



City of Cincinnati

Cincinnati City Council

Meeting Minutes

801 Plum Street
Cincinnati, Ohio 45202

Wednesday, September 23, 2020 2:00 PM Council Chambers, Room 300

Council convened at 3:02 P.M., Mayor John Cranley, Presiding.

ROLL CALL

Present: Vice Mayor Christopher Smitherman, Councilmember Jan-Michele Kearney, Councilmember Greg Landsman, Councilmember David Mann, Councilmember Jeff Pastor, President Pro Tem Chris Seelbach, Councilmember P.G. Sittenfeld, Councilmember Betsy Sundermann, and Councilmember Wendell Young

The following council member participated remotely: Vice-Mayor Smitherman, Councilmember Seelbach and Councilmember Pastor

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

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

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

MAYOR CRANLEY

Cincinnati Retirement System - 4 members: 1 F/ 3 M; 4 W

- 1. APPOINTMENT**, submitted by Mayor John Cranley, I hereby appoint Erica Winstead to the Cincinnati Retirement System Board of Trustees for a term of four years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/AA)

[202001516](#)

Confirmed

Yes: Vice Mayor Smitherman
Councilmember Kearney
Councilmember Landsman
Councilmember Mann
Councilmember Pastor
Councilmember Sundermann

No: President Pro Tem Seelbach
Councilmember Sittenfeld
Councilmember Young

HSAC - 12 members: 8 F/ 4 M; 7 AA/ 5 W

2. **APPOINTMENT**, submitted by Mayor John Cranley, I hereby appoint Venita C. Dell to the Human Services Advisory Committee for a term of three years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/AA)

[202001562](#)

Confirmed

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

Bicentennial Commons at Sawyer Point (BCSP) Board of Visitors: 2 Appts: 2 W; 1 M/1 F

3. **REAPPOINTMENT**, submitted by Mayor John Cranley, I hereby reappoint Keke Sansalone to Bicentennial Commons at Sawyer Point (BCSP) Board of Visitors for a term of one year. This reappointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/White)

[202001651](#)

Held one week pursuant to rule of council

Cincinnati Recreation Commission (CRC): 3 Appts: 2 W/ 1 AA; 2 M/ 1 F

4. **REAPPOINTMENT**, submitted by Mayor John Cranley, I hereby reappoint Pat O'Callaghan, Jr. to the Board of the Cincinnati Recreation Commission for a term of five years. This reappointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/White)

[202001660](#)

Held one week pursuant to rule of council

Hamilton County Transportation Improvement District (TID): 1 Appt; White/Female

5. **APPOINTMENT**, submitted by Mayor John Cranley, I hereby appoint John Brazina as the City's representative to the Hamilton County Transportation Improvement District (TID) for a term of two years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Male/White)

[202001665](#)

Held one week pursuant to rule of council

MS. KEARNEY

MR. YOUNG

6. **MOTION (AMENDED)**, submitted by Councilmember Kearney and Young, **WE MOVE** for the entire stretch of Reading Road that is located within Cincinnati city limits, specifically from downtown Cincinnati to the edge of Reading, Ohio at Galbraith Road, to be named "President Barack Obama Avenue" in honor of the 44th president of the United States who became the first African-American elected to serve in the highest office in our country when he was inaugurated on January 20, 2009, * and we request a report by the City Administration. (BALANCE ON FILE IN CLERK'S OFFICE) (STATEMENT ATTACHED).

[202001615](#)

Referred to Neighborhoods Committee

MR. SEELBACH

7. **MOTION**, submitted by Councilmember Seelbach, **WE MOVE** that the City Administration take all necessary steps to amend the CPD Procedure 12.700, which addresses Cincinnati's policies for seeking judicial approval for the execution of a warrant without the statutory precondition for nonconsensual entry, to prohibit the use of what are commonly known as No-knock warrants. (BALANCE ON FILE IN CLERK'S OFFICE) (STATEMENT ATTACHED)

[202001641](#)

Referred to Law & Public Safety Committee

MR. SITTENFELD

8. **MOTION**, submitted by Councilmember Sittenfeld, **WE MOVE** that the City Administration work with the Northside Community Council, and the Northside Business Association, to install parking meters along Hamilton Avenue and Hoffner Street. (STATEMENT ATTACHED).

