



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, March 8, 2023

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

Southwest Ohio Regional Transit Board

1. [202300747](#) **REAPPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby reappoint Gwen Robinson to the Southwest Ohio Regional Transit Board for a term of three years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/African American)

Recommendation CONFIRM

Sponsors: Mayor

Cincinnati Planning Commission

2. [202300792](#) **APPOINTMENT**, submitted by Mayor Aftab Pureval, I hereby appoint Daniella Beltran to the Cincinnati Planning Commission for a term of 5 years. This appointment is submitted to City Council for its advice and consent pursuant to its Rules. (Female/Hispanic)

Recommendation HOLD ONE WEEK PURSUANT TO THE RULES OF COUNCIL

Sponsors: Mayor

MAYOR AFTAB

MR. JOHNSON

3. [202300798](#) **RESOLUTION**, submitted by Mayor Aftab Pureval and Councilmember Johnson, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** the heroic efforts of the Cincinnati Fire Department in battling the 7-alarm fire at 3401 Colerain Avenue on March 4, 2023, and **EXPRESSING** the gratitude of the Mayor and City Council for the tremendous work of all the firefighters who responded to this fire.

Recommendation PASS

Sponsors: Mayor and Johnson

MR. WALSH

4. [202300775](#) **RESOLUTION**, submitted by Councilmember Walsh, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Tina Stoeberl as a 2023 Women's History Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for her tireless service to College Hill, community volunteerism, ownership of College Hill Coffee Co. and Casual Gourmet, and her myriad contributions to the neighborhood.

Recommendation PASS

Sponsors: Walsh

MS. PARKS

5. [202300769](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Parks, from Emily Smart Woerner, City Solicitor, **RENAMING** East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way in the City of Cincinnati, notwithstanding Council Resolution No. 16-2003, any Committee of Names conflicting rules and regulations, or any provision of the Cincinnati Municipal Code that would prohibit the renaming of a street in honor of a living person.

Recommendation HEALTHY NEIGHBORHOODS COMMITTEE

Sponsors: Parks

MR. JEFFREYS**MS. OWENS**

6. [202300782](#) **MOTION**, submitted by Councilmembers Jeffreys and Owens, To develop a plan on how best to address the issues of PFAS - commonly known as "forever chemicals" - in public city-owned spaces in the City of Cincinnati, **WE MOVE** that, the Administration report back to Council within ninety (90) days on: An assessment of what Cincinnati Fire Department's protective equipment contains forever chemicals currently and recommendations on the cost and feasibility of CFD using available alternatives. (BALANCE ON FILE IN THE CLERK'S OFFICE) (STATEMENT ATTACHED)

Recommendation CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

Sponsors: Jeffreys and Owens

MR. CRAMERDING**MR. HARRIS****MS. OWENS****MR. JEFFREYS****MR. WALSH**

7. [202300787](#) **MOTION**, submitted by Councilmembers Cramerding, Harris, Owens, Jeffreys and Walsh, **WE MOVE** that the administration provide a report within 60 days

on the status of repairs to the shelter house at Boldface Park in Sedamsville, including current plans and timeline of implementation and completion.
(STATEMENT ATTACHED)

Recommendation CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

Sponsors: Cramerding, Harris, Owens, Jeffreys and Walsh

CITY MANAGER

8. [202300750](#) **REPORT**, dated 3/8/2023, submitted Sheryl M. M. Long, City Manager, regarding the Finance and Budget Monitoring Report for the Period Ending December 31, 2022.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

9. [202300751](#) **REPORT**, dated 3/8/2023 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 Affinity Rose Café Lounge LLC, 7604 Reading Road. (#0072723, D5 D6, Transfer) [Objections: Yes]

Recommendation FILE

Sponsors: City Manager

10. [202300755](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AUTHORIZING** the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, "Wasson Way Trail," for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

11. [202300756](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AUTHORIZING** the City Manager to accept and appropriate a grant in an amount of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN 93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

12. [202300757](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AMENDING** Ordinance No. 243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency

with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067).

Recommendation

BUDGET AND FINANCE COMMITTEE

Sponsors:

City Manager

13. [202300758](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$50,000 from the Ohio Environmental Protection Agency's Water Pollution Control Loan Fund for the purpose of providing financial aid 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 revenue account no. 350x8536.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors:

City Manager

14. [202300759](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **ACCEPTING AND CONFIRMING** the dedication to public use of an approximately 0.0745-acre tract of real property as a portion of the East Pete Rose Way public right-of-way for street purposes; and further, **DEDICATING, ACCEPTING, AND CONFIRMING** the dedication to public use of an approximately 0.0088-acre tract of real property as a portion of the East Pete Rose Way and Butler Street public rights-of-way for street purposes in the Central Business District.

Recommendation EQUITABLE GROWTH AND HOUSING COMMITTEE

Sponsors:

City Manager

15. [202300760](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption* with 8K Development Company, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 129-131 W. Elder Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the upper floors of 2 buildings into approximately 4,680 square feet of residential space, consisting of approximately 10 residential units, at a total construction cost of approximately \$880,600.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors:

City Manager

16. [202300763](#) **RESOLUTION** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **APPROVING** the Mount Airy Plan: Our Future as the planning guide for the Mt. Airy neighborhood.

Recommendation EQUITABLE GROWTH AND HOUSING COMMITTEE

Sponsors:

City Manager

17. [202300764](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **AUTHORIZING** the City Manager to execute a *Property Sale and Development Agreement* with 8K Development Company, LLC for the sale of the upper levels of the City-owned building located at 129-131 W. Elder Street

in the Over-the-Rhine neighborhood for residential redevelopment.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

18. [202300766](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Moerlein Properties LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 115-125 W. McMillan Avenue and 124-142 Lyon Street in the CUF neighborhood of Cincinnati, in connection with the construction of a mixed-use development comprised of a parking garage, approximately 5,000 square feet of commercial space, and approximately 263,000 square feet of residential space, consisting of approximately 103 units, at a total construction cost of approximately \$33,000,000

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

19. [202300767](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being part of the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 - Garden Grove - E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder's Office.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

20. [202300768](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/8/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: City Manager

CLERK OF COUNCIL

21. [202300752](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Annalese Cahill, Government Affairs, Government Relations Associate, 225 E 5th Street, Suite 1900, Cincinnati, Ohio 45202. (CINCINNATI BLUE LINE FOUNDATION)

Recommendation FILE

Sponsors: Clerk of Council

22. [202300783](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E 5th Street, Suite 1900, Cincinnati, Ohio 45202. (EQUITABLE FINANCIAL LIFE INSURANCE COMPANY)

Recommendation FILE

Sponsors: Clerk of Council

23. [202300784](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Colleen Reynolds, Government Affairs, Partner, 225 E 5th Street, Suite 1900, Cincinnati, Ohio 45202. (MERCANTILE LIBRARY)

Recommendation FILE

Sponsors: Clerk of Council

24. [202300785](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Matt Davis, Government Affairs, President, 225 E 5th Street, Suite 1900, Cincinnati, Ohio 45202. (EQUITABLE FINANCIAL LIFE INSURANCE COMPANY)

Recommendation FILE

Sponsors: Clerk of Council

25. [202300786](#) **REGISTRATION**, submitted by the Clerk of Council from Legislative Agent Matt Davis, Government Affairs, President, 225 E 5th Street, Suite 1900, Cincinnati, Ohio 45202. (MERCANTILE LIBRARY)

Recommendation FILE

Sponsors: Clerk of Council

BUDGET AND FINANCE COMMITTEE

26. [202300549](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 2/8/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$220,000, for the installation of a turf infield at the LeBlond Recreation Center.

Recommendation PASS

Sponsors: City Manager

27. [202300708](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/1/2023, **AUTHORIZING** the City Manager to accept and deposit a donation in an amount of up to \$763,000 from the Cincinnati Park Board Commissioners' Fund into Fund No. 430, "Parks Private Endowment and Donations," for the purpose of providing resources for the development of the Burnet Woods Dog Park, improvements to Sawyer Point, and development of the Mt. Airy Forest Bike Course, and for the replacement of automotive and motorized equipment used by the Parks Department; **ESTABLISHING** new capital improvement program project account no. 980x203x232035, "Burnet Woods Dog Park," for the purpose of providing resources for the development of the Burnet Woods Dog Park; **ESTABLISHING** new capital improvement

program project account no. 980x203x232036, "Sawyer Point Improvements," for the purpose of providing resources for improvements to Sawyer Point; ESTABLISHING new capital improvement program project account no. 980x203x232037, "Mt. Airy Bike Course," for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course; AUTHORIZING the transfer and appropriation of \$300,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232035, "Burnet Woods Dog Park," for the purpose of providing resources for the development of the Burnet Woods Dog Park; AUTHORIZING the transfer and appropriation of \$75,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements," for the purpose of providing resources for improvements to Sawyer Point; AUTHORIZING the transfer and appropriation of \$140,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232037, "Mt. Airy Bike Course," for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course; and further AUTHORIZING the transfer and appropriation of \$248,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to capital improvement program project account no. 980x203x222018, "Parks Fleet Replacement," for the purpose of providing resources for the replacement of automotive and motorized equipment used by the Parks Department.

Recommendation

PASS

Sponsors:

City Manager

28. [202300709](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/1/2023, **ESTABLISHING** new capital improvement program project account no. 980x236x232314, "Streetcar Wash Port - OTP2 Grant," for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility; AUTHORIZING the City Manager to accept and appropriate grant resources in an amount up to \$2,000,000 from the Ohio Department Transportation Ohio Transit Partnership Program ("OTP2") to Fund No. 455, "Streetcar Operations," for the purpose of providing resources for preventative maintenance, equipment, and facility upgrades for the streetcar system; AUTHORIZING the City Manager to accept and appropriate grant resources in an amount up to \$256,517 from the Federal Transit Administration ("FTA") Urbanized Area Formula Funding program (49 U.S.C. 5307) (ALN 20.507) to Fund No. 455, "Streetcar Operations," for the purpose of providing resources for streetcar preventative maintenance support; AUTHORIZING the Director of Finance to deposit OTP2 and FTA grant resources into Fund No. 455, "Streetcar Operations"; AUTHORIZING the

transfer and appropriation of an amount up to \$1,000,000 from the unappropriated surplus of Fund No. 455, "Streetcar Operations," into newly established capital improvement program project account no. 980x236x232314, "Streetcar Wash Port - OTP2 Grant," for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility; AUTHORIZING the transfer and appropriation of an amount up to \$1,256,517 from the unappropriated surplus of Fund No. 455, "Streetcar Operations," to Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 for the purpose of providing streetcar preventative maintenance support; and further AUTHORIZING the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

Recommendation PASS EMERGENCY

Sponsors: City Manager

29. [202300710](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/1/2023, **AUTHORIZING** the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$26,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains, as well as designing, and constructing drinking water facilities for Greater Cincinnati Water Works.

Recommendation
PASS

Sponsors: City Manager

30. [202300711](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 3/1/2023, **AUTHORIZING** the City Manager or her designee to apply for, accept and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$5,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

Recommendation
PASS

Sponsors: City Manager

31. [202300707](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/1/2023, **AUTHORIZING** the transfer and return to source of the sum of \$22,508 from capital improvement program project account no. 980x272x232704, "Fire Equipment," to the unappropriated surplus of Income Tax Permanent Improvement Fund 758; and further AUTHORIZING the

transfer and appropriation of \$22,508 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to capital improvement program project account no. 980x981x232505, "Fleet Replacements," for the purpose of providing resources to purchase additional safety features on fire apparatus.

Recommendation PASS EMERGENCY

Sponsors: City Manager

32. [202300712](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/1/2023, **ESTABLISHING** capital improvement program project account no. 980x164x231643, "Findlay Recreation Area Improvements - TIF," for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **AUTHORIZING** the transfer and appropriation of the sum of \$1,698,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231643, "Findlay Recreation Area Improvements - TIF," for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **DECLARING** expenditures from capital improvement program project account no. 980x164x231643, "Findlay Recreation Area Improvements - TIF," to be for a public purpose; and **AMENDING** Ordinance 342-2020 to allow for the reimbursement of \$50,000 to the Cincinnati Center City Development Corporation for an advance of Phase I design services.

Recommendation PASS EMERGENCY

Sponsors: City Manager

33. [202300732](#) **MOTION**, submitted from Councilmembers Owens and Parks, **WE MOVE** that the City Administration provide a strategic alignment report in coordination with the priorities and strategies outlined by the OneOhio Region 2 Foundation Governance Board. The report should provide recommendations for both short-term and long-term use of the OneOhio Settlement Funds that have been and will be disbursed, outlining how the City's portion can be used to benefit City residents. These recommendations should be made to complement the allocations by the OneOhio Region 2 Board and Hamilton County. Funds should be used to support projects or initiatives that are highly-leverageable and able to obtain funding from other sources as well. (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Owens and Parks

HEALTHY NEIGHBORHOODS COMMITTEE

34. [202300324](#) **MOTION**, submitted by Vice Mayor Kearney and Councilmembers Parks and Walsh, **WE MOVE** that the City Administration create a bonding program for MBE and WBE contractors who have proven themselves with the City through previous project completions in order to overcome one of the major barriers to equitable opportunities. The City Administration should consider self-bonding, working with bonding agencies and/or co-signing for first-time bonds when the MBE and WBE company meets the City's pre-determined qualifications such as *successfully* completing projects for the City totaling at least \$1 million and limiting the upper end of our bonding threshold. Successful completion of projections should be clearly defined as approval by the City Manager's Office. **WE FURTHER MOVE** that City Council receive a report at quarterly on MBEs and WBEs that have participated in the City's bonding program, and the status of the projects, in order to assess the efficacy of the City's bonding program. (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Kearney, Parks and Walsh

SUPPLEMENTAL ITEMS

PUBLIC SAFETY & GOVERNANCE COMMITTEE

35. [202300703](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 3/1/2023, **ESTABLISHING**, the classification and salary range schedule for the new employment classification of the Law Fellow, and **ORDAINING** Section 163 of Division Law, Chapter 307, of the Cincinnati Municipal Code.

Recommendation PASS EMERGENCY

Sponsors: City Manager

36. [202300704](#) **REPORT**, dated 3/1/2023, submitted Sheryl M. M. Long, City Manager, regarding Parking Enforcement, Meters & Residential Permits. **REFERENCE** DOCUMENT #202202004 and #202300645.

Recommendation APPROVE & FILE

Sponsors: City Manager

37. [202300660](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 2/23/2023, **MODIFYING** Chapter 306, "General Compensation Provisions," of the Cincinnati Municipal Code by **AMENDING** Section 306-7, "Special Salary Provisions," Section 306-11, "Increases and Reclassifications," and Section 306-13, "Transfers and Promotions," to conform the Cincinnati Municipal Code to evolving trends in the labor market.

Recommendation PASS EMERGENCY

Sponsors: City Manager

ANNOUNCEMENTS

Adjournment



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Feb 2023

REAPPOINTMENT

I hereby reappoint Gwen Robinson to the Southwest Ohio Regional Transit Board for a term of three years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

Mar 2023

APPOINTMENT

I hereby appoint Daniella Beltrán to the Cincinnati Planning Commission for a term of 5 years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval

DANIELLA BELTRÁN AICP

URBAN PLANNER / DESIGNER

Daniella is passionate about working with communities on growth strategies that foster physical and social connectivity, equity and joy for all who live in and care for those places.

For ten years, Daniella has utilized planning and design tools paired with community engagement to discover and implement policy, development, transportation and infrastructure solutions with communities. As an urban planner with YARD & Company responsible for place-based data analysis, idea testing and communication, and planning and design recommendations, she is involved in a wide range of project types from short-term, tactical interventions to long-range comprehensive plans. Project experience also includes corridor and district development planning, multi-modal and streetscape infrastructure improvements, zoning code updates, and site design work.

Daniella is active in her Cincinnati community as Secretary/Treasurer for the Cincinnati American Planning Association (APA) board, Management Committee member in the local chapter of the Urban Land Institute (ULI), and as Board Vice Chair for the Over-the-Rhine Museum. Furthermore, as a years-long member of the Congress for New Urbanism, Daniella is part of a host committee responsible for planning the 2024 annual conference to be held in Cincinnati.



