

EMERGENCY

City of Cincinnati

AEY

AWB

An Ordinance No. 439

- 2021

AUTHORIZING the expenditure of City resources from Stormwater Management Fund non-personnel operating account no. 107x311x4000x7264 for the repair of a scour hole in a portion of the Mill Creek Channel owned by the Millcreek Valley Conservancy District; and **DECLARING** such expenditure to serve a public purpose.

WHEREAS, the Millcreek Valley Conservancy District (“MVCD”) is a political subdivision of the State of Ohio created as a conservancy district pursuant to Ohio Revised Code Chapter 6101 to prevent and control flooding in the Mill Creek Valley; and

WHEREAS, a deep scour hole has developed in a portion of the Mill Creek channel owned by MVCD at the mouth of the City-owned West Fork channel; and

WHEREAS, City stormwater engineers have determined that continued scouring from the water currents at the confluence of the West Fork channel and the Mill Creek may undermine and cause collapse or damage to the concrete floor of the City-owned West Fork channel; and

WHEREAS, Mill Creek Alliance and the South Cumminsville community have also expressed public safety concerns in connection with a 2019 drowning accident at the location; and

WHEREAS, the City’s Stormwater Management Utility proposes to address these infrastructure and public safety concerns by backfilling the scour hole at an estimated cost of \$100,000 using resources previously appropriated by City Council in the FY 2022 budget for operations and maintenance (Stormwater Management Fund non-personnel operating account no. 107x311x4000x7264), and has obtained approval from the Army Corps of Engineers to perform the work; and

WHEREAS, the MVCD indicated that it would be willing to provide the City and its contractors with access to the scour hole to perform the work, but that it is unable to contribute funding to the project; and

WHEREAS, backfilling of the scour hole serves the public purposes of protecting public safety and preserving the City’s West Fork channel; 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 expend up to \$100,000 in resources from Stormwater Management Fund account no. 107x311x4000x7264 to backfill the

scour hole in a portion of the Mill Creek owned by the Millcreek Valley Conservancy District (“MVCD”).

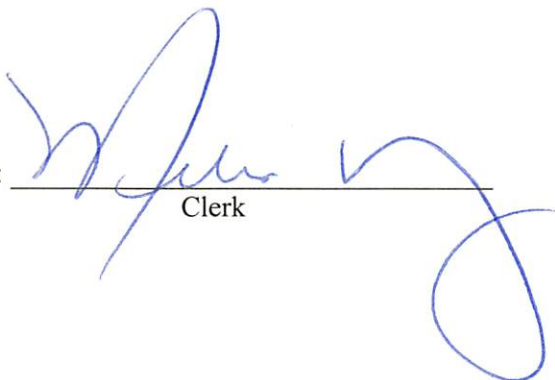
Section 2. That backfilling the scour hole in MVCD property is necessary to prevent damage to City-owned stormwater assets and protect public safety and that the expenditure of resources for this work serves a public purpose.

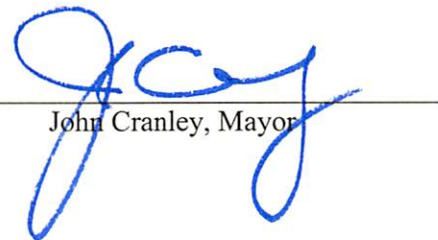
Section 3. That the proper City officials are hereby authorized to take all necessary and proper actions to fulfill the terms of Sections 1 and 2 of this ordinance.

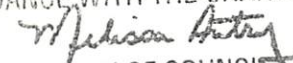
Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to begin backfilling the scour hole to prevent further public safety issues and to protect the City stormwater assets from damage that may be created by continued enlargement of the scour hole.

Passed: November 17, 2021

Attest:


Clerk


John Cranley, Mayor

I HEREBY CERTIFY THAT ORDINANCE NO 430-2021
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 11-30-2021

CLERK OF COUNCIL