development (the "Housing Officer") may, in his or her discretion, extend such deadline for a period of up to 12 months by written notice if, in the Director's judgment, the Company is proceeding in good faith towards completion. The remodeling shall be in compliance with applicable building code requirements and zoning regulations. In addition to the foregoing, (A) the Project shall comply with the Americans with Disabilities Act, together with any and all regulations or other binding directives promulgated pursuant thereto (collectively, the "**ADA**"), and (B) if (i) any building(s) within the Project is subject to the accessibility requirements of the ADA (e.g., by constituting a "place of public accommodation" or another category of structure to which the ADA is applicable) and (ii) such building(s) is not already required to meet the Contractual Minimum Accessibility Requirements (as defined below) pursuant to the ADA, applicable building code requirements, or by any other legal requirement, then the Company shall cause such building(s) to comply with the Contractual Minimum Accessibility Requirements in addition to any requirements pursuant to the ADA and the applicable building code or legal requirement. As used herein, "**Contractual Minimum Accessibility Requirements**" means that a building shall, at a minimum, include (1) at least one point of entry (as used in the ADA), accessible from a public right of way, with respect to which all architectural barriers (as used in the ADA) to entry have been eliminated, and (2) if such accessible point of entry is not a building's primary point of entry, conspicuous signage directing persons to such accessible point of entry.

Section 2. Real Property Tax Exemption. Subject to the satisfaction of the conditions set forth in this Agreement, the City approves exemption from real property taxation, pursuant to and to the fullest extent authorized by the Statute, of one hundred percent (100%) of the amount by which the Improvements increase the assessed value of the Property as determined by the Hamilton County Auditor, for a period of fifteen (15) years, provided that the Company shall have entered into the Board of Education Agreement. Within 120 days after completion of the Project (unless otherwise extended in writing by the City's Housing Officer), the Company must file the appropriate application for tax exemption with the City's Housing Officer. The Company is solely responsible to take this action. Upon receipt of the application for tax exemption, the City will proceed with the exemption authorized by this Agreement. In accordance with Ohio Revised Code Section 3735.67, the exemption is conditioned on verification by the Housing Officer of (A) the completion of remodeling, (B) the cost of remodeling, (C) the facts asserted in the application for exemption and (D) if a remodeled structure is a structure of historical or architectural significance as designated by the City, state or federal government, that the appropriateness of the remodeling has been certified in writing by the appropriate agency. If the required verification is made, the Housing Officer will forward the exemption application to the Hamilton County Auditor with the necessary certification by the Housing Officer. Subject to the conditions set forth in this Agreement, the

exemption commences the first tax year for which the Improvements would first be taxable were the Improvements not exempted from taxation. The dates provided in this paragraph refer to tax years in which the subject property is assessed, as opposed to years in which taxes are billed. No exemption shall commence after tax year 2025 nor extend beyond the earlier of (i) tax year 2039 or (ii) the end of the fifteenth (15<sup>th</sup>) year of exemption.

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

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

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(C)(2), the Company shall pay such real property taxes as are not exempted under this Agreement and are charged against the Property and shall file all tax reports and returns as required by law. If the Company fails to pay such taxes or file such returns and reports, exemptions from taxation granted or authorized under this Agreement are rescinded beginning with the year for which such taxes are charged or such reports or returns are required to be filed and continuing thereafter.

Section 6. Company Certifications Regarding Non-Delinquency of Tax Obligations. As required by Ohio Revised Code Section 3735.671(C)(3), the Company certifies that at the time this Agreement is executed, the Company does not owe any delinquent real or tangible personal property taxes to any taxing authority of the State, and does not owe delinquent taxes for which the Company is liable under Ohio Revised Code Chapters 5733, 5735, 5739, 5741, 5743, 5747 or 5753, or if such delinquent taxes are owed, the Company currently is paying the delinquent taxes pursuant to an undertaking enforceable by the State or an agent or instrumentality thereof, has filed a petition in bankruptcy under 101, et seq., or such a petition has been filed against the Company. For the purposes of this certification, delinquent taxes are taxes that remain unpaid on the latest day prescribed for payment without penalty under the chapter of the Ohio Revised Code governing payment of those taxes.