EXPERIENCE

Urban Planner / Designer

YARD & Company
Oct 2020 - Present
Cincinnati, OH

- » Carmel, IN Comprehensive Plan
- » Peebles Corner Master Plan
- » Vienna, VA Zoning Code Update
- » Memphis Better Streets Project
- » Mt. Washington, PA Street Vitality Recommendations

Urban Planner

MKSK
Aug 2017 - June 2020
Cincinnati, OH

- » Covington Streetscape Design Guidelines

Community Building Specialist

Neighborhood Housing Services
Aug 2012 - 2015
New Haven, CT

EDUCATION

- » Master of Community Planning and Graduate Certificate in Real Estate, University of Cincinnati, 2017
 - Published thesis, "Commercial Evolution in Over-the-Rhine, Cincinnati"
- » Student Exchange Program, University of Leuven, Belgium, 2016
- » B.S. in Architecture with a minor in City and Regional Planning, The Ohio State University, 2012

CERTIFICATION

- » American Institute of Certified Planners (AICP)
 - Certification #: 31860

[LinkedIn](#)

Date: March 8, 2023

To: Mayor Aftab Pureval and Councilmember Scotty Johnson
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Resolution – Fire Departments Reliable Castings Fire Response**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING the heroic efforts of the Cincinnati Fire Department in battling the 7-alarm fire at 3401 Colerain Avenue on March 4, 2023, and **EXPRESSING** the gratitude of the Mayor and City Council for the tremendous work of all the firefighters who responded to this fire.

ESW/CMZ/(dmm)
Attachment
379871

RESOLUTION NO. _____ - 2023

EESW

RECOGNIZING the heroic efforts of the Cincinnati Fire Department in battling the 7-alarm fire at 3401 Colerain Avenue on March 4, 2023, and **EXPRESSING** the gratitude of the Mayor and City Council for the tremendous work of all the firefighters who responded to this fire.

WHEREAS, a fire began in Camp Washington at approximately 9:00 a.m. on Saturday, March 4, 2023, at the corner of Arlington Street and Colerain Avenue and quickly escalated into a large structure fire; and

WHEREAS, in order to contain the blaze, protect nearby properties, and ensure the safety of all Cincinnatians, 36 of Cincinnati's 41 fire companies responded to the fire; and

WHEREAS, this fire required the largest response to a City of Cincinnati fire since the Queen City Barrel fire in 2004; and

WHEREAS, at the height of the fire, there were fifteen master stream hose lines, the largest hoses used by firefighters, and seven elevated master streams dousing the fire; and

WHEREAS, approximately 170 firefighters and the entire command staff of the Cincinnati Fire Department responded to the scene to contain the blaze and ensure the community as a whole was safe; and

WHEREAS, Cincinnati received the support of five neighboring fire companies, hailing from Colerain Township, Green Township, Milford, Norwood, and Springdale, and this combined effort reinforced the spirit of cooperation among our communities and among our firefighters; and

WHEREAS, the following Cincinnati Fire Department, Colerain Township, Green Township, Milford, Norwood, and Springdale personnel responded to this fire:

- Engines: 12, 20, 19 and 21; Ladders: 20, 19 and 29; and District Fire Chief 3;
- Engines: 34, 29, and 51; Ladder 35; Heavy Rescue 9; Medic 19; and Advance Life Support 35;
- Engine: 5; Ladder 17; Medic 35; District Fire Chief 2; and Cars: 1, 3 and 4;
- Engines: 14, 38, 32, 35 and 1;
- Ladder 32; Medic 17; and Cars: 2 and 301;
- Engines: 3, 23 and 17; Cars: 211 and 6;
- Ladder 3; Medic 23; Car 311; and Milford Light; and Air Unit 271;
- Heavy Rescue 14; District Fire Chief 1; Medics: 12 and 29; Advanced Life Support 34; and Safety Officer 2;
- Engines: 18, and 9; Medical Director 9; District Fire Chief 4; and Car 5

- Colerain Township, Engine 25; Green Township, Engine 54; Norwood Engine 82; and Springdale Tower Ladder 90; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize the heroic efforts of the Cincinnati Fire Department and the fire departments of Colerain Township, Green Township, Milford, Norwood, and Springdale in battling the 7-alarm fire at 3401 Colerain Avenue on March 4, 2023.

Section 2. That the Mayor and this Council express their gratitude and appreciation for the service of the entire Cincinnati Fire Department as they go above and beyond in ensuring the safety of all Cincinnatians in not only this heroic response, but in their daily work to respond to the needs of Cincinnatians.

Section 3. That the Mayor and this Council give special thanks to the approximately 170 firefighters who responded to the historic fire on March 4, 2023.

Section 4. That this resolution be spread upon the minutes of Council and a copy be provided to Fire Chief Washington.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Mayor Aftab Pureval and Councilmember Scotty Johnson

202300775

Date: March 8, 2023

To: Councilmember Seth Walsh
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: Resolution – Women’s History Month Tina Stoeberl

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING Tina Stoeberl as a 2023 Women’s History Month honoree and
EXPRESSING the appreciation of the Mayor and the Council of the City of Cincinnati
for her tireless service to College Hill, community volunteerism, ownership of College
Hill Coffee Co. and Casual Gourmet, and her myriad contributions to the neighborhood.

ESW/MSS/(dmm)
Attachment
376790

RESOLUTION NO. _____ – 2023

EESW

RECOGNIZING Tina Stoeberl as a 2023 Women's History Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for her tireless service to College Hill, community volunteerism, ownership of College Hill Coffee Co. and Casual Gourmet, and her myriad contributions to the neighborhood.

WHEREAS, Tina Stoeberl became a College Hill resident in 2000 and just six years later opened a revitalized, multi-faceted shop that became an anchor business, helping spark redevelopment and making an invaluable impact on the neighborhood by attracting new businesses, residents, and visitors to the community; and

WHEREAS, Ms. Stoeberl has been actively engaged in the community, supporting and volunteering for its organizations, including the College Hill Forum, College Hill Business Association, and College Hill Gardeners, and has spearheaded a number of neighborhood events; and

WHEREAS, in 2006, after more than twenty years in health care administration and despite having no experience in the restaurant or coffee industries, Ms. Stoeberl took a leap of faith and purchased College Hill Coffee Co. to revive an important and visible business on College Hill's critical corner at Hamilton Avenue and North Bend Road; and

WHEREAS, Ms. Stoeberl improved all aspects of the existing coffeeshop, adding an extensive selection of retail merchandise, expanding the menu to include homemade items, converting to a local coffee roaster, bringing in local live music and entertainment, and offering beer and wine service; and

WHEREAS, Ms. Stoeberl provided jobs for hundreds of high school and college students for seventeen years, giving many young people their first introduction to the responsibilities, attitude, and work ethic associated with serving a broad and diverse customer base; and

WHEREAS, Ms. Stoeberl created a warm and welcoming gathering spot that served every segment of the College Hill community and beyond; and

WHEREAS, as the sole owner of the thriving College Hill Coffee Co., Ms. Stoeberl served as a visible example to women and girls of all ages that a woman can run a successful business by being tough but fair, while cursing only on occasion; now, therefore,

BE IT RESOLVED by the Council of Cincinnati, State of Ohio:

Section 1. That the Mayor and this Council hereby recognize Tina Stoeberl as a 2023 Women's History Month honoree.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Ms. Stoeberl through the office of Councilmember Seth T. Walsh.

Passed: _____, 2023

Attest: _____
Clerk

Aftab Pureval, Mayor

Submitted by Councilmember Seth T. Walsh

Date: March 8, 2023

To: Councilmember Victoria Parks
From: Emily Smart Woerner, City Solicitor
Subject: **Emergency Ordinance – Street Renaming Barry Larkin Way**

Transmitted herewith is an emergency ordinance captioned as follows:

RENAMING East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way in the City of Cincinnati, notwithstanding Council Resolution No. 16-2003, any Committee of Names conflicting rules and regulations, or any provision of the Cincinnati Municipal Code that would prohibit the renaming of a street in honor of a living person.

ESW/JRS/(dmm)
Attachment
376790

EMERGENCY

City of Cincinnati

JRS

EESW

An Ordinance No. _____

- 2023

RENAMING East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way in the City of Cincinnati, notwithstanding Council Resolution No. 16-2003, any Committee of Names conflicting rules and regulations, or any provision of the Cincinnati Municipal Code that would prohibit the renaming of a street in honor of a living person.

WHEREAS, Barry Larkin was born on April 28, 1964 in Cincinnati, Ohio and attended Archbishop Moeller High School; and

WHEREAS, in 1986, Barry Larkin joined the Cincinnati Reds baseball team, where he played until he retired in 2004; and

WHEREAS, Barry Larkin won nine Silver Slugger awards, three Golden Glove awards, and was named the 1995 National League MVP for his outstanding performances in Major League baseball; and

WHEREAS, Barry Larkin was honored with the 1993 Roberto Clemente Award, which is given to players who best exemplify sportsmanship and community service; and

WHEREAS, Barry Larkin was selected for the Major League All-Star Game twelve times; and

WHEREAS, Barry Larkin was a critical part of the 1990 Reds World Series win; and

WHEREAS, Barry Larkin ended his playing career with 2,340 hits, 198 home runs, 960 runs batted in, 1,329 runs scored, and 379 stolen bases; and

WHEREAS, Barry Larkin was inducted into the Cincinnati Reds Hall of Fame in 2008, the National College Baseball Hall of Fame in 2009, and the National Baseball Hall of Fame in 2012; and

WHEREAS, Barry Larkin Way is not an existing street name in the City of Cincinnati; and

WHEREAS, proposals to rename streets are considered pursuant to Council Resolution No. 16-2003, which calls for proposals to be reviewed by the Committee of Names and the City Planning Commission prior to approval by Council; and

WHEREAS, the Department of City Planning and Engagement held a public comment session on March 2, 2023, whereby some citizens of the community voiced their support for the renaming of East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way; and

WHEREAS, Council seeks to rename East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way, notwithstanding the requirements of Council Resolution No. 16-2003, the Committee of Names process and Section III. A. of the Committee of Names Procedures and Criteria, or any provision of the Cincinnati Municipal Code; and

WHEREAS, Council finds that renaming East Mehring Way between Joe Nuxhall Way and Broadway to Barry Larkin Way to be in the best interests of the City and the general public's health, safety, and welfare; now, therefore,

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

Section 1. That East Mehring Way between Joe Nuxhall Way and Broadway depicted on the map attached hereto as Exhibit A and incorporated herein shall be renamed Barry Larkin Way, notwithstanding the requirements of Council Resolution No. 16-2003, the Committee of Names process and Section III. A. of the Committee of Names Procedures and Criteria, or any provision of the Cincinnati Municipal Code.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to implement the provisions of Sections 1 herein, including the generation and installation of appropriate signage, in accordance with the Department of Transportation and Engineering procedures relating to street designation and related signage.

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 City Administration to move forward with the

street renaming to meet the deadlines for the Opening Day game of the Cincinnati Reds baseball team.

Passed: _____, 2023

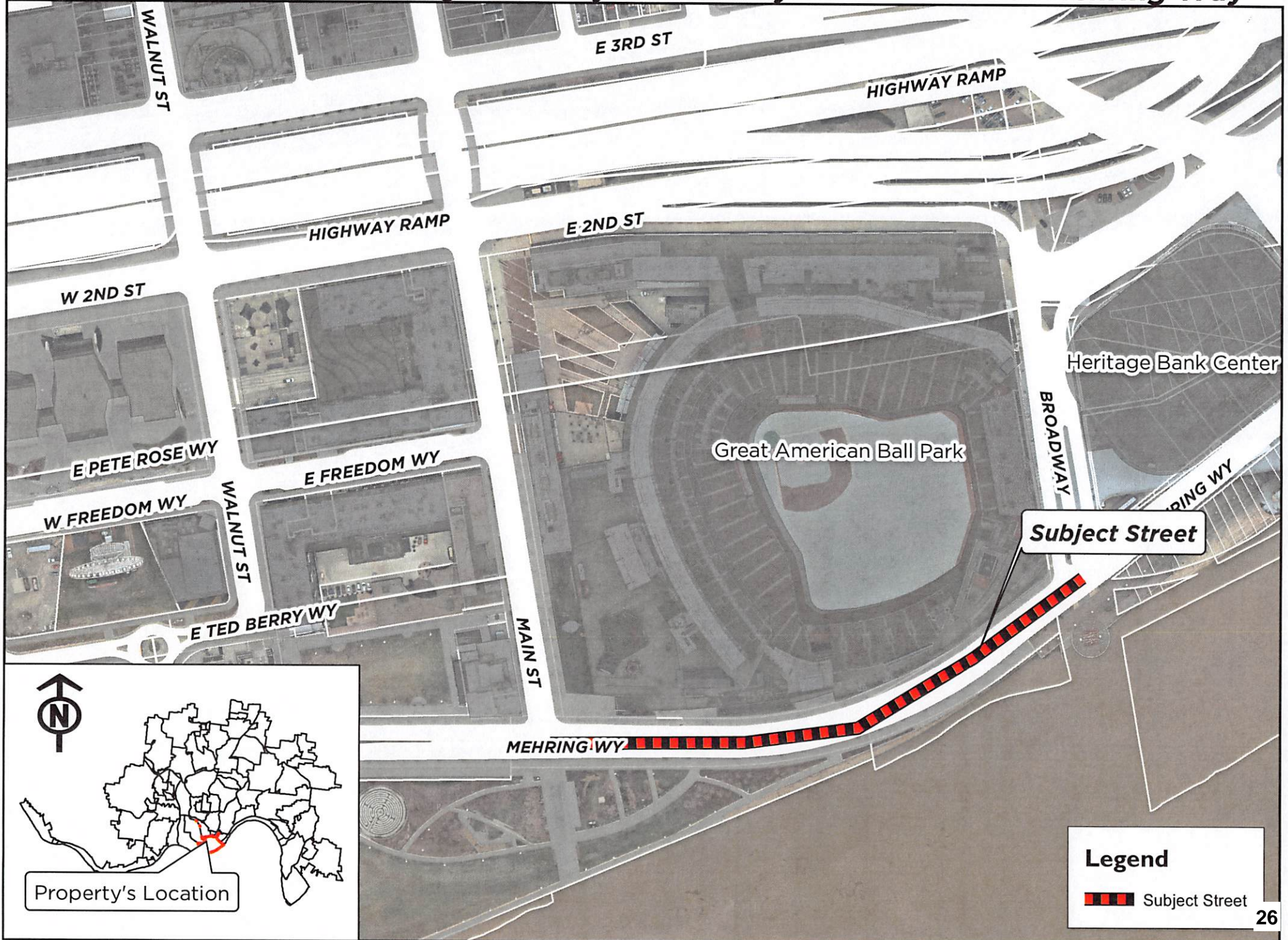
Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

EXHIBIT A

Proposed Street Name Change to Barry Larkin Way for a Section of Mehring Way





20230722

Mark Jeffreys
Councilmember

March 3, 2023

MOTION

Per- and Polyfluoroalkyl Substances (PFAS) & Forever Chemicals in Cincinnati

To develop a plan on how best to address the issue of PFAS—commonly known as “forever chemicals”—in public city-owned spaces in the City of Cincinnati, WE MOVE that, the Administration report back to Council within ninety (90) days on:

- An assessment of what Cincinnati Fire Department’s protective equipment contains forever chemicals currently and recommendations on the cost and feasibility of CFD using available alternatives.
- A list of all City facilities that have artificial turf. This should include an assessment of whether or not that artificial turf contains forever chemicals or crumb rubber (also called beads).
- The costs and feasibility of exploring alternatives to using artificial turf that contain forever chemicals in City-owned properties, both in new developments and for replacing existing artificial turf in the City.
- Recommendations on what steps can be taken at City landfills and other City facilities to prevent leeching of forever chemicals into the environment, particularly the air and waterways.
- The cost and feasibility of testing or monitoring the City’s playgrounds, fields, waterways, and other City facilities for PFAS and other forever chemicals.

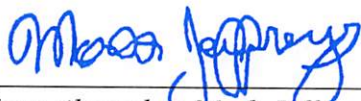
STATEMENT

Forever chemicals are known to have significantly negative impacts on both humans and wildlife. PFOA and PFOS, two of the most studied “forever chemicals” have been shown to intervene with the hormonal system, the reproductive system, and the development of the fetus. The Centers for Disease Control (CDC) has shown the health effects associated with PFAS exposure include cancer, liver damage, decreased fertility, and increased risk of asthma and thyroid disease. These forever chemicals are virtually impossible to break down and remain in the human or animal system for years.

As a result of recent studies on the impact of PFAS, a number of manufacturers including 3M have announced in the last few months that they will phase out the manufacture of forever chemicals and promote substitutes for these. At the same time, there have been advances in alternative ingredients or solutions.

PFAS is used in a wide range of products ranging from food packaging, non-stick cookware, textiles such as waterproof outdoor clothing, cosmetics, and outdoor equipment such as artificial turf. When it comes to the City of Cincinnati and forever chemicals, the most prevalent uses are with protective gear used by firefighters and artificial turf used in many outdoor spaces. There is a concern that forever chemicals are leeching into the environment and having a negative impact on the health of our firefighters. In a hearing before City Council's Climate Environment & Infrastructure Committee in February 2023, it was also shared that forever chemicals are contained in areas such as landfills in the city limits, but it is unclear if there are any steps that can be taken to prevent the leeching of them into the surrounding environment.