[202001629](#)

Referred to Neighborhoods Committee

9. **COMMUNICATION**, submitted by Councilmember Sittenfeld from Becky Smolenski Finnigan, President, Northside Community Council, regarding support of reinstalling parking meters along Hoffner Street.

[202001634](#)

Referred to Neighborhoods Committee

MR. SMITHERMAN

10. **COMMUNICATION**, submitted by Vice Mayor Smitherman, regarding Case No. C-1-99-317 in the United States District Court, Southern District of Ohio, Western Division, Collaborative Settlement Agreement.

[202001588](#)

Referred to Law & Public Safety Committee

11. COMMUNICATION, submitted by Vice Mayor Smitherman, regarding Civil Action No. C-1:99-cv-3170 in the United States District Court, Southern District of Ohio, Western Division, Collaborative Agreement Plan. [202001593](#)

Referred to Law & Public Safety Committee

12. COMMUNICATION, submitted by Vice Mayor Smitherman, regarding the FYI Memo from June 2, 2017 concerning the Collaborative Agreement Refresh. [202001598](#)

Referred to Law & Public Safety Committee

MS. SUNDERMANN

13. MOTION, submitted by Councilmember Sunderman, dated 9/15/2020, **WE MOVE** the City Manager accept loans of flags from Councilmember Betsey Sundermann, valued at approximately \$100 each, to fly on the flagpole at City Hall in recognition of the Blue Mass, scheduled for September 27, 2020, at the Cathedral Basilica of St. Peter in Chains, as a symbol of support for the City's police officers, fire fighters, first responders, and those employed in public safety, and their families in Cincinnati and the region. (STATEMENT ATTACHED). [202001605](#)

Adopted

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

Immediate Consideration

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

MR. YOUNG

14. COMMUNICATION, submitted by Councilmember Young from Earl Brown, regarding Baker Concrete Construction, FCC West Garage construction and safety of residents on Bauer Ave. [202001622](#)

Referred to Law & Public Safety Committee

CITY MANAGER

15. REPORT, dated 9/23/2020 submitted by Paula Boggs, Muething, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Court Street Condos LLC, DBA none listed, 52 E Court Street Cincinnati, Ohio 45202. (#17770000015, D5J, New) [Objections: Department of Buildings & Inspections] [202001530](#)

Filed

16. REPORT, dated 9/23/2020 submitted by Paula Boggs, Muething, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Liberty Modern LLC, DBA None listed, 1432 Main Street Cincinnati, Ohio 45202. (#5185990, D5J, New) [Objections: None] [202001532](#)

Filed

17. REPORT, dated 9/23/2020 submitted by Paula Boggs, Muething, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for AL Post 484 MT Washington, DBA none, 1837 Sutton Avenue PO Box 30058 Cincinnati, Ohio 45230. (#009039504845, D2, New) [Objections: None] [202001534](#)

Filed

18. REPORT, dated 9/23/2020 submitted by Paula Boggs, Muething, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Doordash Essentials LLC, DBA none, 352 Gest Street Cincinnati, Ohio 45202. (#2262505, C1 C2, New) [Objections: Department of Buildings & Inspections] [202001535](#)

Filed

19. REPORT, dated 9/23/2020 submitted by Paula Boggs, Muething, Interim City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Sycamore Pancakes LLC, DBA Sugar N Spice, 1203 Sycamore Street, Cincinnati, OH 45202. (#82134890005, D1 D3, New) [OBJECTIONS: None] [202001540](#)

