

City of Cincinnati

801 Plum Street Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, October 14, 2020

2:00 PM

Council Chambers, Room 300

REVISED

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAJOR PROJECTS & SMART GOVERNMENT COMMITTEE

1. 202001857

ORDINANCE (EMERGENCY), submitted by Mayor John Cranley, **APPROVING** the recommendation of the Mayor of the City of Cincinnati for the appointment of Paula Boggs Muething as City Manager of the City of Cincinnati, effective as of 12:00 a.m. on October 15, 2020, and establishing the terms and compensation for the position, pursuant to Article III, Section 2 and Article IV, Section 1 of the Charter of the City of Cincinnati.

Recommendation PASS EMERGENCY

Sponsors: Cranley

MS. KEARNEY

2. 202001900

MOTION, submitted by Councilmember Kearney, WE MOVE for the City Administration to provide a report to City Council regarding the feasibility of partnering with mynde.me - a nonprofit project recently launched in Cincinnati that seeks to provide a free mental health education portal to any city or community that wants it. Example: https://yourcity.mynde.me/. WE FURTHER MOVE for this report to be delivered to City Council within 14 days, and for the Cincinnati Health Department to engage directly with Mr. Neal O'Farrell (neal@mynde.me neal@mynde.me), the founder of mynde.me, prior to delivering this report to City Council. (STATEMENT ATTACHED)

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Kearney

3. 202001901

MOTION, submitted by Councilmember Kearney, **WE MOVE** for the Department of Transportation and Engineering (DOTE) to provide a report in response to Community Budget Requests from East Price Hill Improvement Association (EPHIA) pertaining to Purcell Street improvements, Mt. Hope Hill sidewalk, and enhanced crosswalks for the Warsaw Avenue business corridor.

Recommendation NEIGHBORHOODS COMMITTEE

Sponsors: Kearney

4. 202001902

MOTION, submitted by Councilmember Kearney, WE MOVE to allocate a total of \$70,000 in city funding to implement the Saving Our Brothers and Sisters (SOBS) Project - a partnership and commitment between Truth & Destiny Covenant Ministries UCC (Pastor Lesley E. Jones), House of Hope Fellowship Church (Pastor Nick Burnett), R.E.A.L. Truth, Inc (Rufus Johnson), and B.E.A.F. Project (Candance Tubbs) to address gun violence. WE FURTHER MOVE for the City Administration to provide a report to City Council regarding the feasibility of the proposed plan, as well as recommendations rooted in community organization best practices to achieve maximum community impact. WE FURTHER MOVE for this report to be delivered to City Council within 14 days following the passage of this motion.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Kearney

MR. SEELBACH

5. <u>202001871</u> **MOTION,** submitted by Councilmember Seelbach, **WE MOVE** that the Equity,

Inclusion, Youth & the Arts Committee be moved to 3PM on Tuesday's in the A

week beginning on Tuesday, November 10, 2020.

Recommendation MAJOR PROJECTS AND SMART GOVERNMENT COMMITTEE

Sponsors: Seelbach

MR. YOUNG

6. 202001899 **COMMUNICATION**, submitted by Councilmember Young from Earl Brown,

regarding the operation of Tower Crane and FCC West Garage.

Recommendation LAW AND PUBLIC SAFETY COMMITTEE

Sponsors: Young

CITY MANAGER

7. 202001680 REPORT, dated 10/14/2020, submitted by Paula Boggs Muething, Interim City

Manager, regarding Jurisdiction Agreements.

Recommendation LAW AND PUBLIC SAFETY COMMITTEE

Sponsors: City Manager

8. 202001770 REPORT, dated 10/14/2020 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 REBEL METTLE BREWERY LLC,

412 Central Avenue, Cincinnati, OH 45202. (#7236622, A1A, D6, NEW)

[Objections: NONE]

Recommendation FILE

Sponsors: City Manager

9. 202001815 RESOLUTION (LEGISLATIVE) submitted by Paula Boggs Muething, Interim

City Manager, on 10/14/2020, **DECLARING** the intent to appropriate to public use property required for the construction of stormwater sewer pipes and associated appurtenances, equipment, and facilities as part of the Delta

Avenue - Widman Place Drainage Improvement Project.

Recommendation MAJOR PROJECTS AND SMART GOVERNMENT COMMITTEE

Sponsors: City Manager

10. 202001818 **REPORT,** dated 10/14/2020, submitted by Paula Boggs Muething, Interim City

Manager, regarding Marijuana-Only Warnings/Citations/Arrests Monthly

Report, September 2020.