To assess the best path forward, this motion asks to understand the cost and feasibility of transitioning away from using products that contain forever chemicals. It also asks for any potential steps that can be taken to prevent the leeching of forever chemicals at large industrial facilities such as landfills.



Councilmember Mark Jeffreys



Councilmember Meeka Owens

gk March 3, 2023

CAS

Officer D. Brown

Officer J. Brown



202300787

Jeff Cramerding
Councilmember

MOTION

WE MOVE that the administration provide a report within 60 days on the status of repairs to the shelter house at Boldface Park in Sedamsville, including current plans and timeline of implementation and completion.

BACKGROUND

Last year's carryover budget process included allocations toward several deferred maintenance projects around the City, including repairs to the shelter house at Boldface Park in Sedamsville. As Boldface Park is an anchor to the community it serves, we feel the need for the administration to provide an update on the status of these repairs.

JEFF CRAMERDING

Ressie Harris

Shirley D. Owens

Maria Jeffery

Sam R

CEI

1/11

for (var i = 0; i < 10; i++)

Officer to Review

Review of

Officer to Review

March 8, 2023

202300750

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Finance and Budget Monitoring Report for the Period Ending December 31, 2022

The purpose of this report is to provide the City Council with the status of the City's Fiscal Year (FY) 2023 financial and operating budget conditions as of December 31, 2022, to note any significant variances, identify potential budget issues, and provide recommendations. The report is divided into two sections: revenues and expenditures. Various supplemental reports are attached to reflect forecasted revenue, actual revenue, expenditures, and commitments through December 31, 2022.

The following Citywide issues may impact the General Fund 050, Special Revenue Funds, and Enterprise Funds.

1. General Fund revenues are greater than projected by \$11.2 million through the end of December. However, this report highlights increased potential expenditure needs in the amount of \$10.6 million.
2. Overtime in the Cincinnati Fire Department (CFD) and the Cincinnati Police Department (CPD) is currently outpacing the budget. In CFD, the increased overtime is primarily driven by the increased attrition experienced over the past several years. The department is required to use overtime to backfill the vacant positions. Additionally, the department added a new engine company to Westwood Station 35, resulting in additional staffing requirements and associated overtime. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. In CPD, the increased overtime is primarily due to Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter. While \$500,000 American Rescue Plan (ARP) Act resources were allocated during this monitoring period to partially address CPD's overtime need, a need of \$800,000 remains.

3. The Approved FY 2022 Budget included a 2.0% wage increase for Cincinnati Organized and Dedicated Employees (CODE). The wage increase was not paid in FY 2022 as contract negotiations were still underway. Following the report of a fact finder in September 2022, which was approved by the City Council on October 5, 2022, through Ordinance No. 0312-2022, the new labor agreement includes a 5.0% wage increase retroactive to March 2022. The City processed a one-time payment to CODE employees in November 2022 for the portion of the wage increase retroactive to March 2022. Across all funds, the retroactive payment totaled \$2.3 million, including \$631,000 in the General Fund. Supplemental appropriations may be required to cover the additional cost of the wage increase over the budgeted amount as well as the retroactive pay.
4. The Approved FY 2023 Budget Update included a 3.0% wage increase for CODE. The fact finder's report, which was approved by the City Council on October 5, 2022, through Ordinance No. 0312-2022, includes a 4.0% wage increase for March 2023. Supplemental appropriations may be required to cover the cost of the wage increase over the budgeted amount.
5. Community Health Center Activities Fund 395 revenues continue to be negatively impacted by the lasting effects of the COVID-19 pandemic. Healthcare workers remain in high demand, which has resulted in a staffing shortage in nurses and medical assistants working in health centers. These staffing issues have impacted appointment availability and related revenue. The Cincinnati Health Department is continuing the hiring of temporary staff to alleviate staffing needs until the department can fill the permanent position vacancies. Revenue trends will continue to be closely monitored.
6. Parking meter revenue is below the estimate. However, many contractual service expenditures are based on revenue, so less revenue results in lower expenses in some cases. This should offset the reduction in revenue. The fund will be monitored closely to ensure expenditures do not outpace revenues.
7. The lasting impacts of the COVID-19 pandemic continue to impact supply chains and the costs of various goods and services. Departments report several areas of concern, including energy costs, vehicle repair and maintenance costs, and the supply of new vehicles. Trends in the energy sector show an increase in costs for natural gas, petroleum, etc. Supply chain issues have also resulted in the shortage of vehicle parts and semiconductor chips. Fleet repairs are becoming more difficult and more expensive in certain cases. The acquisition of new vehicles has also been affected by these issues. Fleet Services anticipates that new vehicles will be significantly delayed which may result in an operating budget need for vehicle leases until new vehicles become available and increased repair costs as older vehicles will remain in service for a longer

than anticipated period of time. These issues will be monitored closely for budgetary and operational impacts.

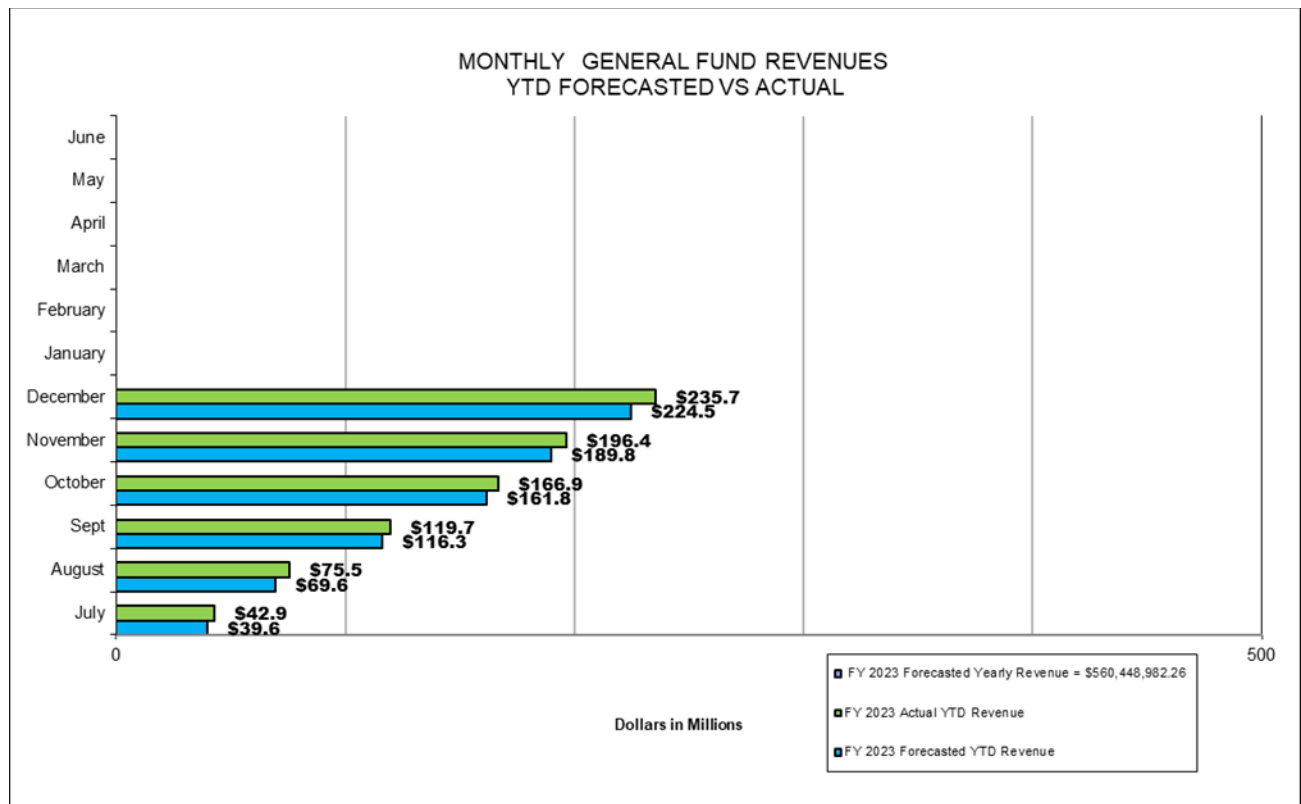
REVENUE

The following report provides an update on the City of Cincinnati's financial condition as of the month ending December 31, 2022. Variances are based on current year estimates and prior year activity in attached schedules.

A more detailed explanation of revenues is attached for review, including reports comparing current year actual revenue versus forecasted revenue and prior year actual revenue versus current year actual revenue. Both of those reports are presented on a monthly and year-to-date basis.

I. GENERAL FUND 050

The chart below portrays the performance of actual revenue collected against the forecasted revenue collected through December 31, 2022, and shows that actual revenue of \$235.7 million was above forecasted revenue of \$224.5 million by \$11.2 million.



The major revenue components of the General Fund are listed in the table below. This table highlights the year-to-date variance (favorable and unfavorable) in General Fund revenue collections as compared to forecasted revenue collections. Each major category that differs significantly from forecasted collections will be discussed in further detail.

GENERAL FUND REVENUE SOURCES		
	FAVORABLE VARIANCE	(UNFAVORABLE) VARIANCE
General Property Tax		(\$1,534,628)
City Income Tax	8,692,309	
Admissions Tax	1,232,508	
Short Term Rental Excise Tax	521,611	
Licenses & Permits	445,155	
Fines, Forfeitures, & Penalties	512,474	
Investment Income	1,207,434	
Local Government	531,041	
Casino	461,182	
Police	529,501	
Buildings and Inspections		(\$16,349)
Fire	566,477	
Parking Meter	300	
Other		(\$1,962,072)
	14,699,991	(\$3,513,049)
Difference	11,186,942	

General Fund (favorable variance) is \$11.2 million above the amount forecasted through December in the FY 2023 Budget. This is the sixth month's report for the fiscal year. What follows is an explanation of significant variances of individual General Fund revenue components.

- 1. Property Tax (unfavorable variance) is \$1.5 million** below estimate due to the decrease in the millage for this half. The millage for the second half is set at a higher rate which will offset this unfavorable variance. The Administration anticipates Property Tax revenue will be on target at year end. This is a semi-annual payment. The second payment will be received in late Spring.

2. **Income Tax (favorable variance) is \$8.7 million** above the forecasted amount. This amount can fluctuate throughout the year as quarterly net profits are due. The Finance Department will continue to watch the trends, including those related to remote work, very closely.
3. **Admission Tax (favorable variance) is \$1.2 million** above estimate. Many estimates were set at pre-pandemic levels; however, businesses have rebounded stronger than expected.
4. **Other (unfavorable variance) is \$2 million** below forecast. This category is made up of many small sources of revenue that fluctuate from time to time. The Finance Department will continue to monitor these various revenue sources.

II. RESTRICTED FUNDS

- A. **Parking Meter (unfavorable variance) is \$463k below estimate.** Even with a reduction in the current year estimate from last year, there is still less demand leading to the negative variance.
- B. **Convention Center (favorable variance) is \$642k** above estimate. The venue started this fiscal year off better than it has in several years with many bookings taking place again. In addition, the return of many people to downtown hotels has resulted in increased transient occupancy tax revenue.
- C. **Sawyer Point (unfavorable variance) is down \$240k.** This variance is partly due to a large concert cancellation at the beginning of the fiscal year and less demand for parking at the riverfront.
- D. **Community Health Centers (favorable variance) is up \$2.3 million.** Federal Emergency Management Agency (FEMA) reimbursements were received that cover prior year COVID expenses such as supplies and vaccine clinics. This was not estimated in FY 2023 as the timeliness of these reimbursements are difficult to predict.
- E. **Streetcar Operations (favorable variance) is \$1.7 million** above estimate. The Ohio Transit Partnership (OTP) and Formula grant payments were delayed from FY 2022, as were the voluntary tax incentive contribution agreement (VTICA) payments. These receipts were not estimated in FY 2023. This category will remain above estimate this fiscal year.
- F. **General Aviation (favorable variance) is up \$274k.** The County Auditor deemed some parcels owned by the City to be tax exempt, which resulted in an unexpected refund of more than \$349k in FY 2023. This category should end the

fiscal year above the estimate.

EXPENDITURES

The following provides an update on the City of Cincinnati's operating budget position as of the month ending December 31, 2022. The attached Fund Summary Report provides the current budget, expenditures, and commitments of each appropriated fund. This report is presented on a year-to-date basis.

I. GENERAL FUND 050

As shown on the attached report, total expenditures are 45.7% of budget, and commitments are 50.4% of budget in General Fund 050 as compared to the estimated period ending December 31, 2022, or 50.0% of the fiscal year. "Non-personnel expenses" are trending higher at 66.4% committed year to date due to encumbering twelve months of expenditures for certain commodities such as gas and electric costs, contractual services, and materials and supplies. This is not unusual for this reporting period.

The majority of departments have indicated their FY 2023 General Fund 050 appropriation will meet their budgetary needs through the end of the fiscal year. However, budget transfers may be necessary to move funds from divisions and programs with savings to others within the respective departments that have budget needs. These transfers will be included in the Final Adjustment Ordinance (FAO), which will be presented to the City Council in May 2023.

A. Budget Savings Identified

As of December 31, 2022, one General Fund 050 department is projecting savings at the end of FY 2023. The identified savings will be available to support budget needs in other departments and programs as necessary. Interdepartmental transfers of funds from one department to another will be included in the FAO as appropriate.

1. Department of City Planning and Engagement (\$100,000)

The Department of City Planning and Engagement projects net savings of \$100,000 due to position vacancy savings. These savings will fully offset needs related to non-personnel expenses for the new community engagement functions. This includes computer equipment for the new staff as well as other expenses for community engagement efforts.

B. Budget Needs Identified

Based on current expenditure projections, the following General Fund 050 departments are forecasting a budget need in FY 2023. The departments have been advised to manage their appropriated resources so that supplemental appropriations will not be required. However, the Administration will continue to closely monitor these budgets in the coming months and work with the respective departments to mitigate the need for supplemental appropriations. As appropriate, any remaining budget needs will be addressed with the FAO.

1. City Manager's Office (\$200,000)

The City Manager's Office projects a need of \$200,000 for a climate assessment in the Police Department and training for the Fire Department. Additionally, a potential non-personnel need may arise related to Infrastructure Investment and Jobs Act (IIJA) grant application consulting services.

2. Citizen Complaint Authority (\$65,000)

The Citizen Complaint Authority (CCA) projects a possible personnel need of up to \$44,000 resulting from vacant positions that were filled at higher than anticipated salaries as well as anticipated equity salary adjustments. Additionally, the department is projecting a non-personnel need of \$21,000 for unbudgeted expenses related to travel and training as well as temporary staffing. Ordinance No. 0396-2022 authorized the transfer of \$15,000 to address needs resulting from a FY 2022 computer expense that was not properly encumbered as well as telephone expenses for cell phones for investigators.

3. Cincinnati Police Department (\$1.1 million)

The Cincinnati Police Department (CPD) projects an overall need of approximately \$1.1 million primarily due to personnel expense overages. Personnel overages are estimated at \$800,000 and are attributed to increased Police Visibility Overtime (PVO) related to Downtown Event Deployment to curb violence and for large public events such as BLINK, Oktoberfest Zinzinnati, and Cincinnati Bengals home football games. Increased overtime is also required due to a higher vacancy rate of sworn positions, which is expected to curtail when the 113th Recruit Class graduates this winter. Lump sum payments have also exceeded expectations due to the retirement of several veteran officers. Additionally, a non-personnel need of \$310,000 is projected due to unbudgeted annual software maintenance for the department's wireless mobile digital video (in-car camera) system. Personnel and non-personnel expenditures will be closely monitored over the next few months. The overtime need was reduced by \$500,000 due to a reallocation of American Rescue Plan (ARP) Act resources during this monitoring period.

4. Department of Public Services (\$165,000)

The Department of Public Services (DPS) is reporting a potential need related to increased utility costs due to stormwater rate increases. DPS projects utility expenses could create a budget need of approximately \$176,600. Additionally, DPS projects a potential need due to the CODE retroactive salary adjustment implemented in November 2022, and other staffing adjustments. These needs may be partially offset by position vacancy savings as well as increased reimbursements, which are currently projected to result in a net personnel savings of \$11,000. These needs will be monitored closely as the fiscal year continues.