Filed

20. ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim City Manager, on 9/23/2020, AUTHORIZING the transfer of the sum of \$2,729,245 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 \$2,811,948 from the unappropriated surplus of General Fund 050 to balance sheet reserve account no. 050x2585, "Economic Downturn Reserve," for the purpose of [202001583](#)

increasing the City's emergency reserve to 5.0% of FY 2020 General Fund revenues; AUTHORIZING the transfer of the sum of \$5,676,785 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 for this purpose to 2.0% of FY 2020 General Fund revenues; AUTHORIZING the appropriation of the sum of \$700,000 from the unappropriated surplus of the General Fund 050 to the Cincinnati Police Department's General Fund personnel operating budget account no. 050x222x7100 for the purpose of funding police visibility overtime as part of the City's violence reduction initiatives; AUTHORIZING the appropriation of the sum of \$100,000 from the unappropriated surplus of the General Fund 050 to the Law Department's General Fund personnel operating budget account no. 050x111x7100 for the purpose of funding an additional prosecuting attorney as part of the City's violence reduction initiatives; AUTHORIZING the appropriation of the sum of \$200,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office's General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of funding a Safety Coordinators/Organizers Program as part of the City's violence reduction initiatives; AUTHORIZING the appropriation of the sum of \$330,000 from the unappropriated surplus of the General Fund 050 to the Cincinnati Police Department's General Fund non-personnel operating budget account no. 050x222x7400 for the purpose of funding tuition reimbursement expenses for sworn officers; AUTHORIZING the appropriation of the sum of \$100,000 from the unappropriated surplus of the General Fund 050 to the Tuition Reimbursement General Fund NonDepartmental non-personnel operating budget account no. 050x928x7400 for the purpose of funding tuition reimbursement expenses for General Fund employees; AUTHORIZING the appropriation of the sum of \$100,000 from the unappropriated surplus of General Fund 050 to the Law Department's non-personnel operating budget account no. 050x111x7200, for the purpose of providing funding for costs associated with the creation of the Housing Court; AUTHORIZING the appropriation of the sum of \$40,000 from the unappropriated surplus of the General Fund 050 to the Department of Finance's General Fund non-personnel operating budget account no. 050x131x7200 for the purpose of providing funding for contractual services related to increasing compliance with the City's Short-Term Rental Excise Tax; AUTHORIZING the transfer of the sum of \$339,245 from the unappropriated surplus of the General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416; AUTHORIZING the appropriation of the sum of \$339,245 from the unappropriated surplus of Cincinnati Health District Fund 416 to the Cincinnati Health Department's Cincinnati Health District Fund non-personnel operating budget account no. 416x263x7200 for the purpose of providing funding for COVID-19 related expenses including the 2 cost of contact tracers and testing; AUTHORIZING the appropriation of the sum of \$95,000 from the unappropriated surplus of General Fund 050 to the Department of Recreation's General Fund non-personnel operating budget account no. 050x199x7200 for the

purpose of providing funding to upgrade WIFI access at Recreation Centers to allow students to attend school virtually; AUTHORIZING the appropriation of the sum of \$50,000 from the unappropriated surplus of General Fund 050 to the City Manager's Office's General Fund non-personnel operating budget account no. 050x101x7200 for the purpose of replacing CitiCable's Video Playback System; REVISING the Classification and Salary Range Schedule for all employment classifications in Divisions 0, 5, 7 (LAW), 8, and 9 of Chapter 307 of the Cincinnati Municipal Code to reflect the new Classification and Salary Range Schedule for said classifications and to provide for a cost-of-living ("COLA") adjustment of 2.0% effective October 4, 2020; AUTHORIZING the appropriation of the sum of \$596,570 from the unappropriated surplus of General Fund 050 to various General Fund personnel operating budget accounts according to the attached Schedule of Transfer for the purpose of restoring merit pay for FY 2021 for non-represented employees and providing for a 2.0% COLA adjustment for non-represented employees effective October 4, 2020; AUTHORIZING the transfer of the sum of \$78,430 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416; AUTHORIZING the transfer and appropriation of the sum of \$78,430 from the unappropriated surplus of Cincinnati Health District Fund 416 to the Cincinnati Health Department's Cincinnati Health District Fund personnel operating budget accounts according to the attached Schedule of Transfer for the purpose of restoring merit pay for FY 2021 for non-represented employees and providing for a 2.0% COLA adjustment for non-represented employees effective October 4, 2020; and further AUTHORIZING the appropriation of the sum of \$278,050 from the unappropriated surplus of the various Restricted Funds to personnel operating budget accounts of the various Restricted Funds according to the attached Schedule of Transfer for the purpose of restoring merit pay for nonrepresented employees and providing for a 2.0% COLA adjustment for non-represented employees effective October 4, 2020.