Section 7. Covenant of Satisfaction of Tax and Other Obligations. In accordance with Ohio Revised Code Section 9.66, (A) the Company affirmatively covenants that it does not owe: (i) any delinquent taxes to the State or to a political subdivision of the State; (ii) any moneys to the State or a State agency for the administration or enforcement of any environmental laws of the State; or (iii) any other moneys to the State, a State agency or a political subdivision of the State that are past due, regardless of whether the amounts owed are being contested in a court of law or not; (B) the Company authorizes the City and/or the State to inspect the personal financial statements of the Company, including tax records and other similar information not ordinarily open to public inspection; and (C) the Company authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and or other State departments in connection with the above statements. As provided by statute, a knowingly false statement under this section may be prosecuted as a first degree misdemeanor under Ohio Revised Code Section 2921.13, may render the Company ineligible for any future economic development assistance from the State or any political subdivision of the State, and will result in the City requiring the Company's repayment of any assistance provided by the City in connection with the Project.

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



Section 9. Continuation of Exemptions. As provided in Ohio Revised Code Section 3735.671(C)(5), if for any reason the City revokes the designation of the City of Cincinnati as a Community Reinvestment Area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless the Company materially fails to fulfill its obligations under this Agreement and the City terminates or modifies the exemptions from taxation authorized pursuant to this Agreement.

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

Section 11. Small Business Enterprise Program.<sup>1</sup>

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

(i) Including qualified SBEs on solicitation lists.

(ii) Assuring that SBEs are solicited whenever they are potential sources.

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

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

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

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

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

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

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<sup>1</sup> Note: this section will be revised prior to execution due to programmatic changes being implemented by the Department of Community and Economic Development as a result of recent legislation passed by City Council.

enforce specific performance of the terms of this Section. The provisions of CMC Section 323-99 are hereby incorporated by reference into this Agreement.

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

Section 13. Job Creation and Retention.

A. Jobs to be Created by Company. The Company agrees to use its best efforts to create (i) 1 full-time equivalent permanent job, and (ii) 16 full-time temporary construction jobs at the Property in connection with the Project. In the case of the construction jobs, the job creation and retention period shall be concurrent with remodeling, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling and shall end three (3) years thereafter.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately (i) \$40,000 of additional annual payroll with respect to the full-time equivalent permanent jobs, and (ii) \$1,400,073 of additional annual payroll prior to the completion of the Project with respect to the full-time temporary construction jobs.

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

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

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

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

Section 16. Default. As provided in Ohio Revised Code Section 3735.671(C)(6), if the Company materially fails to fulfill its obligations under this Agreement, or if the City determines that the certification as to delinquent taxes required by this Agreement (Section 6 hereof) or the covenant of satisfaction of tax and other obligations (Section 7 hereof) is fraudulent, the City may terminate or modify the exemptions from taxation granted or authorized under this Agreement and may require the repayment by the Company of the amount of taxes that would have been payable had the Improvements not been exempted from taxation pursuant to this Agreement. A modification of exemption may be in the form of reduction in the number of years that eligible property is exempt and/or a reduction in the exemption percentage. The City shall provide written notice to the Company prior to finding the Company in default under this section. The notice shall provide the Company with not less than thirty (30) days to cure the default prior to City termination or modification of the exemptions under this Agreement. The City may

extend the cure period as reasonably necessary under the circumstances. In the event of such termination or modification, the City is authorized to so notify the appropriate taxing authorities in order to effect the termination or modification. If repayment of previously exempt taxes is required by the City under this Section, such amount shall be paid as directed by the City within thirty (30) days of written demand. The City may secure repayment of such taxes by a lien on the Property in the amount required to be repaid. Such a lien shall attach, and may be perfected, collected, and enforced, in the same manner as a mortgage lien on real property, and shall otherwise have the same force and effect as a mortgage lien on real property. Amounts due and not paid when due under this Section 16 shall bear interest at the rate specified in Ohio Revised Code Section 1343.03(A) (as in effect on the date of the City's payment demand).