5. Cincinnati Fire Department (\$4.1 million)

The Cincinnati Department (CFD) projects a total need of up to \$4.1 million primarily due to overtime. Increased attrition over the past several years has necessitated the use of overtime to backfill vacant positions. Additionally, the department added a new engine company to Westwood Station 35, resulting in additional staffing requirements and associated overtime. CFD recently changed the unit dispatch process to include apparatus GPS relative to the emergency location. This has led to an increase in daily runs performed by the Westwood engine company and the Price Hill engine company. The department plans to run the additional engine until the number of runs performed daily reverts to the mean. The graduation of Recruit Class #120 is expected to reduce overtime usage starting in the spring of 2023. If overtime trends do not curtail, the CFD projects a need of up to \$4.1 million by fiscal year end due to increased overtime. However, this need may be partially offset by non-personnel savings. Both the department and the Office of Budget and Evaluation will continue to closely monitor staffing trends and overtime needs.

6. Department of Economic Inclusion (\$134,000)

The Department of Economic Inclusion projects a potential personnel need of up to \$172,000 due to being fully staffed. However, this need may be partially offset through additional reimbursements from the Income Tax-Infrastructure Fund for eligible work for a total estimated net need of \$134,000.

7. Non-Departmental Accounts (\$4.8 million)

The Internal Revenue Service (IRS) limits the maximum employee benefit received from a defined contribution retirement plan. Per the Cincinnati Municipal Code (CMC), the City is responsible for covering the excess benefit amount, which is paid from the Contribution to Total Benefit Arrangement (Cincinnati Retirement System (CRS)) non-departmental account. An amount of \$1,000 is needed in this account in order to comply with IRS regulations. Additionally, the Law Department projects a potential need of up to \$1.5 million in the Judgments Against the City non-departmental account for settlements. The timing of settlements may also impact the potential need. The Law Department

will monitor this need closely. The City will also owe a judgment of approximately \$3,280,000 due to the Ohio First District Court of Appeals upholding the finding, in *White v. Cincinnati, 2021-Ohio-4003*, that the false alarm fee imposed by the City under Cincinnati Municipal Code (CMC) Chapter 807 to be a tax which was determined to be unconstitutional. A supplemental appropriation will be required for the payment of this judgment.

C. Within Budget, Intradepartmental Budget Transfers May Be Needed

Numerous General Fund 050 departments have indicated the ability to manage their resources within their appropriation. However, budget adjustments within their departments may be required. These transfers are referred to as Intradepartmental Budget Transfers. Unless noted otherwise, these Intradepartmental Budget Transfers will be included in the FAO, which will be presented to the City Council for approval in May 2023.

1. Clerk of Council

The Clerk of Council's Office projects a potential non-personnel need due to evening neighborhood meetings, which are held twice a month. Several additional meetings for Budget Public Hearings are also expected. Each meeting costs an estimated \$1,000 currently. However, audio expenses will increase in March 2023, after which each meeting will cost an estimated \$1,200. This ongoing expense will be monitored and addressed in a budget adjustment ordinance if necessary.

2. Enterprise Technology Solutions

The Department of Enterprise Technology Solutions projects no budget savings or need at this time, pending reimbursement processing.

3. City Manager's Office: Office of Communications

The Office of Communications projects no budget savings or need at this time.

4. City Manager's Office: Office of Human Relations

The Office of Human Relations projects a need of \$4,950 related to a cancelled prior-year encumbrance. This expense will be absorbed by the City Manager's Office and monitored.

5. City Manager's Office: Office of Budget and Evaluation

The Office of Budget and Evaluation projects no budget savings or need at this time, pending reimbursement processing.

6. City Manager's Office: Emergency Communications Center (ECC)

The Emergency Communications Center projects no budget savings or need at this time. However, a need may arise related to the 311 service line chat tool software.

- 7. City Manager's Office: Office of Environment and Sustainability**
The Office of Environment and Sustainability projects no budget savings or need at this time. However, a non-personnel need related to recycling may arise.
- 8. City Manager's Office: Office of Procurement**
The Office of Procurement projects no budget savings or need at this time, pending reimbursement processing.
- 9. City Manager's Office: Office of Performance and Data Analytics (OPDA)**
The Office of Performance and Data Analytics projects potential personnel savings, which will be monitored. No savings or needs are anticipated in the non-personnel budget.
- 10. City Manager's Office: Internal Audit**
Internal Audit projects a possible personnel need. The budget will be monitored for a possible shortfall, which can be resolved in the Final Adjustment Ordinance if necessary.
- 11. Department of Law**
The Department of Law projects no budget savings or need at this time.
- 12. Department of Human Resources**
The Department of Human Resources projects no budget savings or need at this time. However, several positions will be transferred from other departments to the Department of Human Resources as part of the ongoing HR centralization process. These transfers may require reimbursements between departments and adjustments as part of the Final Adjustment Ordinance. Finally, in prior monitoring reports, HR reported a need related to the replacement of their front door. Ordinance No. 0396-2022 authorized the transfer of \$10,000 to address this need.
- 13. Department of Finance**
The Department of Finance projects a potential personnel need in the Treasury Division, which was authorized to add an unbudgeted Senior Accountant position. Transfers between agencies may be requested as part of the Final Adjustment Ordinance.
- 14. Department of Community and Economic Development**
The Department of Community and Economic Development (DCED) projects a non-personnel need due to Shillito's West annual operating expenses as well as the acquisition of the Saks building. Additionally, there is a potential personnel need in the Housing Division. These needs may be partially offset by personnel savings in the Economic Development Division. Transfers between agencies may be required as part of the Final Adjustment Ordinance.

15. Cincinnati Recreation Commission

The Cincinnati Recreation Commission projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, transfers between agencies may be requested as part of a mid-year budget adjustment ordinance or the Final Adjustment Ordinance.

16. Cincinnati Parks Department

The Parks Department projects no budget savings or need at this time, pending reimbursement processing. However, transfers between agencies may be required as part of the Final Adjustment Ordinance.

17. Department of Buildings and Inspections

The Department of Buildings and Inspections projects no budget savings or need at this time. The department has several reimbursements that will be processed in the coming months. Additionally, due to staffing and hiring issues, the department is engaging an external contractor to assist with plan reviews. This contractual service need can be offset by position vacancy savings, but transfers will be required as part of the Final Adjustment Ordinance.

18. Department of Transportation and Engineering

The Department of Transportation and Engineering projects a potential personnel need, pending reimbursement processing. Adjustment between agencies may be required as part of the Final Adjustment Ordinance.

II. ENTERPRISE FUNDS

Enterprise Funds account for any activity for which a fee is charged to external users for goods or services. If an activity's principal revenue source meets any one of the following criteria, it is required to be reported as an enterprise fund: (1) an activity financed with debt that is secured solely by pledge of the net revenues from fees and charges for the activity; (2) laws or regulations which require that the activity's costs of providing services, including capital costs, be recovered with fees and charges, rather than with taxes or similar revenues; or (3) pricing policies which establish fees and charges designed to recover the activity's costs.

A. Water Works Fund 101

Water Works Fund 101 is 40.1% expended year to date. The Greater Cincinnati Water Works (GCWW) projects a potential need related to utility expenses, postage, and credit card processing fees, which can be offset by savings in expert services and materials and supplies. These needs will be monitored closely.

B. Parking System Facilities Fund 102

Parking System Facilities Fund 102 includes the budget for off-street parking enterprises, including garages. Fund 102 is currently 34.5% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development continues to experience an increase in rent expenses due to the rise in employee parking at the Seventh Street Garage and the Hennegan Lot. The division is responsible for covering the difference between what City employees pay and the contracted monthly rate. This need is expected to be offset with savings in contractual services.

C. Duke Energy Convention Center Fund 103

Duke Energy Convention Center Fund 103 is 47.9% expended year to date. The Finance Department projects no savings or need at this time.

D. General Aviation Fund 104

General Aviation Fund 104 is 34.9% expended year to date. The Department of Transportation and Engineering may have personnel and fringe benefits savings in Fund 104 due to position vacancies, which will be monitored. Possible non-personnel needs related to auto repairs and maintenance will also be monitored.

E. Municipal Golf Fund 105

Municipal Golf Fund 105 is 66.8% expended year to date, which reflects expenses for the calendar year (CY) 2022 golf season and exceeds expectations. The Cincinnati Recreation Commission projects a non-personnel need of \$1.4 million related to increased course usage and maintenance as well as increased costs for utilities. A mid-year adjustment ordinance may be required. Municipal Golf Fund 105 has sufficient resources to support this potential supplemental appropriation as increased course usage has led to increased revenue.

F. Stormwater Management Fund 107

Stormwater Management Fund 107 provides resources to various City departments and is 40.8% expended year to date. The major recipient of resources from this fund is the Stormwater Management Utility (SMU). The Department of Public Services, the Parks Department, and the Department of Buildings and Inspections, among others, also receive appropriations from this fund. The Stormwater Management Fund is 40.8% expended year to date. SMU, the Parks Department, and the Department of Buildings and Inspections project no budget savings or need at this time. The Department of Public Services projects potential savings in personnel due to position vacancies.

III. DEBT SERVICE FUNDS

Debt Service Funds account for the accumulation of resources for, and the payment of, principal and interest on the City's bonds issued in support of governmental activities.

A. Bond Retirement Fund 151

Bond Retirement Fund 151 is 67.1% expended year to date. The Finance Department projects no budget savings or need for FY 2023.

IV. APPROPRIATED SPECIAL REVENUE FUNDS

Special Revenue Funds account for the proceeds of specific revenue sources (other than trusts for individuals, private organizations, or other governments, or for major capital projects) that are legally restricted to expenditures for specific purposes.

The Office of Budget and Evaluation, in cooperation with various City departments, reviewed appropriated special revenue funds to ensure the Approved FY 2023 Budget Update remains in balance. Based on expenditures and revenues through December 31, 2022, most special revenue funds are on target with regards to their budget and require no additional appropriations at this time. Any identified issues are highlighted in the narrative summaries provided below. If warranted, budget adjustments will be addressed in the FAO later in the fiscal year.

A. Street Construction, Maintenance & Repair Fund 301

Street Construction, Maintenance & Repair Fund 301 is 33.7% expended year to date. The Department of Transportation and Engineering (DOTE) projects a potential personnel savings as well as possible non-personnel need. Adjustments within appropriations may be requested as part of the Final Adjustment Ordinance. The Department of Public Services anticipates personnel and fringe benefit savings in Fund 301; however, these savings are anticipated to be partially offset by automotive maintenance and repair expenses as well as increased winter emergency operations expenses due to the projected inclement weather conditions over the next few months.

B. Income Tax-Infrastructure Fund 302

Income Tax-Infrastructure Fund 302 provides resources to several City departments. The Department of Transportation and Engineering is the largest recipient of resources from this fund. The Department of Public Services also receives Income Tax-Infrastructure Fund resources. Fund 302 is 41.0% expended year to date. The Department of Transportation and Engineering projects potential personnel savings due to position vacancies, which is offset by a potential non-personnel need related to natural gas expenses. Transfers between agencies

may also be required as part of the Final Adjustment Ordinance. The Department of Public Services projects a possible personnel need of \$45,000 related to overtime expenses and the CODE retroactive salary adjustment implemented in November 2022. Additionally, the Department of Public Services projects a need of \$30,000 in non-personnel for a Cincinnati Police Department facility energy audit.

C. Parking Meter Fund 303

Parking Meter Fund 303 includes the budget for on-street parking enterprises, including parking meters. Fund 303 is currently 42.4% expended year to date. The Division of Parking Facilities within the Department of Community and Economic Development projects a personnel savings, which will be used to offset a potential need in non-personnel primarily due to expert services.

D. Municipal Motor Vehicle License Tax Fund 306

Municipal Motor Vehicle License Tax Fund 306 is 31.3% expended year to date. The Department of Transportation and Engineering projects no savings or needs at this time. The Department of Public Services currently projects possible fringe benefits savings at this time. However, depending on weather conditions over the next few months, a potential need could arise related to winter emergency operation expenses.

E. Sawyer Point Fund 318

Sawyer Point Fund 318 is 21.4% expended year to date. The Parks Department projects no budget savings or need in Fund 318.

F. Recreation Special Activities Fund 323

Fund 323 is currently 38.0% expended year to date. However, transfers within existing appropriations may be requested as part of a mid-year budget adjustment ordinance.

G. Cincinnati Riverfront Park Fund 329

Cincinnati Riverfront Park Fund 329 is the appropriated fund for Smale Park. Fund 329 is currently 10.6% expended year to date. The Parks Department projects no budget savings or need in Fund 329.

H. Hazard Abatement Fund 347

Hazard Abatement Fund 347 is 3.1% expended year to date. The Department of Buildings and Inspections projects no budget savings or need at this time.

I. 9-1-1 Cell Phone Fees Fund 364

9-1-1 Cell Phone Fees Fund 364 is the appropriated fund that governs the City portion of state collected revenue from mobile device fees. Fund 364 is currently 7.5% expended year to date. The Emergency Communications Center projects no budget savings or need in Fund 364.

J. Safe and Clean Fund 377

Safe and Clean Fund 377 is the appropriated fund that collects revenue associated with billboard leases. These resources are allocated to Keep Cincinnati Beautiful (KCB) expenditures. This fund is currently 1.8% expended year to date. The Department of Public Services projects no budget savings or need.

K. Community Health Center Activities Fund 395

Community Health Center Activities Fund 395 is 39.3% expended year to date. The Cincinnati Health Department (CHD) projects potential non-personnel needs related to temporary staffing, uniform expenses, and the unbudgeted repair and replacement of equipment. However, these needs may be offset by personnel savings resulting from position vacancies.

L. Cincinnati Health District Fund 416

General operational support to the Cincinnati Health Department is provided by Cincinnati Health District Fund 416. This fund is 39.6% expended year to date. The Cincinnati Health Department (CHD) projects a net need of \$82,000. There is a non-personnel need primarily in contractual services related to the search for the next Health Commissioner, uniform expenses, building repair costs, and temporary personnel services. Additionally, the department projects a personnel need in the Community Health Services Division and the School & Adolescent Health Division. Personnel needs are exacerbated by unbudgeted expenses resulting from the new CODE labor agreement, including the retroactive salary adjustment implemented in November 2022. These needs can be partially offset by personnel savings in the Office of the Commissioner, the Primary Health Care Programs Division, and the Primary Health Care Centers Division. Additional resources and transfers may be required as part of the Final Adjustment Ordinance.

M. Cincinnati Area Geographic Information System (CAGIS) Fund 449

Cincinnati Area Geographic Information System Fund 449 is 32.1% expended year to date. Enterprise Technology Solutions projects no budget savings or need at this time.

N. Streetcar Operations Fund 455

Streetcar Operations Fund 455 is 43.5% expended year to date. The Department of Transportation and Engineering projects a total non-personnel need of \$504,000, primarily due to police security details and SORTA expenses. These needs may be covered by anticipated Ohio Department of Transportation (ODOT) grant resources as well as possible position vacancy savings. These needs will be monitored closely.

O. County Law Enforcement Applied Regionally (CLEAR) Fund 457

The CLEAR Fund is 23.9% expended year to date. Enterprise Technology Solutions projects no budget savings or need for FY 2023.

Summary

Through December 31, 2022, major budget issues include overtime needs for both the Police Department and Fire Department, revenue decline in Community Health Center Activities Fund 395 and Parking Meter Fund 303, unbudgeted wage items resulting from collective bargaining agreements, and lasting impacts from the COVID-19 pandemic related to supply chain issues and the costs of various goods and services. Departments have identified possible savings and shortfalls, which will continue to be monitored and updated monthly.

