



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, March 24, 2021

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MR. GOODIN

1. [202101209](#) **MOTION**, submitted by Councilmember Goodin, While Cincinnati continues to grapple with long-term, systemic fixes to its affordable housing shortage, it has become apparent that the location of such units remains an issue for many homeowners. A concentration of subsidized units in one neighborhood can artificially lower property values and deter market-rate and commercial development. Accordingly, **WE MOVE** that the Administration advise as to whether Council may limit the development of new subsidized housing units in neighborhoods which already contain 50 percent or more of such units in their existing housing stock.

Recommendation ECONOMIC GROWTH AND ZONING COMMITTEE

Sponsors: Goodin

2. [202101215](#) **RESOLUTION**, submitted by Councilmember Goodin, **CONDEMNING** hate crimes and discriminatory rhetoric directed against Asian-American and Pacific Islander communities at all times, but especially in light of the skyrocketing number of incidents since the advent of the COVID-19 pandemic.

Recommendation PASS

Sponsors: Goodin

MR. GOODIN

MR. SMITHERMAN

3. [202101181](#) **MOTION**, submitted by Councilmember Goodin and Vice Mayor Smitherman, The Cincinnati Police Department (CPD) recently reported that its complement of uniformed officers stands below 1,000 for the first time in decade as a result of retirements and attrition. This reduction in force comes at a time when Cincinnati neighborhoods have been faced with a record number of murders, as well as an increase in property and quality of life offenses as a result of the COVID-19 pandemic. Additionally, the community continues to seek thoughtful engagement between the Cincinnati Police Department and mental health and addiction service providers to, when appropriate, divert potential criminal defendants into treatment. Accordingly, **WE MOVE** that a portion of

Cincinnati's American Rescue Plan appropriation be committed to: 1) immediately fund a new CPD recruit class in 2021 to better facilitate community policing and criminal investigations; 2) fund additional training and police personnel for CPD's Mental Health Response Team (MHRT); 3) fund training to better integrate the MHRT with existing mental health and substance abuse providers and to create a mechanism to track those citizens who are referred to such providers; 4) to fund the local chapter of the Saving Our Kings and Queens youth intervention program headed by Mitch Morris; 5) to fund Rev. Peterson Mingo's Southern Christian Leadership Program's Rites of Passage initiative, which includes a summer camp, anti-gang and anti-drug education and numerous youth sports programs in Evanston; and 6) to once again fully fund Hope Dudley's UCanSpeakForMe homicide victim's family assistance program.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Goodin and Smitherman

MR. SMITHERMAN

MR. GOODIN

MR. MANN

4. [202101186](#) **MOTION**, submitted by Vice Mayor Smitherman, Councilmember Goodin and Mann, **WE MOVE** that the first funds from the American Rescue Plan Act be used to meet our reserve target goal of 16.7%, or two months of our prior year's revenue. **WE FURTHER MOVE** that these funds be used to close the projected budget deficits for fiscal years 2022 and 2023. **WE FURTHER MOVE** that the City of Cincinnati make whole any other city funds that were impacted by Covid-19. (STATEMENT ATTACHED).

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Smitherman, Goodin and Mann

MR. SMITHERMAN

MR. GOODIN

MS. KEARNEY

5. [202101187](#) **MOTION**, submitted by Vice Mayor Smitherman and Councilmember Goodin and Kearney, **WE MOVE** that funds from the American Rescue Plan Act be allocated to address staffing shortages identified by department heads and recommended by the administration. (STATEMENT ATTACHED).

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Smitherman, Goodin and Kearney

MS. SUNDERMANN

6. [202101175](#) **MOTION**, submitted by Councilmember Sundermann, **WE MOVE** that the City Administration include in the FY22 budget a sufficient portion from the anticipated funds that Cincinnati is to receive through the American Rescue

Plan in order to complete any funding needs for the construction of the Western Hills Viaduct. (STATEMENT ATTACHED)

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Sundermann

7. [202101185](#) **MOTION**, submitted by Councilmember Sundermann, **WE MOVE** that the City Administration include in the FY22 budget \$1,400,000 for an additional class of 43 police recruits to ensure that the Cincinnati Police Department can adequately keep up with attrition. The sources of city revenue should first be a COPS Hiring grant and then any additional needed funds from the anticipated \$291,590,000 that Cincinnati is to receive from the recently passed federal law, American Rescue Plan. (STATEMENT ATTACHED).