Section 17. Annual Review and Report. As required by Ohio Revised Code Sections 3735.671(C)(7) and 5709.85, the Company shall provide to the City's Tax Incentive Review Council (or to the City Manager if so requested by the City) any information reasonably required by the Council or the City Manager to evaluate the Company's compliance with this Agreement, including returns filed pursuant to Ohio Revised Code Section 5711.02 if requested by the Council or City Manager. The performance of the Company's obligations stated in this Agreement shall be subject to annual review by the City's Tax Incentive Review Council (the "Annual Review and Report"). The Company shall submit information for the Annual Review and Report to the City no later than March 1 of each year.

Section 18. Revocation.

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

B. Prior Statutory Violations. The Company represents and warrants to the City that it is not prohibited by Ohio Revised Code Section 3735.671(E) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(C)(9), exemptions from taxation granted or authorized under this Agreement shall be revoked if it is determined that the Company, any successor to the Company or any related member (as those terms are defined in division (E) of Ohio Revised Code Section 3735.671) has violated the prohibition against entering into this Agreement under division (E) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62 or 5709.63 prior to the time prescribed by that division or either of those sections.

Section 19. False Statements; Penalties; Material Representations.

A. Generally. As required in connection with Ohio Revised Code Section 9.66(C), the Company affirmatively covenants that it has made no false statements to the State or the City in the process of obtaining approval for this Agreement. If any representative of the Company has knowingly made a false statement to the State or the City to obtain approval for this

Agreement, or if the Company fails to provide any information expressly required under the Application, the Company shall be required to immediately return all benefits received under this Agreement (by payment of the amount of taxes exempted hereunder, paid as directed by the City within thirty (30) days of written demand) and the Company shall be ineligible for any future economic development assistance from the State, any State agency or any political subdivision of the State pursuant to Ohio Revised Code Section 9.66(C)(1). Amounts due and not paid under this Section 19 shall bear interest at the rate of twelve percent (12%) per year. Any person who provides a false statement to secure economic development assistance (as defined in Ohio Revised Code Section 9.66) may be guilty of falsification, a misdemeanor of the first degree, pursuant to Ohio Revised Code Section 2921.13(F)(1), which is punishable by fine of not more than One Thousand Dollars (\$1,000) and/or a term of imprisonment of not more than six (6) months.

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

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

Section 21. Annual Fee. As authorized by Ohio Revised Code Section 3735.671(D), the Company shall pay an annual fee of Five Hundred Dollars (\$500) or one percent (1%) of the annual taxes exempted under this Agreement, whichever is greater, but not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per annum. This fee is due with submission of the information for Annual Review and Report by March 1 of each year.

Section 22. Discontinued Operations. As provided in Ohio Revised Code Section 3735.671(E), if, prior to the expiration of the term of this Agreement, the Company discontinues operations at the Project so that the Property is no longer being used for the purposes described in Section 1 hereof, then the Company, its successors, and any related member shall not enter into an agreement under Ohio Revised Code Sections 3735.671, 5709.62, 5709.63 or 5709.632, and no legislative authority shall enter into such an agreement with the Company, its successors or any related member prior to the expiration of five (5) years after the discontinuation of operations. As used in this Section 22, "successors" and "related member" shall have the meanings set forth in Ohio Revised Code Section 3735.671(E).

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

To the City:

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

To the Company:

Kaladin LLC  
Attention: John Blatchford  
PO Box 340380  
P.M.B 75910  
Columbus, Ohio 43234

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

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

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

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

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

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

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

Section 30. Non-Assignment. As required by Ohio Revised Code Section 3735.671(C)(8), this Agreement is not transferable or assignable by the Company without the express written approval of the City Manager of the City. If the Company has entered into a Board of Education Agreement or VTICA in connection with the Property, the City shall not approve the assignment of this Agreement unless the assignee has assumed the Company's remaining obligations under the Board of Education Agreement and VTICA, as applicable. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement or VTICA upon transfer of the Property during the term of the tax abatement authorized by this Agreement shall be basis for revocation of the tax exemption under Section 18.

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

Section 32. Legislative Action Required. As provided in Ohio Revised Code Section 3735.671(C)(10), the Company and the City acknowledge that this Agreement must be approved by formal action of the City Council of the City as a condition for this Agreement to take effect. Notwithstanding anything to the contrary herein, this Agreement shall take effect after the later of the date of such approval or the final date of execution of this Agreement by all parties.

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

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

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

Section 36. Wage Enforcement.