Submitted herewith are the following Office of Budget & Evaluation reports:

1. Fund Summary Report for the month ended December 31, 2022.

Submitted herewith are the following Department of Finance reports:

2. Comparative Statement of Revenue (Actuals, Forecast and Prior Year) as of December 31, 2022.
3. Audit of the City Treasurer's Report for the month ended November 30, 2022.
4. Statement of Balances in the various funds as of December 31, 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.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director
Andrew M. Dudas, Budget Director

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 12/31/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
050	General	PERSONNEL SERVICES	277,879,940.00	124,567,914.02	44.8%	.00	124,567,914.02	44.8%	153,312,025.98
		EMPLOYEE BENEFITS	111,509,260.00	57,634,758.10	51.7%	345,321.45	57,980,079.55	52.0%	53,529,180.45
		NON-PERSONNEL EXPENSES	85,388,922.89	34,904,988.53	40.9%	21,800,683.58	56,705,672.11	66.4%	28,683,250.78
		PROPERTIES	25,860.00	.00	0.0%	.00	.00	0.0%	25,860.00
*TOTAL FUND_CD 050			474,803,982.89	217,107,660.65	45.7%	22,146,005.03	239,253,665.68	50.4%	235,550,317.21
101	Water Works	PERSONNEL SERVICES	43,725,650.00	16,582,549.61	37.9%	.00	16,582,549.61	37.9%	27,143,100.39
		EMPLOYEE BENEFITS	17,620,410.00	8,079,203.17	45.9%	.00	8,079,203.17	45.9%	9,541,206.83
		NON-PERSONNEL EXPENSES	54,898,230.00	18,704,070.97	34.1%	17,117,945.73	35,822,016.70	65.3%	19,076,213.30
		DEBT SERVICE	45,233,480.00	21,418,043.10	47.3%	2,486,405.59	23,904,448.69	52.8%	21,329,031.31
*TOTAL FUND_CD 101			161,477,770.00	64,783,866.85	40.1%	19,604,351.32	84,388,218.17	52.3%	77,089,551.83
102	Parking System Facilities	PERSONNEL SERVICES	378,710.00	149,183.26	39.4%	.00	149,183.26	39.4%	229,526.74
		EMPLOYEE BENEFITS	142,290.00	79,630.69	56.0%	.00	79,630.69	56.0%	62,659.31
		NON-PERSONNEL EXPENSES	4,946,200.00	1,458,909.46	29.5%	1,781,442.28	3,240,351.74	65.5%	1,705,848.26
		DEBT SERVICE	2,187,280.00	951,461.42	43.5%	.00	951,461.42	43.5%	1,235,818.58
*TOTAL FUND_CD 102			7,654,480.00	2,639,184.83	34.5%	1,781,442.28	4,420,627.11	57.8%	3,233,852.89
103	Convention-Exposition Center	PERSONNEL SERVICES	91,070.00	38,186.36	41.9%	.00	38,186.36	41.9%	52,883.64
		EMPLOYEE BENEFITS	38,440.00	12,382.68	32.2%	.00	12,382.68	32.2%	26,057.32
		NON-PERSONNEL EXPENSES	9,931,930.00	4,658,968.62	46.9%	196,122.08	4,855,090.70	48.9%	5,076,839.30
		DEBT SERVICE	299,580.00	255,176.54	85.2%	.00	255,176.54	85.2%	44,403.46
*TOTAL FUND_CD 103			10,361,020.00	4,964,714.20	47.9%	196,122.08	5,160,836.28	49.8%	5,200,183.72
104	General Aviation	PERSONNEL SERVICES	891,610.00	321,816.09	36.1%	.00	321,816.09	36.1%	569,793.91
		EMPLOYEE BENEFITS	367,700.00	140,544.24	38.2%	.00	140,544.24	38.2%	227,155.76
		NON-PERSONNEL EXPENSES	962,490.00	288,448.48	30.0%	107,422.32	395,870.80	41.1%	566,619.20
		DEBT SERVICE	44,420.00	40,394.64	90.9%	.00	40,394.64	90.9%	4,025.36
*TOTAL FUND_CD 104			2,266,220.00	791,203.45	34.9%	107,422.32	898,625.77	39.7%	1,367,594.23
105	Municipal Golf	PERSONNEL SERVICES	224,490.00	66,196.53	29.5%	.00	66,196.53	29.5%	158,293.47
		EMPLOYEE BENEFITS	80,740.00	22,925.77	28.4%	.00	22,925.77	28.4%	57,814.23
		NON-PERSONNEL EXPENSES	4,700,510.00	3,347,255.83	71.2%	789,999.25	4,137,255.08	88.0%	563,254.92
		DEBT SERVICE	614,550.00	319,437.50	52.0%	.00	319,437.50	52.0%	295,112.50
*TOTAL FUND_CD 105			5,620,290.00	3,755,815.63	66.8%	789,999.25	4,545,814.88	80.9%	1,074,475.12

**CITY OF CINCINNATI
FUND SUMMARY
FOR FISCAL YEAR 2023
AS OF 12/31/2022**

FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
107	Stormwater Management	PERSONNEL SERVICES	9,545,820.00	3,772,146.66	39.5%	.00	3,772,146.66	39.5%	5,773,673.34
		EMPLOYEE BENEFITS	4,063,860.00	1,569,346.06	38.6%	.00	1,569,346.06	38.6%	2,494,513.94
		NON-PERSONNEL EXPENSES	11,846,260.00	4,317,067.12	36.4%	1,766,706.30	6,083,773.42	51.4%	5,762,486.58
		PROPERTIES	50,000.00	.00	0.0%	47,175.00	47,175.00	94.4%	2,825.00
		DEBT SERVICE	1,957,310.00	1,542,426.68	78.8%	.00	1,542,426.68	78.8%	414,883.32
*TOTAL FUND_CD 107			27,463,250.00	11,200,986.52	40.8%	1,813,881.30	13,014,867.82	47.4%	14,448,382.18
151	Bond Retirement - City	PERSONNEL SERVICES	298,180.00	100,750.33	33.8%	.00	100,750.33	33.8%	197,429.67
		EMPLOYEE BENEFITS	111,490.00	33,685.57	30.2%	.00	33,685.57	30.2%	77,804.43
		NON-PERSONNEL EXPENSES	3,528,470.00	438,902.58	12.4%	38,302.50	477,205.08	13.5%	3,051,264.92
		DEBT SERVICE	125,523,250.00	86,327,697.36	68.8%	.00	86,327,697.36	68.8%	39,195,552.64
*TOTAL FUND_CD 151			129,461,390.00	86,901,035.84	67.1%	38,302.50	86,939,338.34	67.2%	42,522,051.66
301	Street Construction Maintenance & Repair	PERSONNEL SERVICES	6,750,870.00	2,417,280.07	35.8%	.00	2,417,280.07	35.8%	4,333,589.93
		EMPLOYEE BENEFITS	2,959,660.00	1,255,140.59	42.4%	.00	1,255,140.59	42.4%	1,704,519.41
		NON-PERSONNEL EXPENSES	6,963,000.00	1,938,678.96	27.8%	1,414,841.82	3,353,520.78	48.2%	3,609,479.22
*TOTAL FUND_CD 301			16,673,530.00	5,611,099.62	33.7%	1,414,841.82	7,025,941.44	42.1%	9,647,588.56
302	Income Tax-Infrastructure	PERSONNEL SERVICES	13,383,110.00	5,066,980.54	37.9%	.00	5,066,980.54	37.9%	8,316,129.46
		EMPLOYEE BENEFITS	5,233,660.00	2,480,410.70	47.4%	.00	2,480,410.70	47.4%	2,753,249.30
		NON-PERSONNEL EXPENSES	5,878,120.00	2,486,916.84	42.3%	499,167.18	2,986,084.02	50.8%	2,892,035.98
*TOTAL FUND_CD 302			24,494,890.00	10,034,308.08	41.0%	499,167.18	10,533,475.26	43.0%	13,961,414.74
303	Parking Meter	PERSONNEL SERVICES	1,827,660.00	678,190.99	37.1%	.00	678,190.99	37.1%	1,149,469.01
		EMPLOYEE BENEFITS	794,580.00	378,703.74	47.7%	.00	378,703.74	47.7%	415,876.26
		NON-PERSONNEL EXPENSES	2,298,250.00	1,027,489.99	44.7%	593,726.10	1,621,216.09	70.5%	677,033.91
*TOTAL FUND_CD 303			4,920,490.00	2,084,384.72	42.4%	593,726.10	2,678,110.82	54.4%	2,242,379.18
306	Municipal Motor Vehicle License Tax	PERSONNEL SERVICES	1,577,010.00	583,433.31	37.0%	.00	583,433.31	37.0%	993,576.69
		EMPLOYEE BENEFITS	785,010.00	312,343.27	39.8%	.00	312,343.27	39.8%	472,666.73
		NON-PERSONNEL EXPENSES	1,611,270.00	346,113.75	21.5%	159,071.72	505,185.47	31.4%	1,106,084.53
*TOTAL FUND_CD 306			3,973,290.00	1,241,890.33	31.3%	159,071.72	1,400,962.05	35.3%	2,572,327.95

**CITY OF CINCINNATI
FUND SUMMARY
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FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
318	Sawyer Point	PERSONNEL SERVICES	410,810.00	64,066.34	15.6%	.00	64,066.34	15.6%	346,743.66
		EMPLOYEE BENEFITS	115,560.00	21,808.36	18.9%	.00	21,808.36	18.9%	93,751.64
		NON-PERSONNEL EXPENSES	693,570.00	175,360.33	25.3%	141,333.67	316,694.00	45.7%	376,876.00
*TOTAL FUND_CD 318			1,219,940.00	261,235.03	21.4%	141,333.67	402,568.70	33.0%	817,371.30
323	Recreation Special Activities	PERSONNEL SERVICES	3,663,260.00	1,170,247.99	31.9%	.00	1,170,247.99	31.9%	2,493,012.01
		EMPLOYEE BENEFITS	284,470.00	108,253.12	38.1%	.00	108,253.12	38.1%	176,216.88
		NON-PERSONNEL EXPENSES	1,669,070.00	862,926.63	51.7%	203,931.00	1,066,857.63	63.9%	602,212.37
		PROPERTIES	13,720.00	.00	0.0%	.00	.00	0.0%	13,720.00
*TOTAL FUND_CD 323			5,630,520.00	2,141,427.74	38.0%	203,931.00	2,345,358.74	41.7%	3,285,161.26
329	Cincinnati Riverfront Park	PERSONNEL SERVICES	670,710.00	.00	0.0%	.00	.00	0.0%	670,710.00
		EMPLOYEE BENEFITS	342,840.00	6,242.50	1.8%	.00	6,242.50	1.8%	336,597.50
		NON-PERSONNEL EXPENSES	505,010.00	154,988.94	30.7%	136,068.83	291,057.77	57.6%	213,952.23
*TOTAL FUND_CD 329			1,518,560.00	161,231.44	10.6%	136,068.83	297,300.27	19.6%	1,221,259.73
347	Hazard Abatement Fund	PERSONNEL SERVICES	455,010.00	7,482.86	1.6%	.00	7,482.86	1.6%	447,527.14
		EMPLOYEE BENEFITS	231,830.00	10,757.36	4.6%	.00	10,757.36	4.6%	221,072.64
		NON-PERSONNEL EXPENSES	10,720.00	3,283.85	30.6%	.00	3,283.85	30.6%	7,436.15
*TOTAL FUND_CD 347			697,560.00	21,524.07	3.1%	.00	21,524.07	3.1%	676,035.93
364	9-1-1 Cell Phone Fees	PERSONNEL SERVICES	573,480.00	.00	0.0%	.00	.00	0.0%	573,480.00
		EMPLOYEE BENEFITS	243,880.00	.00	0.0%	.00	.00	0.0%	243,880.00
		NON-PERSONNEL EXPENSES	646,160.00	109,464.21	16.9%	12,872.73	122,336.94	18.9%	523,823.06
*TOTAL FUND_CD 364			1,463,520.00	109,464.21	7.5%	12,872.73	122,336.94	8.4%	1,341,183.06
377	Safe & Clean	NON-PERSONNEL EXPENSES	52,040.00	927.48	1.8%	50,592.52	51,520.00	99.0%	520.00
*TOTAL FUND_CD 377			52,040.00	927.48	1.8%	50,592.52	51,520.00	99.0%	520.00
395	Community Health Center Activities	PERSONNEL SERVICES	13,050,900.00	4,996,631.83	38.3%	.00	4,996,631.83	38.3%	8,054,268.17
		EMPLOYEE BENEFITS	5,547,470.00	2,342,626.68	42.2%	.00	2,342,626.68	42.2%	3,204,843.32
		NON-PERSONNEL EXPENSES	8,675,950.00	3,385,116.43	39.0%	3,675,017.07	7,060,133.50	81.4%	1,615,816.50
*TOTAL FUND_CD 395			27,274,320.00	10,724,374.94	39.3%	3,675,017.07	14,399,392.01	52.8%	12,874,927.99

**CITY OF CINCINNATI
FUND SUMMARY
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FUND	FUND NAME	EXPENDITURE CATEGORY	CURRENT BUDGET	EXPENDED	PERCENT EXPENDED	ENCUMBERED	TOTAL COMMITTED	PERCENT COMMITTED	REMAINING BALANCE
416	Cincinnati Health District	PERSONNEL SERVICES	13,018,010.00	5,029,412.29	38.6%	.00	5,029,412.29	38.6%	7,988,597.71
		EMPLOYEE BENEFITS	5,175,870.00	2,126,358.47	41.1%	.00	2,126,358.47	41.1%	3,049,511.53
		NON-PERSONNEL EXPENSES	1,367,550.00	592,796.35	43.3%	478,898.15	1,071,694.50	78.4%	295,855.50
		PROPERTIES	2,980.00	.00	0.0%	.00	.00	0.0%	2,980.00
*TOTAL FUND_CD 416			19,564,410.00	7,748,567.11	39.6%	478,898.15	8,227,465.26	42.1%	11,336,944.74
449	Cincinnati Area Geographic Information Systems (CAGIS)	PERSONNEL SERVICES	1,934,950.00	743,032.87	38.4%	.00	743,032.87	38.4%	1,191,917.13
		EMPLOYEE BENEFITS	666,210.00	320,598.44	48.1%	.00	320,598.44	48.1%	345,611.56
		NON-PERSONNEL EXPENSES	2,180,710.00	471,974.18	21.6%	61,204.35	533,178.53	24.4%	1,647,531.47
*TOTAL FUND_CD 449			4,781,870.00	1,535,605.49	32.1%	61,204.35	1,596,809.84	33.4%	3,185,060.16
455	Streetcar Operations	PERSONNEL SERVICES	619,270.00	217,258.99	35.1%	.00	217,258.99	35.1%	402,011.01
		EMPLOYEE BENEFITS	164,660.00	14,908.10	9.1%	.00	14,908.10	9.1%	149,751.90
		NON-PERSONNEL EXPENSES	4,356,489.00	2,004,410.56	46.0%	2,304,869.08	4,309,279.64	98.9%	47,209.36
*TOTAL FUND_CD 455			5,140,419.00	2,236,577.65	43.5%	2,304,869.08	4,541,446.73	88.3%	598,972.27
457	County Law Enforcement Applied Regionally (CLEAR)	PERSONNEL SERVICES	1,572,400.00	430,240.69	27.4%	.00	430,240.69	27.4%	1,142,159.31
		EMPLOYEE BENEFITS	479,030.00	168,010.97	35.1%	.00	168,010.97	35.1%	311,019.03
		NON-PERSONNEL EXPENSES	3,494,640.00	726,652.94	20.8%	539,524.37	1,266,177.31	36.2%	2,228,462.69
*TOTAL FUND_CD 457			5,546,070.00	1,324,904.60	23.9%	539,524.37	1,864,428.97	33.6%	3,681,641.03
TOTAL			942,059,831.89	437,381,990.48	46.4%	56,748,644.67	494,130,635.15	52.5%	447,929,196.74

Date: March 8, 2023

To: Mayor and Members of City Council

202300751

From: Sheryl M. M. Long, City Manager

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

FINAL RECOMMENDATION REPORT

OBJECTIONS: Department of Buildings & Inspections

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: 0072723
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: AFFINITY ROSE CAFÉ LOUNGE LLC
DBA: NONE LISTED
7604 READING RD
CINCINNATI, OH 45237

On February 7, 2023, Roselawn 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: March 21, 2023

March 8, 2023

To: Mayor and Members of City Council

202300755

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DOTE: CROWN Donation for Wasson Way Trail

Attached is an Ordinance captioned:

AUTHORIZING the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

This Ordinance authorizes the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network (CROWN) in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to existing capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network.

Ordinance No. 0132-2018 was passed on June 6, 2018 and authorized the City Manager and City officials to solicit donations for the Wasson Way Trail Network. Ordinance No. 0132-2018 also established Fund No. 437, “Wasson Way Trail Donations,” and authorized the City Manager to review and accept donations into the fund for the purpose of providing resources for the Wasson Way Trail Network.

This donation represents the first donation from CROWN to reimburse the City for local match requirements associated with the Federal Surface Transportation Block Grants awarded for Wasson Way Phases 3, 4, 5, and 6A. The CROWN donation does not require matching resources or new FTEs.