Recommendation LAW AND PUBLIC SAFETY COMMITTEE

Sponsors: City Manager

11. <u>202001878</u> **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, Interim

City Manager, on 10/14/2020, **AUTHORIZING** the deposit into Fund No. 312, "Private Lead Service Line Replacement," of one-third of all future payments on the lease between the City of Cincinnati and T-Mobile Central LLC dated

July 3, 2007 (75x1030) ("Wardall Lease") for location of cellular

communications equipment on the City telecommunications tower located at the Greater Cincinnati Water Works ("GCWW") Wardall water tower site; and AUTHORIZING the transfer from the unappropriated surplus of Fund No. 101, "Water Works," into Fund No. 312 account 2140 of the year-to-date amounts of the GCWW share of payments already made for FY 2021 on the Wardall Lease, totaling approximately \$3,325.55 through October 2020, for the purpose of assisting qualified, low-income residential property owners with the cost of private lead service line replacement through GCWW's Help Eliminate

Lead Pipes ("HELP") Program.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

12. 202001879 ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim

City Manager, on 10/14/2020, MODIFYING the Administrative Code of the City of Cincinnati by amending Article XXI, Section 2, "Duties of the Director of Buildings and Inspections," to add the responsibilities associated with administration and enforcement of the City's weed, high grass, and litter regulations and the Private Lot Abatement Program ("PLAP") to the duties of the Director of the Department of Building and Inspections; and AMENDING Article VI, Section 2, "Duties of Director of the Department of Public Services," to remove the responsibilities associated with administration and enforcement of the City's weed, high grass, and litter regulations and the PLAP; and further AUTHORIZING the transfer of the sum of \$40,000 from the unappropriated surplus of Stormwater Management Fund 107 and the transfer of \$787,520 within Stormwater Management Fund 107 from and to various operating accounts of Stormwater Management Fund 107 for the purpose of transferring the Private Lot Abatement Program from the Department of Public Services to the Department of Buildings and Inspections, in accordance with the attached Schedule of Transfer.

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Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

13. 202001884 ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim

City Manager, on 10/14/2020, **AUTHORIZING** the City Manager to execute a *Property Transfer Agreement* with BJ Homes Limited Partnership under which the City will acquire fee interest in and to certain real property located adjacent to Boldface Park at 3110 Illinois Avenue in the Sedamsville neighborhood of

Cincinnati.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

14. 202001896 **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent

Matt Davis, President, Government Affairs, 255 East Fifth Street, Suite 1900,

Cincinnati, Ohio, 45202. (EARTH MANAGEMENT TRUCKING).

Recommendation FILE

Sponsors: Clerk of Council

15. 202001898 **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent

Colleen Reynolds, Partner, Government Affairs, 255 East Fifth Street, Suite

1900, Cincinnati, Ohio 45202. (EARTH MANAGEMENT TRUCKING)

Recommendation FILE

Sponsors: Clerk of Council

16. 202001972 **PETITION**, submitted by the Clerk of Council from Tonya R. Lassiter, Records

Management Officer, Ohio EPA Legal Office, regarding property known as the Walworth Junction Property, located at 2927-3121 (odd) Walworth Avenue in

Cincinnati, Ohio.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Clerk of Council

NEIGHBORHOODS COMMITTEE

17. 202001732 MOTION, submitted by Councilmember Kearney, WE MOVE that the City

Administration provide a report as soon as possible and not longer than fourteen (14) days regarding the feasibility of installing a mechanism (e.g., speed bumps, a stop sign or traffic lights) to reduce vehicle speed to the required speed of 25 mph at the intersection of Winneste and Strand in Winton Hills, and continuing through the school zone where are located Winton Hills Academy, Winton Hills Medical and Health Center, Winton Hills Community Church, Mother of Christ Catholic Church, and the Winton Hills Recreation Center. **WE MOVE** further that the City of Cincinnati make a recommendation and provide a timeline for resolving the issue of speeding vehicles in the area

referenced above. (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Kearney

BUDGET AND FINANCE COMMITTEE

18. <u>202001706</u> **MOTION**, submitted by Councilmember Sundermann, **WE MOVE** that the City

of Cincinnati allow for a variety of celebration activities for Halloween to proceed this year, informed by guidance from the Cincinnati Health Department. **WE FURTHER MOVE** that City Council shall not add any additional barriers to celebration activities other than those established by the

Cincinnati Health Department and the Ohio Department of Health.

(STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Sundermann

19. 202001771

ORDINANCE (EMERGENCY), submitted by Andrew Garth, Interim City Solicitor, ESTABLISHING new capital improvement program project account no. 980x101x211033, "Findlay Park Recreation Improvements," for the purpose of partnering with Cincinnati Center City Development Corporation ("3CDC") to provide resources for the design and construction of new state-of-the-art recreation improvements in and around Findlay Park in the Over-The-Rhine neighborhood; AUTHORIZING the transfer of the sum of \$50,000 from the General Fund balance sheet reserve account no. 050x2580, "Reserve for Weather Related Events, Other Emergency and One-Time Needs," to the unappropriated surplus of General Fund 050; AUTHORIZING the transfer and appropriation of \$50,000 from the unappropriated surplus of General Fund 050 to newly created capital improvement program project account no. 980x101x211033, "Findlay Park Recreation Improvements," for the purpose of providing resources for the design and construction of such recreation improvements; AUTHORIZING the City Manager to accept in-kind donations from 3CDC by providing design, community engagement, and development services to complete the Findlay Park Recreation Improvements valued at \$50,000; and DECLARING expenditures from capital improvements program project account no. 980x101x211033, "Findlay Park Recreation Improvements," to be for a public purpose.

Recommendation PASS EMERGENCY

Sponsors: Cranley

20. 202001683

ORDINANCE submitted by Paula Boggs Muething, Interim City Manager, on 9/30/2020, **AUTHORIZING** the City Manager to accept in-kind donations from the Cincinnati Parks Foundation of signage, landscaping materials, equipment and furnishings, and contract services valued at up to \$96,391.35, to benefit and improve various City parks.

Recommendation PASS

Sponsors: City Manager

21. <u>202001684</u>

ORDINANCE submitted by Paula Boggs Muething, Interim City Manager, on 9/30/2020, **AUTHORIZING** the City Manager to apply for grants, loans, and loan assistance awarded by Hamilton County from the Municipal Road Fund Program and the Ohio Public Works Commission State Capital Improvement Program, the Local Transportation Improvement Program, and the Revolving Loan Program (Funding Round 35) for the purpose of ensuring the timely completion of various road and bridge construction projects throughout the City.

Recommendation

PASS

Sponsors: City Manager

22. <u>202001685</u> **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, Interim

City Manager, on 9/30/2020, **AUTHORIZING** the City Manager to accept a Coronavirus Aid Relief and Economic Security Act grant (CFDA No. 20.507)

from the Federal Transit Administration, an operating administration of the U.S. Department of Transportation, in an amount up to \$566,610 for the purpose of providing funding for the Cincinnati Bell Connector operating budget; and further AUTHORIZING the Director of Finance to deposit the funds in Fund 455. "Streetcar Operations."

Recommendation PASS EMERGENCY

Sponsors: City Manager

23. 202001686 ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim

City Manager, on 9/30/2020, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$25,000 from the Greater Cincinnati Foundation to the Office of Environment and Sustainability's General Fund non-personnel operating budget account no. 050x104x7400 for the purpose of providing resources to support the City's Urban Agriculture Program; and AUTHORIZING the Finance Director to deposit the grant resources into General Fund revenue account no. 050x8571.

Recommendation PASS EMERGENCY

Sponsors: City Manager

24. 202001813 **REPORT**, dated 10/7/2020, submitted by Paula Boggs Muething, Interim City

Manager, regarding Department of Finance Reports for the Month Ended

August 31, 2020.

Recommendation APPROVE & FILE

Sponsors: City Manager

25. 202001819 REPORT, dated 10/7/2020, submitted by Paula Boggs Muething, Interim City

Manager, regarding Alternatives to Traditional Policing Roles. (SEE

REFERENCE DOC#202000777)

Recommendation APPROVE & FILE

Sponsors: City Manager

26. 202001816 **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, Interim

City Manager, on 10/7/2020, AUTHORIZING the City Manager to execute a Quitclaim Deed in favor of the State of Ohio, Department of Transportation, to convey land adjacent to Interstate 75 in the Hartwell neighborhood of

Cincinnati in connection with transportation improvement project HAM 75 -

11.09.