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

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

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

(b) If this contract is subject to the Wage Enforcement provisions of Chapter 326 of the Cincinnati Municipal Code, the Person entering into this contract is required to include provisions in solicitations and contracts regarding a Development Site that all employers, Contractors or Subcontractors performing or proposing to perform work on a Development Site provide an initial sworn

and notarized "Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee and, within 30 days of an Adverse Determination or Complaint of Wage Theft or Payroll Fraud, shall provide an "Amended Affidavit Regarding Wage Theft and Payroll Fraud" on a form prescribed by the city manager or his or her designee.

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

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

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

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

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

Section 38. Counterparts and Electronic Signatures. This Agreement may be executed by the parties hereto in two or more counterparts and each executed counterpart shall be considered an original but all of which together shall constitute one and the same instrument. This Agreement may be executed and delivered by electronic signature; any original signatures that are initially delivered electronically shall be physically delivered as soon as reasonably possible.

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

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

CITY OF CINCINNATI,  
an Ohio municipal corporation

KALADIN LLC,  
an Ohio limited liability company

By: \_\_\_\_\_  
John P. Curp, Interim City Manager

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

Date: \_\_\_\_\_, 2022

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

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

Date: \_\_\_\_\_, 2022

Authorized by resolution dated \_\_\_\_\_

Approved as to Form:

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

Certified Date: \_\_\_\_\_

Fund/Code: \_\_\_\_\_

Amount: \_\_\_\_\_

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



**Exhibit A to CRA Agreement**

LEGAL DESCRIPTION OF PROPERTY

Parcel Number: 096-0005-0114-00  
Property Address: 1923-1927 Elm Street and 201-207 Henry Street, Cincinnati, Ohio 45202

Situate in Cincinnati, Hamilton County, Ohio, being lots 7, 8, and 9 in J.C. Ludlow's Subdivision,. Recorded in DB 88, Page 574, in the Recorder's Office and more particularly described as follows:

Beginning at the Southwest corner of Elm and Henry Streets, thence S 73 deg. 45' W 100 feet along the South line of Henry Street to the East line of Colby Alley, thence S 16 deg. E 75 feet along said East line of Colby Alley, thence N 73 deg. 45' E 100 feet to the West line of Elm Street, thence N 16 deg. W 75 feet to the point of beginning.

Subject to all legal easements, restrictions, and highways of record, if any.

**Exhibit B to CRA Agreement**

APPLICATION FOR TAX EXEMPTION

*TO BE ATTACHED TO EXECUTION VERSION*

September 28, 2022

**To:** Mayor and Members of City Council 202201844  
**From:** Sheryl M. M. Long, City Manager  
**Subject:** **Emergency Ordinance – City Planning and Engagement: Moral Obligation Payment to the National Alliance of Preservation Commission**

---

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the payment of \$9,500 from the City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x0000x7289 as a moral obligation of the City of Cincinnati to the National Alliance of Preservation Commission for the purpose of making payments associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio in July 2022.

Approval of this Emergency Ordinance will authorize the payment \$9,500 from the City Planning and Engagement non-personnel operating budget account no. 050x171x0000x7289 as a moral obligation to the National Alliance for Preservation Commission for costs associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio in July 2022.

The Department of City Planning and Engagement entered into an agreement with the National Alliance of Preservation Commission to host and sponsor the National Alliance for Preservation Commission’s Biennial Conference Forum; however, resources to pay the associated costs were not certified in a timely manner.

On September 8, 2022, City Council approved Ordinance No. 0270-2022, which authorized the acceptance and appropriation of a grant award up to \$9,500 from the FY 2022 Certified Local Government Grant Program for the purpose of reimbursing costs associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum. This grant award will cover the costs associated with the moral obligation payment.

The reason for the emergency is the immediate need to pay the National Alliance of Preservation Commission for costs associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio in July 2022.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

City of Cincinnati

LES

EESW

An Ordinance No. \_\_\_\_\_

- 2022

**AUTHORIZING** the payment of \$9,500 from the City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x0000x7289 as a moral obligation of the City of Cincinnati to the National Alliance of Preservation Commission for the purpose of making payments associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio in July 2022.