The Wasson Way Trail Network is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as with strategies to “[e]xpand options for non-automotive travel” and to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the transfer and appropriation of a donation by the Cincinnati Riding Or Walking Network in an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

WHEREAS, Ordinance No. 132-2018, passed June 6, 2018, authorized the City Manager and City officials to solicit donations for the Wasson Way Trail Network from the Cincinnati business community, individual benefactors, and other available sources; and

WHEREAS, Ordinance No. 132-2018 also established Fund No. 437, “Wasson Way Trail Donations,” and authorized the City Manager to review and accept donations into the fund for the purpose of providing funding for the Wasson Way Trail Network; and

WHEREAS, the Cincinnati Riding Or Walking Network (“CROWN”) fundraising group is making a donation which represents the first payment from CROWN to reimburse the City for local match requirements associated with the Federal Surface Transportation Block Grants awarded for Wasson Way Phases 3, 4, 5, and 6A; and

WHEREAS, CROWN’s donation does not require any local matching resources, and there are no new FTEs associated with this donation; and

WHEREAS, the Wasson Way Trail Network is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” as well as with strategies to “[e]xpand options for non-automotive travel” and to “[p]lan, design, and implement a safe and sustainable transportation system,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and appropriation of an amount up to \$1,115,000 from the unappropriated surplus of Wasson Way Trail Donations Fund No. 437 to capital improvement program project account no. 980x232x232371, “Wasson Way Trail,” is hereby authorized for the purpose of providing resources to plan, design, and construct future phases of the Wasson Way

Trail Network, a shared-use path for bicycles, as well as for the labor, materials, and technologies needed to plan, design, acquire right-of-way, build, survey, and inspect the improvements.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the provisions of 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: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 8, 2023

To: Mayor and Members of City Council 202300756

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Cincinnati Recreation Commission:
Accept & Appropriate Ohio Child Care Stabilization Sub-Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a grant in an amount of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN 93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

Approval of this Emergency Ordinance will authorize the City Manager to accept and appropriate a grant award of \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association (OCCRA) and the Ohio Department of Job and Family Services (ODJFS) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission (CRC) licensed neighborhood childcare programs. This Emergency Ordinance also authorizes the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

On November 16, 2022, the City Council approved Ordinance No. 0353-2022, which authorized the City Manager to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the OCCRA and ODJFS for the purpose of supporting approximately thirteen of the CRC's licensed neighborhood childcare programs. CRC has since been notified of the grant award in the full amount of \$2,535,400.

The grant resources will allow CRC to increase the benefits provided by licensed neighborhood childcare programs in neighborhoods such as Bond Hill, Corryville, East Walnut Hills, Evanston, Madisonville, Millvale, Northside, Pleasant Ridge, Price Hill, Sayler Park, Walnut Hills, West End, and Winton Hills.

There are no new FTEs or local match requirements associated with this grant.

Providing resources for neighborhood childcare programs is in accordance with "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and strategy to "[u]nite our communities," as described on pages 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept and utilize the grant resources before the deadline of June 30, 2023.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

KKF

- 2023

AUTHORIZING the City Manager to accept and appropriate a grant in an amount of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN 93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs; and **AUTHORIZING** the Finance Director to deposit the grant funds into Recreation Federal Grant Projects Fund 324.

WHEREAS, on November 16, 2022, Council approved Ordinance No. 353-2022, which authorized the City Manager to apply for grant resources in an amount up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services for the purpose of supporting approximately thirteen Cincinnati Recreation Commission (“CRC”) licensed neighborhood childcare programs; and

WHEREAS, CRC was notified the City was awarded a grant in the amount of \$2,535,400; and

WHEREAS, the grant funding will allow CRC to increase the benefits provided to the Cincinnati community through licensed neighborhood childcare programs in the neighborhoods of Bond Hill, Corryville, East Walnut Hills, Evanston, Madisonville, Millvale, Northside, Pleasant Ridge, Price Hill, Sayler Park, Walnut Hills, West End, and Winton Hills; and

WHEREAS, there are no additional FTEs associated with this grant, and there are no matching fund requirements; and

WHEREAS, providing resources for neighborhood childcare programs is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities,” as described on pages 209-212 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 accept and appropriate a grant of up to \$2,535,400 from the Ohio Child Care Stabilization Sub-Grant through the Ohio Child Care Resource and Referral Association and the Ohio Department of Job and Family Services (ALN

{00379504-4}

93.575) for the purpose of supporting approximately thirteen Cincinnati Recreation Commission licensed neighborhood childcare programs.

Section 2. That the Finance Director is authorized to deposit the funds into Recreation Federal Grant Projects Fund 324.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the grant and 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 utilize the grant resources before the deadline of June 30, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 8, 2023

To: Mayor and Members of City Council 202300757

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Police: Amending Ordinance No. 0243-2022

Attached is an Emergency Ordinance captioned:

AMENDING Ordinance No. 243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067).

This Emergency Ordinance would amend Ordinance No. 0243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency (HCEMA) with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (UASI) (ALN 97.067).

On August 3, 2022, the City Council passed Ordinance No. 0243-2022, which authorized the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$591,655, effective FY 2023, from the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067), for the purpose of providing funding for clothing, communications equipment, physical barriers, and license plate reader mobile cameras for the Cincinnati Police Department's Special Weapons and Tactics (SWAT) team and Civil Disturbance Response Team (CDRT).

The grant was ultimately awarded to the Cincinnati Police Department in the amount of \$310,000, consisting of \$50,000 for the purchase of tactical entry communications equipment, \$196,000 for the purchase of physical barrier devices, and \$64,000 for the purchase of intelligence surveillance equipment. When the City Council originally approved Ordinance No. 0243-2022, it was mistakenly believed that the City would receive the grant funds through the Hamilton County Emergency Management Agency, then use those funds to purchase the SWAT equipment. In actuality, HCEMA is the regional fiscal agent and uses the grant funds to purchase the SWAT equipment for the City, then transfers ownership of the SWAT equipment to the City. Ordinance No. 0243-2022 must be amended to allow the City to accept the SWAT equipment purchased by HCEMA.

The reason for the emergency is the immediate need to accept the transfer of Grant-funded equipment in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

IMD

- 2023

AMENDING Ordinance No. 243-2022 to authorize the City Manager to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency with funds awarded through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067).

WHEREAS, on August 3, 2022, Council approved Ordinance No. 243-2022, which authorized the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$591,655, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency, through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the “Grant”), for the purpose of providing funding for clothing, communications equipment, physical barriers, and license plate reader mobile cameras for the Cincinnati Police Department’s Special Weapons and Tactics team and Civil Disturbance Response Team; and

WHEREAS, the Grant funds that were ultimately awarded to the City totaled \$310,000, consisting of \$50,000 for the purchase of tactical entry communications equipment, \$196,000 for the purchase of physical barrier devices, and \$64,000 for the purchase of intelligence surveillance equipment (collectively, “SWAT Equipment”); and

WHEREAS, the Hamilton County Emergency Management Agency (“HCEMA”) serves as the regional fiscal agent for the Grant funds; and

WHEREAS, when Council approved Ordinance No. 0243-2022, it was believed that the City would receive the Grant funds through HCEMA, then use those Grant funds to purchase the SWAT Equipment; and

WHEREAS, in actuality, HCEMA uses the Grant funds to purchase the SWAT Equipment for the City, then transfers ownership of the SWAT Equipment to the City; and

WHEREAS, Ordinance No. 0243-2022 must be amended to allow the City to accept the SWAT Equipment purchased by HCEMA with the Grant funds; now, therefore;

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

Section 1. That Sections 1, 3, and 4 of Ordinance No. 0243-2022, approved by Council on August 3, 2022, are hereby amended as follows:

Section 1. That the City Manager is hereby authorized to apply for, ~~accept, and appropriate~~ a grant in the amount of up to \$591,655, effective FY 2023, from the United States Department of Homeland Security, Federal Emergency Management Agency, through the FY 2022 Homeland Security Grant Program, Urban Area Security Initiative (ALN 97.067) (the "Grant"), for the purpose of providing funding for clothing, communications equipment, physical barriers, and license plate reader mobile cameras for the Cincinnati Police Department's Special Weapons and Tactics team and Civil Disturbance Response Team, and to accept the transfer of equipment purchased by the Hamilton County Emergency Management Agency with funds awarded through the Grant.

~~Section 3~~ Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the ~~grant~~ Grant and ~~Sections 1 and 2~~ Section 1 hereof.

~~Section 4~~ 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 apply for the Grant funds and accept the awarded funds transfer of Grant-funded equipment in a timely manner.

Section 2. That Section 2 of Ordinance No. 0243-2022 is hereby deleted in its entirety.

Section 3. That all terms of Ordinance No. 243-2022 not amended or removed in this Ordinance remain in full force and effect.

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 transfer of Grant-funded equipment in a timely manner.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are struck through. Additions are underlined.

March 8, 2023

To: Mayor and Members of City Council 202300758

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Health: Ohio Environmental Protection Agency Water Pollution Control Loan Fund Grant**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$50,000 from the Ohio Environmental Protection Agency’s Water Pollution Control Loan Fund for the purpose of providing financial aid 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 revenue account no. 350x8536.

This Emergency Ordinance authorizes the City Manager to apply for, accept, and appropriate a grant in the amount of up to \$50,000 from the Ohio Environmental Protection Agency’s (OEPA) Water Pollution Control Loan Fund (WPCLF) to help provide financial assistance to Cincinnati homeowners with defective household sewage treatment systems. This Emergency Ordinance authorizes the Finance Director to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

There are no new FTEs associated with this grant and no local match is required.

The Cincinnati Health Department applied for the grant on August 31, 2022, and was notified of the status of receiving the award on January 30, 2023, but funding will not be accepted without authorization from the City Council.

Acceptance of the OEPA WPCLF grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to provide funding to assist Cincinnati homeowners with expenses associated with defective household sewage treatment systems that can lead to public health issues.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment

EMERGENCY

IMD

- 2023

AUTHORIZING the City Manager to apply for, accept, and appropriate a grant in an amount of up to \$50,000 from the Ohio Environmental Protection Agency’s Water Pollution Control Loan Fund for the purpose of providing financial aid 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 revenue account no. 350x8536.

WHEREAS, a grant is available from the Ohio Environmental Protection Agency’s (“OEPA”) Water Pollution Control Loan Fund (“WPCLF”), and funding from the OEPA WPCLF grant will assist Cincinnati homeowners with expenses associated with defective household sewage treatment systems; and

WHEREAS, there is no local match required and no FTEs associated with the OEPA WPCLF grant; and

WHEREAS, the Cincinnati Health Department applied for the OEPA WPCLF grant on August 31, 2022, and was notified of the status of receiving the award on January 30, 2023, but funding will not be accepted without authorization from Council; and

WHEREAS, acceptance of the OEPA WPCLF grant is in accordance with the “Sustain” goal to “[b]ecome a healthier Cincinnati” as described on pages 181-192 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, accept, and appropriate a grant in an amount up to \$50,000 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.

Section 2. That Council hereby authorizes the Director of Finance to deposit the grant funds into Public Health Research Fund revenue account no. 350x8536.

Section 3. That the proper City officials are authorized to do all things necessary and proper to comply with the terms of this grant and 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 provide funding to assist Cincinnati homeowners with expenses associated with defective household sewage treatment systems that can lead to public health issues.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: March 8, 2023

To: Mayor and Members of City Council 202300759

From: Sheryl M. M. Long, City Manager

Subject: EMERGENCY ORDINANCE – DEDICATION OF PORTIONS OF EAST PETE ROSE WAY AND BUTLER STREET

Attached is an emergency ordinance captioned as follows:

ACCEPTING AND CONFIRMING the dedication to public use of an approximately 0.0745-acre tract of real property as a portion of the East Pete Rose Way public right-of-way for street purposes; and further, **DEDICATING, ACCEPTING, AND CONFIRMING** the dedication to public use of an approximately 0.0088-acre tract of real property as a portion of the East Pete Rose Way and Butler Street public rights-of-way for street purposes in the Central Business District.

The Port of Greater Cincinnati Development Authority (“Port”) holds title to 0.0745-acre tract of property (“Port Dedication Property”) along East Pete Rose Way in the Central Business District.

The City of Cincinnati (“City”) owns an adjacent, approximately 0.0088-acre tract of property (“City Dedication Property”) located at the southwest corner of East Pete Rose Way and Butler Street in the Central Business District, which is under the management of the City’s Department of Transportation and Engineering. Both properties are depicted in Attachment A.

The Port and the City wish to dedicate the two properties to be included as a portion of the East Pete Rose Way and Butler Street rights-of-way for street purposes.

The City Engineer has examined the Dedication Plat as to its technical features and found it to be correct.

The City Planning Commission approved the Dedication Plat and the dedication of additional portions of East Pete Rose Way and Butler Street to public use at its meeting on January 20, 2023.

The Administration recommends passage of the attached emergency ordinance.

Attachment A – Dedication Plat

cc: John S. Brazina, Director, Transportation and Engineering

EMERGENCY

CHM

- 2023

ACCEPTING AND CONFIRMING the dedication to public use of an approximately 0.0745-acre tract of real property as a portion of the East Pete Rose Way public right-of-way for street purposes; and further, **DEDICATING, ACCEPTING, AND CONFIRMING** the dedication to public use of an approximately 0.0088-acre tract of real property as a portion of the East Pete Rose Way and Butler Street public rights-of-way for street purposes in the Central Business District.

WHEREAS, the Port of Greater Cincinnati Development Authority, an Ohio port authority (“Port”), by and through its duly authorized representative, has dedicated to public use an approximately 0.0745-acre tract of real property (“Port Dedication Property”) as a portion of the East Pete Rose Way public right-of-way for street purposes by a plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”); and

WHEREAS, the City of Cincinnati owns an approximately 0.0088-acre tract of real property located at the southwest corner of East Pete Rose Way and Butler Street that is more particularly depicted on the Dedication Plat (“City Dedication Property”), which City Dedication Property is under the management of the City’s Department of Transportation and Engineering (“DOT”); and

WHEREAS, the City Manager, in consultation with DOT, desires the City Dedication Property as depicted on the Dedication Plat to be dedicated and accepted and confirmed as public right-of-way as portions of the East Pete Rose Way and Butler Street public rights-of-way for street purposes; and

WHEREAS, Lisa M. Wharton, a reputable attorney practicing in Hamilton County, Ohio, has provided an Attorney’s Certificate of Title dated February 27, 2023, certifying that the Port holds title to the Port Dedication Property depicted on the Dedication Plat in fee simple, with full power to convey, subject to certain encumbrances and matters of record, including real estate taxes not yet due and payable, and that the Law Department’s Real Estate Services Division has reviewed the encumbrances and matters of record and confirmed that the Port has made satisfactory provision for the encumbrances and matters of record, including the payment of all real estate taxes and assessments; and

WHEREAS, the office of the City Engineer has examined and checked the Dedication Plat as to its technical features and found it to be correct; and

WHEREAS, the City Planning Commission approved the Dedication Plat and the dedication of the additional portions of East Pete Rose Way and Butler Street to public use as public rights-of-way for street purposes at its meeting on January 20, 2023; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with DOTE, recommends that Council accept and confirm the dedication of the Port Dedication Property and the City Dedication Property, as depicted on the Dedication Plat, as portions of the East Pete Rose Way and Butler Street public rights-of-way for street purposes; now, therefore,

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

Section 1. That the dedication to public use of an approximately 0.0745-acre tract of real property (“Port Dedication Property”) in the Central Business District as a portion of the East Pete Rose public right-of-way for street purposes, as depicted and described on the plat attached to this ordinance as Attachment A and incorporated herein by reference (“Dedication Plat”) is hereby accepted and confirmed. The Port Dedication Property is more particularly described as follows:

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

BEGINNING at a set cross notch at the intersection of the east line of Pike Street and the south line of existing Pete Rose Way;

Thence with the south line of said existing Pete Rose Way, North 53°12’07” East, 86.02 feet to a set cross notch AND North 52°18’47” East, 265.61 feet to a set cross notch in the west line of existing Butler Street;

Thence with the west line of said existing Butler Street, along a curve to the right, having a radius of 85.00 feet, and arc length of 22.57 feet, a delta angle of 15°12’49” and being subtended by a chord bearing North 78°10’21” East, 22.50 feet to a set cross notch in the new south line of Pete Rose Way;

Thence with the new south line of said Pete Rose Way the following three (3) courses:

1. South 52°26’26” West, 339.77 feet to a set cross notch;
2. North 84°28’51” West, 10.96 feet to a set cross notch;
3. South 54°08’35” West, 24.12 feet to a set iron pin in the east line of aforesaid Pike Street;

Thence with the east line of said Pike Street, North 37°36'40" West, 2.12 feet to the POINT OF BEGINNING.

CONTAINING 0.0745 Acres and being subject to all legal easements and highways of record.

The above-described parcel being part of Hamilton County Auditor's Parcel 084-0005-0311 as conveyed to Port of Greater Cincinnati Development Authority in Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office. All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC".

Prepared by G.J. BERDING SURVEYING, INC. on August 26, 2022. Based on a Dedication Plat prepared by G.J. BERDING SURVEYING, INC. on June 10, 2022.