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Sundermann

CITY MANAGER

8. [202101178](#) **REPORT**, dated 3/24/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for FARE U LLC, DBA FIRESIDE PIZZA, 773 E. McMillan Street, Cincinnati, Ohio 45206. (#2638513, D5J, D6, TRANSFER) [Objections: NONE]

Recommendation FILE

Sponsors: City Manager

9. [202101179](#) **REPORT**, dated 3/24/2021 submitted by Paula Boggs Muething, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for NEPHEWS LLC, 7532 Reading Road, Cincinnati, Ohio 45237. (#6353350, D1, NEW) [Objections: YES]

Recommendation FILE

Sponsors: City Manager

10. [202101183](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **AUTHORIZING** the City Manager to apply for, accept and appropriate a grant in the amount of \$303,230 from the Get Vaccinated OHIO Public Health Initiative, funded by the Ohio Department of Health, to support activities that will increase immunization rates in children under two years of age, school aged children and adolescents; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

11. [202101184](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **AUTHORIZING** the City Manager to accept and appropriate grant resources in the amount of \$20,000 from the Delta Dental Foundation's COVID-19 Dental Equipment Fund, to provide funds for the Cincinnati Health Department's purchase of COVID-19 related dental supplies and equipment, including personal protective equipment ("PPE"), air purifiers, teledentistry equipment, and other necessary resources; and **AUTHORIZING** the Director of Finance to receive and deposit the grant funds into Public Health Research

Fund 350.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

12. [202101188](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **AUTHORIZING** the transfer of the sum of \$60,850 within the General Fund from and to various operating budget accounts for the purpose of providing funds for the ongoing needs of City departments in accordance with the attached Schedule of Transfer; **AUTHORIZING** the transfer of the sum of \$1,744,743 within the Restricted Funds from and to various operating accounts for the purpose of providing funds for the ongoing needs of City departments in accordance with the attached Schedule of Transfer; and **AUTHORIZING** the appropriation of \$300,000 from the unappropriated surplus of 9-1-1 Cell Phone Fees Fund 364 for the purpose of realigning and providing funds for the ongoing needs of City departments in accordance with the attached Schedule of Transfer.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

13. [202101190](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **ESTABLISHING** new capital improvement program project no. 980x199x211921, "Riverside Boat Ramp Improvements"; and **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$200,000 from the Ohio Department of Natural Resources Waterways Safety Fund for the purpose of providing funding for the design and construction of the improved boat ramp, boat dock, and restrooms at the Riverside boat ramp.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

14. [202101191](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **DETERMINING** to proceed with improving Walworth Avenue in the East End neighborhood of Cincinnati by constructing an extension thereto, together with curbs, street lighting, streetscaping, sidewalks, water mains, and storm and sanitary sewer; necessary remediation of soil in the related right-of-way; installing retaining walls; acquiring land necessary to construct and install the foregoing; and acquiring, constructing, and installing other related improvements, and of assessing certain lots adjacent to Walworth Avenue, as extended, for costs of those improvements, in accordance with Chapter 727 of the Ohio Revised Code.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

15. [202101192](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 64 E McMicken LLC, an affiliate of Northcrown Property LLC thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 64 E. McMicken Avenue in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the existing

building into approximately 1,370 square feet of commercial space and approximately 4,003 square feet of residential space, consisting of 6 apartments, at a total construction cost of approximately \$919,178.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

16. [202101193](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **LEVYING** special assessments to pay for the costs of improving Walworth Avenue in the East End neighborhood of Cincinnati by constructing an extension thereto, together with curbs, street lighting, streetscaping, sidewalks, water mains, and storm and sanitary sewer; necessary remediation of soil in the related right-of-way; installing retaining walls; acquiring land necessary to construct and install the foregoing; and acquiring, constructing, and installing other related improvements, and any financing and administrative expenses in connection therewith.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

17. [202101194](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 116 E McMicken LLC, an affiliate of Northcrown Property LLC thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 116 E. McMicken Avenue in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the existing building into approximately 549 square feet of commercial space and approximately 5,183 square feet of residential space, consisting of 10 residential rental units, at a total construction cost of approximately \$869,325.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

18. [202101195](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **APPROVING AND AUTHORIZING** the execution of a Job Creation Tax Credit Agreement with Luma Financial Technologies, LLC, pursuant to which the company agrees to create 58 new jobs at 425 Walnut Street, Suite 2410 in the Central Business District of Cincinnati and, for a period of 4 years, the City agrees to provide an income tax credit equal to 35% of City income tax revenue from such new jobs.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

19. [202101196](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge)* with Robel 1 LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 18 W. Elder Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of an existing building into

approximately 500 square feet of commercial space and approximately 3,300 square feet of residential space, consisting of 7 residential rental units, which remodeling shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, at a total remodeling cost of approximately \$300,000.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

20. [202101197](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Northcrown 56 McMicken LLC, an affiliate of Northcrown Property LLC thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 56 E. McMicken Avenue in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the existing building into approximately 1,081 square feet of commercial space and approximately 6,829 square feet of residential space, consisting of 13 apartments, at a total remodeling cost of approximately \$1,501,184.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

21. [202101199](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 3/24/2021, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property commonly known as 3502-3526 Vine Street, 3429-3447 Vine Street, and 3412-3416 Marmet Avenue in the Avondale neighborhood, and certain additional real property generally located at the southeast corner of Vine Street and Erkenbrecher Avenue in the Corryville neighborhoods from the RMX, "Residential Mixed," and SF-4, "Single-Family," zoning districts to the PR, "Park and Recreation," zoning district to locate all of the Cincinnati Zoo and Botanical Garden properties within one consistent zoning district.