WHEREAS, the Department of City Planning and Engagement entered into an agreement with the National Alliance of Preservation Commission (“NAPC”) to host and sponsor the NAPC’s Biennial Conference Forum in July 2022; and

WHEREAS, funds to pay the NAPC were not encumbered in a timely manner, necessitating a moral obligation payment; and

WHEREAS, sufficient resources are available from the City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x0000x7289 to provide payment to NAPC; and

WHEREAS, on September 8, 2022, Council approved Ordinance No. 0270-2022, which authorized the City Manager to accept and appropriate a grant award in an amount up to \$9,500 from the Certified Local Grant Program to reimburse the City for its payment to NAPC of the costs associated with hosting the NAPC’s Biennial Conference Forum in Cincinnati, Ohio in July 2022; and

WHEREAS, Council desires to provide payment to the NAPC as a moral obligation for services in a total amount of \$9,500; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$9,500 from the City Planning and Engagement General Fund non-personnel operating budget account no. 050x171x0000x7289 as a moral obligation of the City of Cincinnati to the National Alliance of Preservation Commission for the purpose of making payments associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio in July 2022.

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

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to pay the National Alliance of Preservation Commission for costs associated with hosting the National Alliance for Preservation Commission’s Biennial Conference Forum in Cincinnati, Ohio in July 2022.

Passed: \_\_\_\_\_, 2022

\_\_\_\_\_

Aftab Pureval, Mayor

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

Clerk

September 28, 2022

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

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

202201851

**Subject: Emergency Ordinance – DOTE: Additional Pedestrian Safety Infrastructure Installation Crew**

Attached is an Emergency Ordinance captioned:

**AUTHORIZING** the transfer and appropriation of the sum of \$380,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to various operating accounts, according to the attached Schedule of Transfer, for the purpose of providing resources to cover costs associated with adding a pedestrian safety infrastructure installation crew (the “Safety Crew”) for the remainder of FY 2023; **ESTABLISHING** new capital improvement program project account no. 980x981x232523, “Pedestrian Safety Fleet & Equipment”; and **AUTHORIZING** the transfer and appropriation of the sum of \$523,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to newly created capital improvement program project account no. 980x981x232523, “Pedestrian Safety Fleet & Equipment,” for the purpose of providing resources for automotive, motorized, and related equipment necessary to support the Safety Crew.

Approval of this Emergency Ordinance would authorize the transfer and appropriation of \$380,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to various operating accounts for the purpose of providing resources associated with adding a pedestrian safety infrastructure installation crew (the “Safety Crew”) for the remainder of FY 2023.

This Emergency Ordinance would also authorize the transfer and appropriation of \$523,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to newly established capital improvement program project account no. 980x981x232523, “Pedestrian Safety Fleet & Equipment,” to provide resources for automotive, motorized, and related equipment necessary to support the Safety Crew.

Employing and outfitting the Safety Crew is in accordance with the “Live” goal to “[c]reate a more livable community,” as well as the strategy to “[b]ecome more walkable,” to as described on pages 156-159 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to expand the City’s capacity to install pedestrian safety-related infrastructure at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

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

Attachments





**EMERGENCY**

**City of Cincinnati**

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EESW

**An Ordinance No. \_\_\_\_\_**

- 2022

**AUTHORIZING** the transfer and appropriation of the sum of \$380,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to various operating accounts, according to the attached Schedule of Transfer, for the purpose of providing resources to cover costs associated with adding a pedestrian safety infrastructure installation crew (the “Safety Crew”) for the remainder of FY 2023; **ESTABLISHING** new capital improvement program project account no. 980x981x232523, “Pedestrian Safety Fleet & Equipment”; and **AUTHORIZING** the transfer and appropriation of the sum of \$523,000 from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to newly created capital improvement program project account no. 980x981x232523, “Pedestrian Safety Fleet & Equipment,” for the purpose of providing resources for automotive, motorized, and related equipment necessary to support the Safety Crew.