Section 2. That the City of Cincinnati hereby dedicates, accepts, and confirms the dedication to public use of an approximately 0.0088-acre tract of real property ("City Dedication Property") in the Central Business District as a portion of the East Pete Rose and Butler Street public rights-of-way for street purposes, as depicted and described on the Dedication Plat. The City Dedication Property is more particularly described as follows:

Situated in City of Cincinnati, Hamilton County, Ohio, and being more particularly described as follows:

COMMENCING at a set cross notch at the intersection of the east line of Pike Street and the south line of existing Pete Rose Way;

Thence with the south line of said existing Pete Rose Way, North 53°12'07" East, 86.02 feet to a set cross notch AND North 52°18'47" East, 265.61 feet to a set cross notch in the east line of existing Butler Street and the POINT of BEGINNING;

Thence with the projection of the south line of said Pete Rose Way, North 52°18'47" East, 47.99 feet to a set cross notch in the projection of the west line of Butler Street;

Thence with the projection of the west line of said Butler Street, South 37°39'53" East, 30.82 feet to a set cross notch in the new west line of said Butler Street;

Thence with the new west line of said Butler Street, North 43°12'16" West, 21.05 feet to a set cross notch AND South 52°26'26" West, 25.71 feet to a set cross notch in the west line of existing Butler Street;

Thence with the west line of said existing Butler Street, along a curve to the left, having a radius of 85.00 feet, and arc length of 22.57 feet, a delta angle of 15°12'49" and being subtended by a chord bearing South 78°10'21" West, 22.50 feet to the POINT OF BEGINNING.

CONTAINING 0.0088 Acres and being subject to all legal easements and highways of record.

The above-described parcel being part of Hamilton County Auditor's Parcels 084-0005- 0159 & 0160 as conveyed to the City of Cincinnati in Deed Book 3605, Page 177 of the Hamilton County Recorder's Office.

Bearings of Bearings are based on Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

All iron pins set are 5/8" X 30" rebar with cap stamped "G.J. BERDING SURVEYING, INC". Prepared by G.J. BERDING SURVEYING, INC. on August 26, 2022. Based on a Dedication Plat prepared by G.J. BERDING SURVEYING, INC. on June 10, 2022.

Section 3. That the proper City officials are hereby authorized to take all necessary and proper actions to carry out the terms of this ordinance, including without limitation the execution of all any and all ancillary agreements, deeds, plats, or other real estate documents, as deemed necessary or appropriate by the City Manager.

Section 4. That the City Solicitor shall cause an authenticated copy of this ordinance to be filed with the Hamilton County, Ohio Auditor's Office and recorded in the Hamilton County, Ohio Recorder's Office.

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 for the City's Department of Transportation and Engineering to coordinate the maintenance and repair of the newly dedicated public right-of-way with the maintenance and repair of adjacent public rights-of-way.

Passed: _____, 2023

Aftab Pureval, Mayor

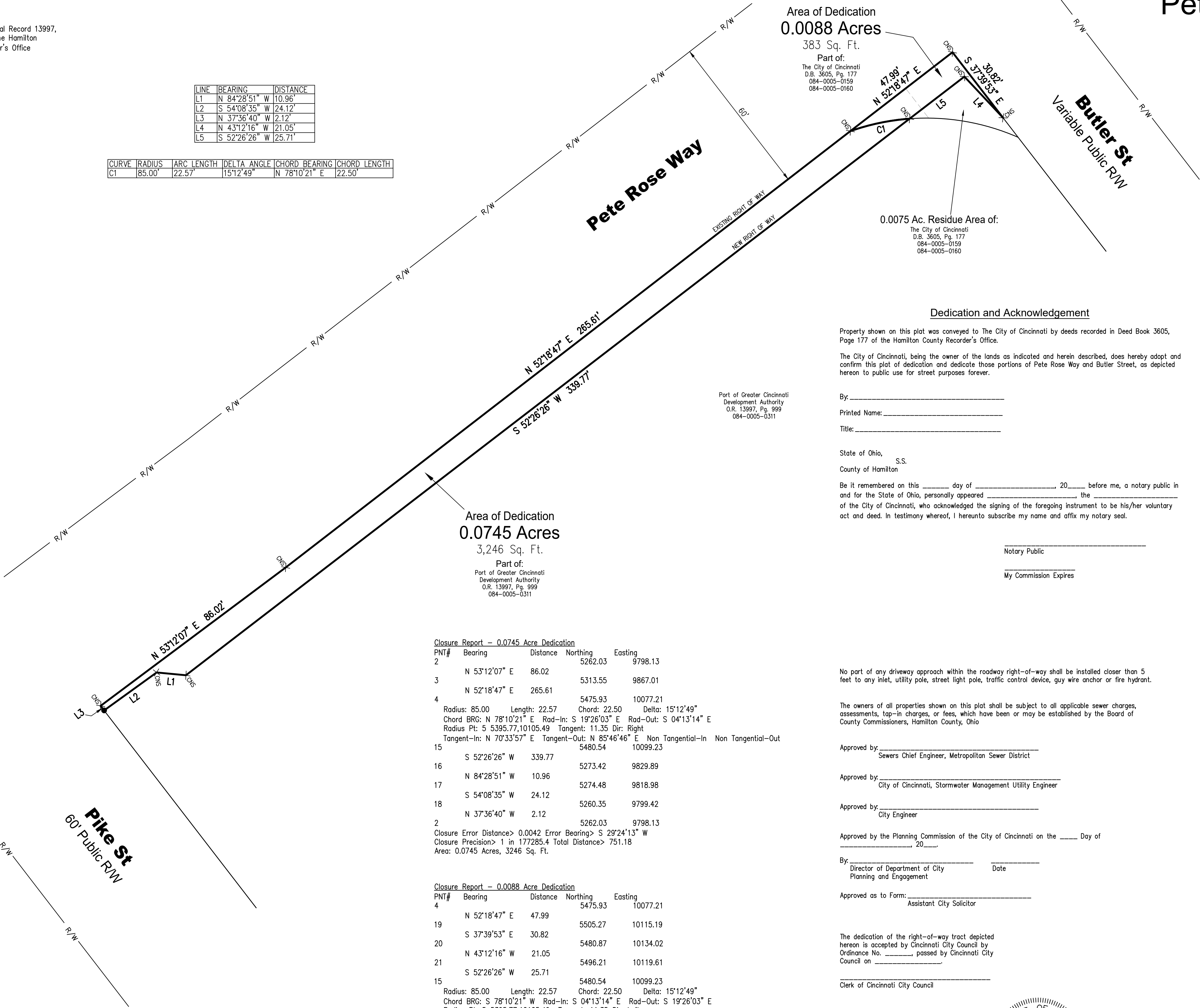
Attest: _____
Clerk



Bearings:
Based on Official Record 13997,
Page 999 of the Hamilton
County Recorder's Office

LINE	BEARING	DISTANCE
L1	N 84°28'51" W	10.96'
L2	S 54°08'35" W	24.12'
L3	N 37°36'40" W	2.12'
L4	N 43°12'16" W	21.05'
L5	S 52°26'26" W	25.71'

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	85.00'	22.57'	15°12'49"	N 78°10'21" E	22.50'

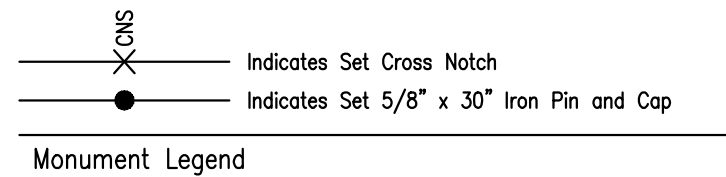


Closure Report — 0.0745 Acre Dedication

PNT#	Bearing	Distance	Northing	Easting
2	N 53°12'07" E	86.02	5262.03	9798.13
3	N 52°18'47" E	265.61	5313.55	9867.01
4			5475.93	10077.21
Radius: 85.00 Length: 22.57 Chord: 22.50 Delta: 15°12'49"				
Chord BRG: N 78°10'21" E Rad-In: S 19°26'03" E Rad-Out: S 04°13'14" E				
Radius Pt: 5 5395.77,10105.49 Tangent: 11.35 Dir: Right				
Tangent-In: N 70°33'57" E Tangent-Out: N 85°46'46" E Non Tangential-In Non Tangential-Out				
15			5480.54	10099.23
	S 52°26'26" W	339.77		
16			5273.42	9829.89
	N 84°28'51" W	10.96		
17			5274.48	9818.98
	S 54°08'35" W	24.12		
18			5260.35	9799.42
	N 37°36'40" W	2.12		
2			5262.03	9798.13
Closure Error Distance> 0.0042 Error Bearing> S 29°24'13" W				
Closure Precision> 1 in 177285.4 Total Distance> 751.18				
Area: 0.0745 Acres, 3246 Sq. Ft.				

Closure Report — 0.0088 Acre Dedication

PNT#	Bearing	Distance	Northing	Easting
4	N 52°18'47" E	47.99	5475.93	10077.21
19	S 37°39'53" E	30.82	5505.27	10115.19
20			5480.87	10134.02
	N 43°12'16" W	21.05		
21			5496.21	10119.61
	S 52°26'26" W	25.71		
15			5480.54	10099.23
Radius: 85.00 Length: 22.57 Chord: 22.50 Delta: 15°12'49"				
Chord BRG: S 78°10'21" W Rad-In: S 04°13'14" E Rad-Out: S 19°26'03" E				
Radius Pt: 5 5395.77,10105.49 Tangent: 11.35 Dir: Left				
Tangent-In: S 85°46'46" W Tangent-Out: S 70°33'57" W Non Tangential-In				
4			5475.93	10077.21
Closure Error Distance> 0.0044 Error Bearing> S 77°36'40" E				
Closure Precision> 1 in 33425.7 Total Distance> 148.13				
Area: 0.0088 Acres, 383 Sq. Ft.				



Dedication and Acknowledgement

Property shown on this plat was conveyed to The City of Cincinnati by deeds recorded in Deed Book 3605, Page 177 of the Hamilton County Recorder's Office.

The City of Cincinnati, being the owner of the lands as indicated and herein described, does hereby adopt and confirm this plat of dedication and dedicate those portions of Pete Rose Way and Butler Street, as depicted hereon to public use for street purposes forever.

By: _____

Printed Name: _____

Title: _____

State of Ohio, S.S.
County of Hamilton

Be it remembered on this _____ day of _____, 20____ before me, a notary public in and for the State of Ohio, personally appeared _____, the _____ of the City of Cincinnati, who acknowledged the signing of the foregoing instrument to be his/her voluntary act and deed. In testimony whereof, I hereunto subscribe my name and affix my notary seal.

No part of any driveway approach within the roadway right-of-way shall be installed closer than 5 feet to any inlet, utility pole, street light pole, traffic control device, guy wire anchor or fire hydrant.

The owners of all properties shown on this plat shall be subject to all applicable sewer charges, assessments, tap-in charges, or fees, which have been or may be established by the Board of County Commissioners, Hamilton County, Ohio

Approved by: _____
Sewers Chief Engineer, Metropolitan Sewer District

Approved by: _____
City of Cincinnati, Stormwater Management Utility Engineer

Approved by: _____
City Engineer

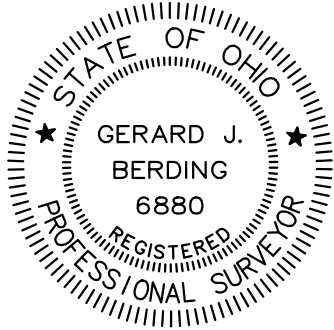
Approved by the Planning Commission of the City of Cincinnati on the ____ Day of _____, 20____.

By: _____ Date _____
Director of Department of City Planning and Engagement

Approved as to Form: _____
Assistant City Solicitor

The dedication of the right-of-way tract depicted hereon is accepted by Cincinnati City Council by Ordinance No. _____, passed by Cincinnati City Council on _____.

Clerk of Cincinnati City Council _____



Gerard J. Berding
Gerard J. Berding, P.S. — 6880
berding@berdingsurveying.com

1-5-23
Date

Dedication Plat

Pete Rose Way & Butler Street

Dedication and Acknowledgement

Property shown on this plat was conveyed to Port of Greater Cincinnati Development Authority by deed recorded in Official Record 13997, Page 999 of the Hamilton County Recorder's Office.

We, the undersigned, being the owners and lienholders of the lands herein depicted and described, do hereby adopt and confirm this plat of dedication and dedicate Pete Rose Way and Butler Street, as depicted hereon for public use for street purposes forever.

We the undersigned, do hereby adopt and confirm this plat of lands, we also guarantee the payment of all taxes and assessments that are a lien on said property on the date of acceptance.

OWNER/LESSOR:

PORT AUTHORITY OF GREATER CINCINNATI DEVELOPMENT AUTHORITY

By: _____
Laura N. Brunner, President and Chief Executive Officer

State of Ohio, S.S.
County of Hamilton

Before me a notary public in and for said county, personally appeared _____ who represent that they are duly authorized in the premises and acknowledge that they did sign the foregoing instrument and that the same is their voluntary act and deed in testimony whereof I have hereunto set my hand and official seal this _____ day of _____, 20____.

Notary Public _____
My Commission Expires _____

LENDER:

BMO Harris Bank N.A., a national banking association, as administrative agent for itself and other co-lenders

By: _____

Printed: _____

Title: _____

State of _____ S.S.
County of _____

Before me a notary public in and for said county, personally appeared _____ who represent that they are duly authorized in the premises and acknowledge that they did sign the foregoing instrument and that the same is their voluntary act and deed in testimony whereof I have hereunto set my hand and official seal this _____ day of _____, 20____.

Notary Public _____
My Commission Expires _____

DEVELOPER/LESSEE:

601 Pete Rose Way, LLC,
A Delaware limited liability company

By: Milhaus QOZ Business II, LLC, its Manager

By: MH Real Estate Holdings II, LLC, its Manager
Todd M. Miller, Manager

State of _____ S.S.
County of _____

Before me a notary public in and for said county, personally appeared _____ who represent that they are duly authorized in the premises and acknowledge that they did sign the foregoing instrument and that the same is their voluntary act and deed in testimony whereof I have hereunto set my hand and official seal this _____ day of _____, 20____.

Notary Public _____
My Commission Expires _____

OCCUPATION
As Shown On Plat

Notes

Dedication Plat

Survey Type

Milhaus
Artistry

Job Name

Section 12, Town 4,
Fractional Range 1
City of Cincinnati
Hamilton County, Ohio

Site Location

AYR | GJB | 1" = 20'
Drawn By | Checked By | Drawing Scale

06/10/2022 | 15193.30
Issue Date | Project Number

Berding Surveying

GPS Surveying • 3D Laser Scanning

741 Main Street | Milford, OH 45150 | www.berdingsurveying.com
513.831.6761 fax | 513.831.5505 tel
Copyright© 2023 G. J. Berding Surveying, Inc. All rights reserved.

1) 9-9-22 DAP: Revised per City comments.
2) 1-5-23 YTC: Revised Signature Block per Client.
Revisions

March 8, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202300760

Subject: Ordinance – Approving and Authorizing a CRA Tax Abatement with 8K Development Company, LLC

Attached is an Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption* with 8K Development Company, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 129-131 W. Elder Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the upper floors of 2 buildings into approximately 4,680 square feet of residential space, consisting of approximately 10 residential units, at a total construction cost of approximately \$880,600.

BACKGROUND/CURRENT CONDITIONS

The City owns two adjoining four-story buildings located at 129-131 W. Elder Street in Over-the-Rhine. The properties are currently subject to the City's lease and management agreement with the Corporation for Findlay Market, with the ground floor of both buildings being occupied by commercial tenants, *The Arepa Place*, and *Maverick Chocolate*. The upper floors of the two building currently sit vacant and are in need of substantial renovation. An appraisal of the upper floors of the properties conducted by the City's Real Estate Services Division determined their fair market value to be \$100,000.

The Department of Community and Economic Development (DCED) released a Request for Proposals (RFP) for the sale and redevelopment of the upper floors of the two buildings in February 2022. The RFP received three (3) responses from the following respondents: 8K Development Company, LLC, A.M. Titan Group, and True Blue Properties. A cross-departmental committee reviewed and evaluated the 3 proposals and recommended the sale of property be awarded to 8K Development Company, LLC in June 2022.

DEVELOPER INFORMATION

8K was founded in 2009. Starting with the gut renovation of one dilapidated house on Langland Street in Northside, 8K has grown into an integrated construction and property development company. The renaissance in Cincinnati's core neighborhoods has led to expertise across a broad spectrum of development and construction services such as

comprehensive historic renovations, commercial buildouts, and ground up construction. In 2016, the organization was reconfigured into two companies, 8K Development Co. and 8K Construction Co. Since the reorganization, 8K has completed over 30,000 sf of residential renovation and over 15,000 sf of commercial build-out working primarily in Northside, Over-the-Rhine, and Walnut Hills.

RECOMMENDATION

The Administration recommends approval of this Ordinance.