Recommendation PASS EMERGENCY

Sponsors: City Manager

27. 202001435 **MOTION, (AMENDED)** submitted by Councilmembers Young and Kearney,

WE MOVE that the Administration amend the existing CRA agreement with 2347 Reading Road, LLC, an affiliate of Kingsley & Co., for its 2347 Reading Road hotel project to: (1) extend the project completion deadline through December 31, 2024, and (2) extend the outside tax year by which the

abatement would commence through 2024. (AMENDED ON THE FLOOR OF

COMMITTEE ON 10/12/2020) (STATEMENT ATTACHED)

Recommendation PURSUANT TO RULE 10.8

Sponsors: Young and Kearney

28. 202001837

MOTION, submitted by Councilmember Kearney, WE MOVE for the City Administration to deliver a report to City Council regarding the feasibility of creating a Cincinnati Arts Access Fund (CAAF) to address the loss of income and financial support that artists, creatives, and neighborhood arts organizations have faced amid the COVID-19 pandemic. WE FURTHER MOVE for this fund to be managed and administered by ArtsWave to ensure public trust and to leverage the deep expertise of a leading local institution that funds and supports 100+ arts projects and organizations through impact-based grants that result in a wave of arts that connect our region and make it vibrant. (BALANCE ON FILE IN THE CLERK'S OFFICE)

Recommendation ADOPT

Sponsors: Kearney

29. 202001883

ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim City Manager, on 10/12/2020, **AMENDING** Ordinance No. 495-2019 to modify the reference from Fund 762 to Fund 763 to accommodate Ackermann Enterprises, Inc.'s and its affiliates' proposed financing.

Recommendation PASS EMERGENCY

Sponsors: City Manager

30. <u>202001886</u>

ORDINANCE (EMERGENCY), dated 10/09/2020, submitted by Councilmember Sittenfeld, from Andrew W. Garth, Interim City Solicitor, **AUTHORIZING** the designation of \$1,000,000 of HOME Investment Partnership Program funding to the Lower Price Hill Thrives affordable housing development in the neighborhood of Lower Price Hill.

Recommendation

PASS EMERGENCY

Sponsors: Sittenfeld

31. 202001877

ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim City Manager, on 10/12/2020, **AUTHORIZING** the City Manager to execute and implement the labor management agreement between the City of Cincinnati and Teamsters Local 100, the updated terms of which are reflected in the summary attached hereto.

Recommendation PASS EMERGENCY

Sponsors: City Manager

32. 202001892

ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim City Manager, on 10/13/2020, **APPROVING** the report of the Over-the-Rhine South Special Improvement District Assessment Equalization Board dated October 12, 2020.

Recommendation PASS EMERGENCY

Sponsors: City Manager

33. 202001531 **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, Interim

City Manager, on 9/14/2020, **DETERMINING** to proceed with the assessment of properties in the Over-the-Rhine South Special Improvement District of Cincinnati to implement the 2021-2024 services plan for the district in

accordance with Section 727.23 and Chapter 1710 of the Ohio Revised Code.

Recommendation INDEFINATELY POSTPONE

Sponsors: City Manager

34. 202001893 ORDINANCE (EMERGENCY) (B VERSION) submitted by Paula Boggs

Muething, Interim City Manager, on 10/14/2020, **DETERMINING** to proceed with the assessment of properties in the Over-the-Rhine South Special Improvement District of Cincinnati to implement the 2021-2024 services plan for the district in accordance with Section 727.23 and Chapter 1710 of

the Ohio Revised. Code.

Recommendation PASS EMERGENCY

Sponsors: City Manager

35. 202001533 ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething, Interim

City Manager, on 9/14/2020, **TO LEVY** special assessments to pay for the costs of implementing the 2021-2024 services plan for the Over-the-Rhine South Special Improvement District of Cincinnati in accordance with Section

727.25 and Chapter 1710 of the Ohio Revised Code.

Recommendation

INDEFINATELY POSTPONE

Sponsors: City Manager

36. 202001891 ORDINANCE (EMERGENCY) (B VERSION) submitted by Paula Boggs

Muething, Interim City Manager, on 10/14/2020, TO LEVY special

assessments to pay for the costs of implementing the 2021-2024 services

plan for the Over-the-Rhine South Special Improvement District of

Cincinnati in accordance with Section 727.25 and Chapter 1710 of the Ohio

Revised Code.

Recommendation PASS EMERGENCY

Sponsors: City Manager

SUPPLEMENTAL ITEMS

LAW & PUBLIC SAFETY COMMITTEE

37. <u>202001808</u> **REPORT**, dated 10/7/2020, submitted by Paula Boggs Muething,

Interim City Manager, regarding Unlawful Use of Fireworks during the

Fourth of July Holiday. (SEE REFERENCE DOC #202000941)

Recommendation APPROVE & FILE

<u>Sponsors:</u> City Manager

38. 202001894 MOTION, submitted by John Cranley, Mayor, I MOVE, in light of the attached

report highlighting cases where arbitrators overturned police disciplinary decisions, that the Administration prioritize efforts to reform the arbitration process. **I FURTHER MOVE**, that the Administration work with the Fraternal Order of Police on arbitration reforms in upcoming contract renegotiations. Proposed provisions should work to preserve due process, while also removing barriers to police accountability. Any reform measures should make it easier,

not harder, for the Chief to appropriately discipline officers.