**WHEREAS**, funding in the amount of \$256,000 is necessary for the Department of Transportation and Engineering’s (“DOT”) Traffic Services personnel and benefits operating budget to cover the cost of one Maintenance Crew Leader and four Traffic Aids Workers (collectively, the “Safety Crew”) for the remainder of FY 2023; and

**WHEREAS**, operational funding in the amount of \$124,000 is necessary for the DOT Traffic Services non-personnel operating budget to cover the cost of various tools, supplies, and equipment necessary to outfit the Safety Crew; training for the Safety Crew including, but not limited to, training provided by the American Traffic Safety Services Association and training necessary to obtain Commercial Driver Licensing; and associated fleet vehicle maintenance and fuel; and

**WHEREAS**, capital funding in the amount of \$523,000 is necessary to acquire vehicles, trailers, and small specialized equipment to support the Safety Crew; and

**WHEREAS**, employing and outfitting the Safety Crew is in accordance with the “Live” goal to “[c]reate a more livable community,” as well as the strategy to “[b]ecome more walkable,” as described on pages 156-159 of *Plan Cincinnati* (2012); now, therefore,

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

Section 1. That the sum of \$380,000 is hereby transferred and appropriated from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to various operating accounts, according to the attached Schedule of Transfer, for the purpose of providing resources to cover

costs associated with adding a pedestrian safety infrastructure installation crew (the “Safety Crew”) for the remainder of FY 2023.

Section 2. That the Finance Director is hereby authorized to establish new capital improvement program project account no. 980x981x232523, “Pedestrian Safety Fleet & Equipment.”

Section 3. That the sum of \$523,000 is hereby transferred and appropriated from the unappropriated surplus of Income Tax-Infrastructure Fund 302 to newly created capital improvement program project account no. 980x981x232523, “Pedestrian Safety Fleet & Equipment,” for the purpose of providing resources for automotive, motorized, and related equipment necessary to support the Safety Crew.

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

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 expand the City’s capacity to install pedestrian safety-related infrastructure at the earliest possible time.

Passed: \_\_\_\_\_, 2022

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

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



**SCHEDULE OF TRANSFER**

**FY 2023 MID-YEAR ADJUSTMENT SCHEDULE OF TRANSFER**

Fund 302 Income Tax-Infrastructure

<i>REDUCTIONS</i>						<i>INCREASES</i>							
	Fund	Agency	Bureau	Appropriation Unit	Obj Code	\$ Amount		Fund	Agency	Bureau	Appropriation Unit	Obj Code	\$ Amount
<b>SUPPLEMENTAL APPROPRIATIONS</b>							<b>SUPPLEMENTAL APPROPRIATIONS</b>						
<b>SOURCE ACCOUNTS</b>							<b>USE ACCOUNTS</b>						
UNAPPROPRIATED SURPLUS	302					380,000	TRANSPORTATION AND ENGINEERING						
							TRAFFIC SERVICES	302	238		7100		180,000
							TRAFFIC SERVICES	302	238		7200		60,000
							TRAFFIC SERVICES	302	238		7300		64,000
							TRAFFIC SERVICES	302	238		7500		76,000
<b>Subtotal Supplemental Appropriations</b>						<b>380,000</b>	<b>Subtotal Supplemental Appropriations</b>						<b>380,000</b>
<b>TOTAL FUND REDUCTIONS</b>						<b>380,000</b>	<b>TOTAL FUND INCREASES</b>						<b>380,000</b>

October 4, 2022

**To:** Members of the Public Safety and Governance Committee

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

202201883

**Subject: Emergency Ordinance – CODE Fact-Finder Report**

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Attached is an Emergency Ordinance captioned:

**APPROVING** the fact-finding report of James M. Mancini, issued on September 29, 2022, between the City of Cincinnati and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), which in addition to terms mutually agreed upon by the parties, recommends that the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% in 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications.

cc: William P. Weber, Assistant City Manager  
Virginia Tallent, Interim Assistant City Manager

EMERGENCY

City of Cincinnati

IMD

EESW

An Ordinance No. \_\_\_\_\_ - 2022

**APPROVING** the fact-finding report of James M. Mancini, issued on September 29, 2022, between the City of Cincinnati and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), which in addition to terms mutually agreed upon by the parties, recommends that the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% in 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications.

WHEREAS, on September 29, 2022, the City received the report issued by James M. Mancini (the “Fact Finder”), who was appointed by the State Employment Relations Board (“SERB”) to preside at a fact-finding hearing between the City and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), after the parties were unable to reach agreement on all issues raised during the collective bargaining process; and

WHEREAS, the Fact Finder recommended that, in addition to terms mutually agreed upon by the parties, the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% effective 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications; now, therefore,

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

Section 1. That Council approves the fact-finding report of James M. Mancini (the “Fact Finder”), issued on September 29, 2022, between the City of Cincinnati and Cincinnati Organized and Dedicated Employees, Inc (“CODE”).