Recommendation ECONOMIC GROWTH AND ZONING COMMITTEE

Sponsors: City Manager

BUDGET AND FINANCE COMMITTEE

22. [202101049](#) **MOTION**, submitted by Councilmember Kearney, **WHEREAS** it has been determined that the City of Cincinnati is lacking in an estimated 28,000 affordable housing units, and; **WHEREAS**, the City of Cincinnati established an Affordable Housing Trust Fund in 2018 with \$700,000 from the proceeds from the sale of the Norfolk Railroad, and; **WHEREAS**, the amount currently in the City's Affordable Housing Trust Fund is insufficient to meet the demand for affordable housing in the City of Cincinnati, and; **WHEREAS**, the City of Cincinnati is to receive \$290 million from the American Rescue Plan, President Joe Biden's \$1.9 trillion coronavirus stimulus bill; Now, therefore: **WE MOVE** that the City Administration prepare a **REPORT** on the feasibility of depositing a total of \$50 million from the American Rescue Plan into the City of Cincinnati's Affordable Housing Trust Fund immediately upon receipt of such funds. (STATEMENT ATTACHED).

Recommendation ADOPT

Sponsors: Kearney

23. [202101054](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/17/2021, **AUTHORIZING** the City Manager to apply for, accept, and appropriate the sum of up to \$150,000 from the Ohio Environmental Protection Agency's Water Pollution Control Loan Fund for the purpose of providing financial assistance to Cincinnati homeowners with defective household sewage treatment systems; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Public Health Research Fund 350.

Recommendation PASS EMERGENCY

Sponsors: City Manager

24. [202101066](#) **ORDINANCE** submitted by Paula Boggs Muething, City Manager, on 3/17/2021, **AUTHORIZING** the City Manager to apply for grant resources from the Clean Ohio Trails Fund grant program to be awarded by the Ohio Department of Natural Resources in an amount up to \$500,000 for the purpose of providing resources for the construction of Phase 6a of the Wasson Way Trail project.

Recommendation PASS

Sponsors: City Manager

25. [202101067](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/17/2021, **DETERMINING** to proceed with a special assessment for the Urban Forestry Program for the calendar year 2022, for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

Recommendation PASS EMERGENCY

Sponsors: City Manager

26. [202101068](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/17/2021, **AUTHORIZING** the City Manager to accept and deposit a donation in an amount of \$100,000 from the Cincinnati Parks Foundation into Fund No. 430, "Parks Private Endowment," for the purpose of providing resources for the design and construction of the accessible plaza for the Ezzard Charles statue in Laurel Park; **ESTABLISHING** new capital improvement program project account no. 980x203x212009, "Ezzard Charles Statue Plaza," for the purpose of providing resources for the design and construction of the accessible plaza for the Ezzard Charles statue in Laurel Park; and further **AUTHORIZING** the transfer and appropriation of \$100,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment," to newly established capital improvement program project account no. 980x203x212009, "Ezzard Charles Statue Plaza."

Recommendation PASS EMERGENCY

Sponsors: City Manager

27. [202101069](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/17/2021, **LEVYING** a special assessment for the Urban Forestry Program for the calendar year 2022, for control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade

trees within the public right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

Recommendation PASS EMERGENCY

Sponsors: City Manager

28. [202101076](#) **MOTION**, submitted by Councilmember Kearney, **WE MOVE** for the administration to compare the Balanced Development Priorities Analysis to the Peaslee Neighborhood's Developer Questionnaire. Include in the report any information requested from developers by Peaslee's Developer Questionnaire that is not gathered by the Department of community and Economic Development that City Council will not be provided in response to the Balanced Development Priorities Analysis and information requested by the Department of Community and Economic Development.

Recommendation ADOPT

Sponsors: Kearney

29. [202101077](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/17/2021, **ESTABLISHING** new capital improvement program project no. 980x199x211923, "Nature Playscape - Bramble Park"; and further **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$75,000 from the State of Ohio, Department of Natural Resources, Office of Real Estate & Land Management for the purpose of funding the design and construction of a new nature playscape at the Bramble Recreation Area, located at 6395 Bramble Avenue.