Referred to Budget & Finance Committee

- 21. REPORT**, dated 9/23/2020, submitted by Paula Boggs Muething, Interim City Manager, regarding Avondale Grocery Store. (Reference Document #202001164)

[202001600](#)

Referred to Budget & Finance Committee

- 22. ORDINANCE** submitted by Paula Boggs Muething, Interim City Manager, on 9/23/2020, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property commonly known as 3450-3494 Cardiff Avenue in the Oakley neighborhood from the ML, "Manufacturing Limited," zoning district to the RMX, "Residential Mixed," zoning district to facilitate the development of twelve single-family homes.

[202001601](#)

Referred to Economic, Growth & Zoning Committee

- 23. REPORT**, dated 9/23/2020, submitted by Paula Boggs Muething, Interim City Manager, regarding Property Tax Project Working Group. (SEE DOC #201801401)

[202001563](#)

Referred to Economic, Growth & Zoning Committee

CLERK OF COUNCIL

- 24. REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Douglas J. Moorman, Vice President, Development Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (LOCAL OAKLEY, LLC) [202001606](#)

Filed

- 25. REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Charles H. Gerhardt, III, President & CEO, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (PROTECTIVE LIFE INSURANCE COMPANY) [202001607](#)

Filed

- 26. REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Douglas J. Moorman, Vice President, Government Strategies Group, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (PROTECTIVE LIFE INSURANCE COMPANY) [202001608](#)

Filed

BUDGET AND FINANCE COMMITTEE

- 27. ORDINANCE (EMERGENCY)**, submitted by Councilmember Sittenfeld, on 9/17/2020, **CONTINUING** the cap on the fee that third parties can charge to restaurants located in the City of Cincinnati for delivering food originally established by Ordinance 155-2020, which cap shall be no more than 15% of the total food cost charged by the restaurant to the customer, in order to protect the viability of restaurants which are essential to the health and well-being of City residents and the City's economy and further prohibiting a reduction in compensation for food delivery drivers as a result of this cap. [202001582](#)

Passed Emergency

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

No: Councilmember Pastor
 Councilmember Sundermann
 Enactment No: 0327-2020

Emergency clause to remain

Yes: Vice Mayor Smitherman
Councilmember Kearney
Councilmember Landsman
Councilmember Mann
Councilmember Pastor
President Pro Tem Seelbach
Councilmember Sittenfeld
Councilmember Sundermann
Councilmember Young
Enactment No: 0327-2020

Suspension of the three readings

Yes: Vice Mayor Smitherman
Councilmember Kearney
Councilmember Landsman
Councilmember Mann
Councilmember Pastor
President Pro Tem Seelbach
Councilmember Sittenfeld
Councilmember Sundermann
Councilmember Young
Enactment No: 0327-2020

LAW & PUBLIC SAFETY COMMITTEE

28. MOTION (AMENDED), submitted by Councilmember Sundermann, **WE MOVE** that the Cincinnati City Council does not support the movement to defund the Cincinnati Police Department.

[202001313](#)

Motion to Consider

Yes: Vice Mayor Smitherman
Councilmember Mann
Councilmember Pastor
Councilmember Sundermann

No: Councilmember Kearney
Councilmember Landsman
President Pro Tem Seelbach
Councilmember Sittenfeld
Councilmember Young

No new business at this time

No announcements at this time

Council adjourned at 4:35 P.M.