Recommendation ADOPT

Sponsors: Cranley

39. 202001895 **MOTION**, submitted by John Cranley, Mayor, **I MOVE** that City Council

endorse the attached Report on Police Reform and Racial Justice. I FURTHER

MOVE, that the administration prepare a report in response to the

recommendations made by the U.S. Conference of Mayors' Working Group on

Police Reform and Racial Justice. I FURTHER MOVE, that the

Administration's report identify whether it believes the Cincinnati Police Department already meets the each recommendation; and to the extent that it does not, provide an analysis of why or why not CPD should or should not

make the recommended change. (STATEMENT ATTACHED).

Recommendation ADOPT

Sponsors: Cranley

ECONOMIC GROWTH & ZONING COMMITTEE

40. 202001529 **ORDINANCE** submitted by Paula Boggs Muething, Interim City Manager, on

9/16/2020, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property commonly known as 841 Lincoln Avenue in the Walnut Hills neighborhood from the RMX, "Residential Mixed," zoning district to the RM-0.7, "Residential Multi-Family," zoning district to allow the property to

be operated as a birthing center.

Recommendation PASS

Sponsors: City Manager

41. 202001890 ORDINANCE (EMERGENCY) (B VERSION), submitted by Andrew Garth,

Interim City Solicitor, **AMEDNING** 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 future subdivision and construction of twelve single-family homes.

Recommendation PASS EMERGENCY

Sponsors: City Manager

MAJOR PROJECTS & SMART GOVERNMENT COMMITTEE

42. 202001739 **MOTION**, submitted by Councilmember Sittenfeld, Seelbach, Landsman and Kearney, **WHEREAS** the City of Cincinnati continues to commit to citywide

Kearney, **WHEREAS** the City of Cincinnati continues to commit to citywide pedestrianization efforts to improve quality of life, safety, and environmental health; and, **WHEREAS** these efforts have included smaller-scale efforts like improved signage and markings in Neighborhood Business Districts and large-scale efforts like the Liberty Street Improvement Project; and,

WHEREAS a core tenet of these efforts has been reducing the portion of the right-of-way dominated by automobile traffic and increasing the portion of the right-of-way available to walkers, cyclists, trees, art and civic and cultural gatherings; and, WHEREAS Central Parkway - one of Cincinnati's most high-profile and historic corridors - is poised for and in need of such

improvements; and, WHEREAS the North-South portion of Central Parkway

from the south end turn in the road up to Liberty Street, which runs alongside some of our City's most important cultural, civic, arts, educational, and governmental institutions, can and should be a world-class corridor, on par with the world's great urban streets. (BALANCE ON FILE IN CLERK'S OFFICE).

Recommendation ADOPT

Sponsors: Sittenfeld, Seelbach, Landsman and Kearney

43. 202001692 ORDINANCE submitted by Paula Boggs Muething, Interim City Manager, on

10/7/2020, AUTHORIZING the City Manager to take all necessary and proper

actions to cooperate with the Director of the Ohio Department of

Transportation in order to facilitate the completion of pedestrian improvements

at various locations in the City of Cincinnati in connection with the Ohio Department of Transportation's Pedestrian Safety Improvement Program.

Recommendation PASS

Sponsors: City Manager

44. 202001820 ORDINANCE (EMERGENCY) submitted by Paula Boggs Muething,

Interim City Manager, dated 10/7/2020, **AUTHORIZING** the ongoing operation of the Cincinnati Bell Connector as a fare-free transit service upon the expiration of the sixty-day period established by Ordinance 281-2020, and MODIFYING the provisions of Title VII, "General

Regulations," of the Cincinnati Municipal Code by AMENDING, Section 723-26 "Streetcar Designated Paid Fare Zone," of Chapter 723, "Streets and Sidewalks, Use Regulations," and Section 770-1-D, "Designated Paid Fare Zone," Section 770-1-F, "Fare Enforcement Agent," Section 770-3, "Unlawfully Obtaining Streetcar Services," Section 770-5, "Unlawful Interference with Streetcar Services," Section 770-7, "Notice of Violation; Exclusion from Streetcar System; Misdemeanor," and

Section 770-9, "Enforcement of Civil Violations," of Chapter 770, "Streetcar Transit," to provide for the ongoing fare-free operation of the

Cincinnati Bell Connector.

Recommendation PASS EMERGENCY

Sponsors: City Manager

ANNOUNCEMENTS

NEW BUSINESS

Adjournment