Recommendation PASS EMERGENCY

Sponsors: City Manager

30. [202101078](#) **ORDINANCE (EMERGENCY)** submitted by Paula Boggs Muething, City Manager, on 3/17/2021, **AUTHORIZING** the City Manager apply for, accept, and appropriate a grant in the amount of up to \$68,000 from the Ohio Attorney General; and **AUTHORIZING** the appropriation of the sum of \$60,000 to Police's General Fund personnel operating budget account no. 050X228X7100, and \$8,000 to Cincinnati Police Department General Fund non personnel operating budget account no. 050X228X7200, for the purpose of funding threat assessment training for school resource officers and conducting school building vulnerability assessments.

Recommendation PASS EMERGENCY

Sponsors: City Manager

31. [202101124](#) **MOTION**, submitted by Councilmember Keating, Mann, Sundermann and Kearney, Our small businesses have suffered from the negative impacts of COVID-19 at a disproportionate level. The City of Cincinnati is to receive \$290 million from the American Rescue Plan, President Joe Biden's \$1.9 trillion coronavirus stimulus bill. **WE MOVE** that the City Administration prepare a **REPORT** on how much money, of the \$290 million from the American Rescue Plan, that the city could feasibly set aside to aid the small business community in their COVID-19 recovery efforts. This approach needs to be a two-pronged effort that not only targets specific small businesses but also takes a blanket approach to focus on providing aid to neighborhood business districts. Therefore, **WE FURTHER MOVE** that the City Administration prepare a

REPORT on how much money of \$290 million from the American Rescue Plan, that the city could feasibly set aside to identify and aid the neighborhood business districts that have been most negatively impacted by the COVID-19 impact. **WE FURTHER MOVE** that the City Administration prepare a REPORT on the eligibility requirements in which small businesses and neighborhood business districts would need to meet in order to qualify for relief through the city. These funds would be utilized to assist in the recovery from the losses our small businesses and communities have endured due to the COVID-19 Pandemic. We request these reports within 21 days to allocate enough time to consider these findings for the upcoming budget process. (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Keating, Mann, Sundermann and Kearney

32. [202101131](#) **MOTION**, submitted by Councilmember Sundermann, Kearney, Mann and Goodin, **WE MOVE** the Administration draft an ordinance to provide \$3,000,000 for the final gap in funding needed for the Warsaw Avenue Creative Campus in East Price Hill being developed by Price Hill Will, the premier nonprofit community development corporation serving the neighborhoods of East, West, and Lower Price Hill. The source of city revenue should be a portion of the anticipated \$291,590,000 that Cincinnati is anticipated to receive from the recently passed federal law, American Rescue Plan. (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Sundermann, Kearney, Mann and Goodin

33. [202101152](#) **MOTION**, submitted by Councilmember Goodin, Vice Mayor Smitherman, Councilmember Sundermann, Keating and Kearney, During the COVID-19 pandemic, Cincinnati workers have adopted remote working at an amazing pace. Many routine office activities have been replaced by video conferencing and digital access to documents. While these innovations have kept our economy moving, they also present a looming crisis for Ohio's cities. More than 70 percent of Cincinnati's revenue is derived from its earning tax, and a significant portion of that percentage is derived from non-City residents who formerly worked in downtown offices. Recent litigation and potential legislation have called into question our ability to tax those workers in the long term. These actions notwithstanding, many businesses may simply choose to close their offices or reduce their physical footprint in the City, thus shrinking the tax base over time. Accordingly, **WE MOVE** that the Administration prepare a report outlining the loss in revenue to the City per annum if, variably, 10, 20 or 30 percent of non-resident City workers would no longer be subject to the City's earning tax.

Recommendation ADOPT

Sponsors: Goodin, Kearney, Keating, Smitherman and Sundermann

34. [202101182](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Mann, from Andrew W. Garth, City Solicitor, **DECLARING** that Hatch Street between Loudon Street and Wareham Street in the Mt. Adams neighborhood shall hereby receive the honorary, secondary name of Pat Barry Way in honor of Pat Barry and in recognition of his contributions and dedication to the City of Cincinnati.

Recommendation PASS EMERGENCY

Sponsors: Mann

EDUCATION, INNOVATION & GROWTH COMMITTEE

35. [202101145](#) **MOTION**, submitted by Councilmember Goodin, Vice Mayor Smitherman, Councilmember Sundermann, Kearney, and Keating, New 5G mobile communications technology has necessitated the deployment of thousands of small cell system towers throughout the United States. Such towers are now being deployed in Cincinnati neighborhoods. Accordingly, **WE MOVE** that the Administration advise Council regarding all potential methods of regulating 5G small cell system towers under the City's Municipal Code, Administrative Code and Zoning Code.

Recommendation ADOPT

Sponsors: Goodin, Keating, Kearney, Smitherman and Sundermann

ANNOUNCEMENTS

Adjournment