Section 2. That the City Manager is authorized to notify the State Employment Relations Board of the approval of the Fact Finder’s report, in the manner provided by the Ohio Revised

Code, and to take all other administrative actions necessary to implement the terms of the CODE collective bargaining agreement and the provisions of this ordinance.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to comply with the terms of Chapter 4117 of the Ohio Revised Code, which require that the legislative body of a municipality take action on a fact finder's report not later than seven days after the issuance of the report.

Passed: \_\_\_\_\_, 2022

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

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

October 4, 2022

**To:** Members of the Public Safety and Governance Committee

**From:** Sheryl M. M. Long, City Manager 202201884

**Subject:** **Emergency Ordinance – Denying Approval CODE Fact-Finder Report**

---

Attached is an Emergency Ordinance captioned:

**DENYING APPROVAL** of the fact-finding report of James M. Mancini, issued on September 29, 2022, between the City of Cincinnati and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), which in addition to terms mutually agreed upon by the parties, recommends that the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% in 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications.

cc: William P. Weber, Assistant City Manager  
Virginia Tallent, Interim Assistant City Manager

EMERGENCY

City of Cincinnati

CMZ

EESW

An Ordinance No. \_\_\_\_\_ - 2022

**DENYING APPROVAL** of the fact-finding report of James M. Mancini, issued on September 29, 2022, between the City of Cincinnati and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), which in addition to terms mutually agreed upon by the parties, recommends that the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% in 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications.

WHEREAS, on September 29, 2022, the City received the report issued by James M. Mancini (the “Fact Finder”), who was appointed by the State Employment Relations Board (“SERB”) to preside at a fact-finding hearing between the City and Cincinnati Organized and Dedicated Employees, Inc. (“CODE”), after the parties were unable to reach agreement on all issues raised during the collective bargaining process; and

WHEREAS, the Fact Finder recommended that, in addition to terms mutually agreed upon by the parties, the following terms be incorporated into the parties’ collective bargaining agreement: an immediate wage increase of 5% retroactive to March 20, 2022, a wage increase of 4% in 2023, and a wage increase of 3% effective 2024; a provision allowing CODE employees to elect to be paid overtime in cash or compensatory time; a 10% salary increase upon a CODE employee’s permanent promotion; language clarifying the hiring process for CODE employees, eliminating competitive examinations for middle management positions that require specialized education or experience, and replacing competitive examinations with a non-competitive process; and an updated Appendix A of current CODE classifications; and

WHEREAS, the FY23 budget approved by Council included a wage increase for CODE members of 3% in 2022, 2023, and 2024, and the City’s FY23 budget includes an \$18.6 million dollar deficit which was filled using federal American Rescue Plan funds, which are a one-time only source of funding, and the City is projecting large deficits in both FY24 and FY25; and

WHEREAS, other City unions made significant concessions to receive wage increases, but the Fact Finder rejected the City’s proposal that CODE agree to limitations on its use of representative authority at certain meetings; and

WHEREAS, based on Council’s denial of approval of the Fact Finder’s report, the City Manager is authorized to further negotiate with CODE regarding potential terms of a successor collective bargaining agreement, which if unsuccessful, could result in a strike action by CODE employees, as provided by Ohio law; now, therefore,

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

Section 1. That Council denies approval of the fact-finding report of James M. Mancini (the “Fact Finder”), issued on September 29, 2022, as well as the recommendations made in his report.

Section 2. That the City Manager is authorized to notify the State Employment Relations Board of the denial of approval of the Fact Finder’s report, in the manner provided by the Ohio Revised Code, and that the City Manager is authorized to further negotiate with Cincinnati Organized and Dedicated Employees, Inc. regarding potential terms of a successor collective bargaining agreement as provided by Ohio law.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to comply with the terms of Chapter 4117 of the Ohio Revised Code, which require that the legislative body of a municipality take action on a fact finder’s report not later than seven days after the issuance of the report.

Passed: \_\_\_\_\_, 2022

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

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