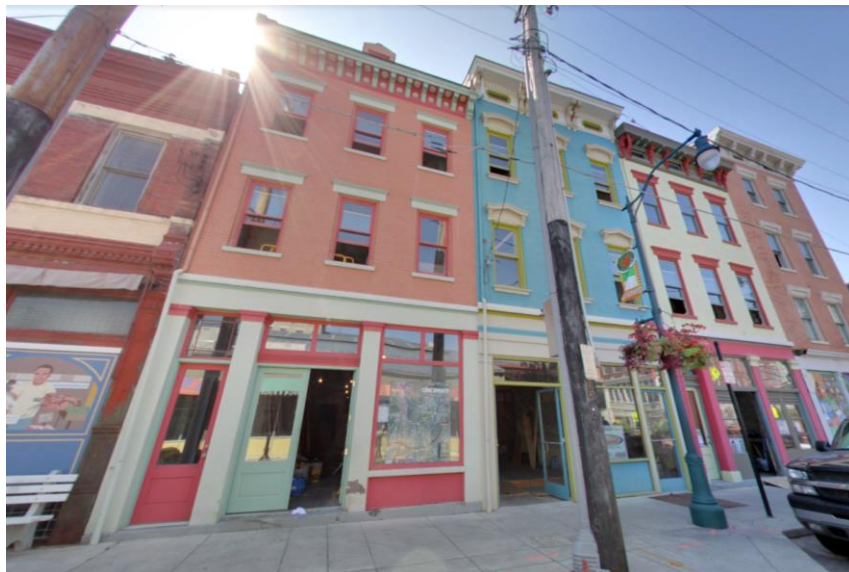
Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	129-131 W. Elder Street
Street Address	129-131 W. Elder Street
Property Condition	Two historic buildings that sit in Findlay Market; ground floor of 129 W. Elder St. is currently occupied by The Arepa Place and ground floor of 131 W. Elder St. is currently occupied by Maverick Chocolate; the upper floors are vacant and in disrepair
Neighborhood	Over-the-Rhine
Incentive Application Process	Request for Proposals and Commercial CRA – Downtown Streetcar Area
Recent or other projects by Developer	1714 Vine Street, KeyMark Phase I & II
Approval at Planning Commission/Neighborhood support	<ul style="list-style-type: none"> - Approval of sale by City Planning Commission on 9/16/2022 - Public engagement meeting held with OTR stakeholders, the Developer and City Planning on 9/6/2022 - Written letters of support from OTRCC and CFFM
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120), Live Area goal 3 by (pages 164-178), and Sustain Initiative Area Goal 2 (pages 193-198)

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Proposed Incentive	15-year, net 67% Commercial CRA tax abatement, with the possibility for 10-year historic extension (at the discretion of Council)
Additional Incentives	\$1.00 property sale to 8K Development Company, LLC
Construction Cost & Private investment committed	Project Costs <ul style="list-style-type: none"> - \$1,056,840 in total project costs (\$880,600 in hard construction costs) Financing Commitments <ul style="list-style-type: none"> - \$191,840 in Developer equity - \$650,000 permanent loan from North Side Bank - \$215,000 in State Historic Tax Credit Equity
Sq. Footage by Use	4,680 sf - residential
Number of units and rental ranges	10 one-bedroom units <ul style="list-style-type: none"> - 3 affordable to 50% AMI (\$650/month) - 3 affordable to 60% AMI (\$750/month) - 4 at market rate (\$900/month)
Jobs created/retained and payroll (living wage)	This project will not create any FTE positions
“But For”	The project, as presented with income restricted units, would not proceed without the proposed incentive package due to the Developer not receiving adequate returns until after Year 7.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement (Year 5): 6% With Abatement (Year 5): 8%
LEED or other environmental build	Non-LEED
Neighborhood VTICA	No VTICA contribution
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$2.56 of new CPS/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$6,750
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	The project is adjacent to Findlay Market-Elm, Findlay Market-Race, and Brewery District Streetcar stops; the project also sits along the 21, 64, 46, and 78 Metro bus routes

Geography	The project sits in an Opportunity Zone and the OTR-West End NRSA
Historic Preservation/Existing Building Renovation	This project will renovate the upper floors of two historic buildings, preserving and reactivating them for future use
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$650.00	\$26,000.00	Lifeguard, Laboratory Technician (Part-Time), Breast Feeding Peer Counselor (Part-Time), Parks/Recreation Program Leader (Part-Time)
\$900.00	\$36,000.00	Card Punch Operator, Custodian, Municipal Worker, Recreation Specialist (Part-Time)

AMI	1	2	3	4	5	6	7	8
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with 8K Development Company, LLC, thereby authorizing a 15-year tax exemption for 100% of the value of improvements made to real property located at 129-131 W. Elder Street in the Over-the-Rhine neighborhood of Cincinnati, in connection with the remodeling of the upper floors of 2 buildings into approximately 4,680 square feet of residential space, consisting of approximately 10 residential rental units, at a total construction cost of approximately \$880,600.

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, 8K Development Company, LLC (the “Company”) desires to remodel the upper floors of 2 buildings into approximately 4,680 square feet of residential space, consisting of approximately 10 residential rental units, on real property at 129-131 W. Elder Street located within the corporate boundaries of the City of Cincinnati (the “Improvements” and the “Property,” as applicable), 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, pursuant to a separate ordinance passed by this Council on or around the date of this Ordinance, the City and the Company will enter into a separate Property Sale and Development Agreement (the “PSDA”), pursuant to which the City will sell the Property to the Company; and

WHEREAS, the City’s Real Estate Services Division determined that the fair market value of the Property is approximately \$100,000; however, subject to the terms and conditions of the PSDA, the City will sell the property for less than fair market value, namely, for \$1.00; and

WHEREAS, the City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$10,118; 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 8K Development Company, 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 129-131 W. Elder Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of the upper floors of 2 buildings into approximately 4,680 square feet of residential space, consisting of approximately 10 residential rental units, to be completed at a total construction cost of approximately \$880,600.

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 take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Contract No. _____

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 8K DEVELOPMENT COMPANY, LLC, an Ohio limited liability company (the "Company").

Recitals:

- A. The City and the Company are parties to a certain *Property Sale and Development Agreement* dated _____ (the "Development Agreement"). Pursuant to the Development Agreement, the City conveyed a portion of the Property (as defined below) to the Company.
- B. 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").
- C. 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.
- D. 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.
- E. The Company is the sole owner of certain real property within the City, located at 129-131 W. Elder Street, Cincinnati, Ohio 45202, consisting of the air parcel above the ground floors of the buildings located thereon (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.
- F. The Company has proposed to remodel the upper floors of buildings 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.
- G. 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.

{00377231-5}

- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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").
- M. 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").
- N. 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.
- O. 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.
- P. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- Q. 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, 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 upper floors of 2 existing buildings on the Property into approximately 4,680 square feet of residential space, consisting of approximately 10 residential rental units (the "Improvements") at an estimated aggregate cost of \$880,600 to commence after the execution of this Agreement and to be completed no later than June 30, 2024; *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 (15th) 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.

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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.¹

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 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 12 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.

B. Company's Estimated Payroll Increase. The Company's increase in the number of employees will result in approximately \$375,000 of additional annual payroll prior to the

¹ 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.

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 including, without limitation, its obligation to comply with the Development 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.

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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. The Parties acknowledge and agree that a material failure by the Company to comply with its representations concerning the Board of Education Agreement shall constitute an event of default for purposes of Section 16 (*Default*) and the basis for revocation under Section 18 (*Revocation*). 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,

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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, OH 45202

To the Company:

8K Development Company, LLC
Attention: Michael Chewning
57 E McMicken
Cincinnati, OH 45202

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 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. Failure to assign or otherwise perform the Company's obligations under the Board of Education Agreement 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.

Section 39. Historic Extension. The parties acknowledge that the Company may be eligible for an extension of the abatement term because of the historical significance of the Property for up to ten years pursuant to the Statute (as may be amended from time to time). Once the Company has satisfied the requirements of the Statute and no later than 180 days prior to the end of the abatement term pursuant to this Agreement, the Company shall provide the City with (i) (a) income tax statements verifying that the Property has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h), or (b) a certification from the Company's accountant confirming that the Property has been subject to federal tax treatment under 26 U.S.C. 47 and 170(h); (ii) such other documentation as requested in writing by DCED to verify the eligibility of the Property for an extension of the abatement term pursuant to the Statute; and (iii) operating revenue and expenses for the prior five years; each of the foregoing must be provided in a format acceptable to the City in its sole and absolute discretion. Following the City's review of the foregoing materials, if the Property qualifies for a historic extension pursuant to the Statute, the parties will execute a mutually satisfactory amendment to this Agreement to extend the abatement term for a period of ten years.

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

8K DEVELOPMENT COMPANY, LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

Date: _____

By: _____

Printed Name: _____

Title: _____

Date: _____

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

As it applies to the air lot located above the following parcel:

Situate in the City of Cincinnati, County of Hamilton, State of Ohio, and being all that part of Block "F" which was laid out by Findlay and Garrard recorded in Book 47, Page 319, of the Hamilton County, Ohio Records and being Lot No. fifty-two (52) in Block "F" as now subdivided by the Commissioners in case of Partition of the Estate of James and Jane Findlay, deceased. Said Lot No. Fifty-two (52) in Block "F" fronting twenty (20) feet on the south side of Elder Street (or Market Place) and extending back same width in rear as in front eighty (80) feet to a twelve (12) foot alley.

Commented [SZ1]: Interim legal description only.

Final legal description to be provided by Company after Company subdivides City parcel into 2 air parcels, pursuant to the Property Sale and Development Agreement.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

March 08, 2023

To: Mayor and Members of City Council 202300763

From: Sheryl M. M. Long

Subject: Resolution for the *Mount Airy Plan: Our Future* as the planning guide for the Mt. Airy neighborhood

Transmitted is a Resolution captioned:

APPROVING the *Mount Airy Plan: Our Future* as the planning guide for the Mt. Airy neighborhood.

The City Planning Commission recommended approval of the plan at its March 03, 2023 meeting.

Summary:

For the first time since 1980, Mt. Airy community members and residents have partnered directly with the City of Cincinnati to establish an innovative and progressive comprehensive plan document to continue guiding Mt. Airy for the upcoming decades. *Mount Airy Plan: Our Future* (MAP: *Our Future*) represents an extensive collaborative effort between the community and the City of Cincinnati. The plan encapsulates all the aspirations for the residents, business owners, property owners, and visitors of Mt. Airy who all collaborated over the past three years.

The planning process of *MAP: Our Future* was led by the Steering Committee which was comprised of residents and stakeholders from the neighborhood and was supported by members of the Department of City Planning and Engagement staff, Mt. Airy Town Council (MATC), Mt. Airy Community Urban Redevelopment Enterprise (CURE), and Community Learning Center Institute. These groups and the entire community created a new vision for the future of Mt. Airy that centers on creating a revitalized environment, particularly within the neighborhood business district (NBD), connecting residents to economic and social centers, highlighting famous landmarks, and welcoming new neighbors who will contribute to the bright future of the neighborhood.

The City Planning Commission recommended the following on March 03, 2023, to City Council:

APPROVE the proposed *Mount Airy Plan: Our Future* as the Mount Airy neighborhood's guiding comprehensive plan document.

cc: Katherine Keough-Jurs, FAICP, Director, Department of City Planning and Engagement



CHM

Legislative Resolution

RESOLUTION NO. _____ - 2023

APPROVING the *Mount Airy Plan: Our Future* as the planning guide for the Mt. Airy neighborhood.

WHEREAS, beginning in 2020, the City and a group of community stakeholders, including residents, business owners, the Mt. Airy Town Council, and Mt. Airy Community Urban Redevelopment Enterprise, formed a Steering Committee to champion a planning process to develop a progressive, comprehensive plan for the Mt. Airy neighborhood, through a series of virtual meetings to identify neighborhood assets, opportunities, challenges, and strategies to achieve desired neighborhood quality of life and redevelopment goals; and

WHEREAS, community stakeholder engagement led to the creation of the *Mount Airy Plan: Our Future* (“Plan”) to serve as the guiding instrument for the future development of the Mt. Airy neighborhood; and

WHEREAS, the Mt. Airy Town Council and community stakeholders desire for the Plan to be officially approved by the Council so that it may serve as the City of Cincinnati’s official planning guide for the Mt. Airy neighborhood; and

WHEREAS, the Plan is consistent with the Strategies for all five Initiative Areas of *Plan Cincinnati* (2012), particularly the “Compete” Initiative Area goal to “[f]oster a climate conducive to growth, investment, stability, and opportunity” (page 102); the “Connect” Initiative Area goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood vitality” (page 129); the “Live” Initiative Area goal to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” (page 150); the “Sustain” Initiative Area goal to “[p]rotect our natural resources” (page 194); and the Collaborate Initiative Area goal to “[w]ork in synergy with the Cincinnati community” (page 210); and

WHEREAS, at its meeting on March 3, 2023, the City Planning Commission reviewed the Plan and recommended it for approval; and

WHEREAS, a committee of Council considered and approved the Plan, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, Council considers the Plan to be in the best interests of the City and the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the *Mount Airy Plan: Our Future* furthers the goals, strategies, and visions of the City of Cincinnati and its comprehensive plan, *Plan Cincinnati* (2012).

Section 2. That the *Mount Airy Plan: Our Future*, attached hereto as Exhibit “A” and incorporated herein by reference, is hereby approved.

Section 3. That this resolution be spread upon the minutes of Council, and that the Clerk of Council send a copy to the Mt. Airy Town Council at 2563 West North Bend Road, Suite 201, Cincinnati, OH 45239.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Mount Airy Plan OUR FUTURE

The Mt. Airy Neighborhood Plan



APPROVED BY

**Mt. Airy Town
Council**
01/19/23

**City Planning
Commission**
on xx/xx/23

**City
Council**
on xx/xx/23



Logo Source: James Weaver



Flag Source: Cincy Flags

The **MAP Our Future** plan's logo and plan layout is inspired by the Mt. Airy neighborhood flag and features in the neighborhood. The neighborhood's water tower represents the **M**. The **A** is a tree representing Cincinnati's largest park, Mt. Airy Forest. Within the **A** sits a north arrow, as Mt. Airy is one of the Cincinnati's most northern neighborhoods. Lastly, a flag with 961.5' composes the **P**. The water tower is located 961.5' above sea level, one of the highest points in Cincinnati.

The City of Cincinnati Department of City Planning & Engagement prepared this plan document.

The planning process was led by the MAP Our Future Steering Committee comprised of residents and stakeholders from Mt. Airy Town Council, Mt. Airy CURE, and Community Learning Centers Institute.

ACKNOWLEDGMENTS

Thank you to everyone who contributed to this plan by sharing your stories, ideas, expertise, and time.

City of Cincinnati Mayor

Aftab Pureval

City Council

Jan-Michele Kearney, Vice Mayor
Victoria Parks, President Pro Tem
Jeff Cramerding, Councilmember
Reggie Harris, Councilmember
Mark Jeffreys, Councilmember
Scotty Johnson, Councilmember
Liz Keating, Councilmember
Meeka Owens, Councilmember
Seth Walsh, Councilmember

City Manager's Office

Sheryl Long, City Manager
William Weber, Assistant City Manager
Virginia Tallent, Interim Assistant City Manager

City Planning Commission

Byron Stallworth, Chair
Sheryl Long, City Manager
Jan-Michele Kearney, Vice Mayor
John Eby
Jacob Samad
Anne Sesler

Department of City Planning & Engagement

Katherine Keough-Jurs, Director
Alex Peppers, Deputy Director
Jesse Urbancsik, Senior City Planner and Project Manager

James Weaver, Former Senior City Planner and Project Manager

Samantha McLean, Former Senior City Planner and Project Manager

Emily Burns, Former Seasongood Intern and Assistant Project Manager

Steering Committee

Adelyn Hall, Community Learning Center Institute
Mark Menkhaus, Mt. Airy Civic Club and Mt. Airy Town Council

Belle Walsh, Kiplington Homeowners Association and Mt. Airy Town Council

Casandre Walsh, Mt. Airy CURE

Daniel Traicoff, formerly with Mt. Airy CURE

Emma Norbut, formerly with Mt. Airy CURE

City Department Staff

Bryan Williams, Department of Transportation and Engineering

Steve Shuckman, Formerly with Cincinnati Parks

Dan Jones, Cincinnati Recreation Center

Steve Pacella, Cincinnati Recreation Center

Working Group Participants

Over **300 community members** were engaged in events, working groups, or participated by providing feedback or filling out surveys throughout the planning process.

LETTER FROM **MT. AIRY TOWN COUNCIL**



November 7, 2022

When Mt. Airy Community Urban Redevelopment Enterprise (CURE) approached Mt. Airy Town Council (MATC) for support to help in the execution of a Neighborhood Plan, we were excited to participate both financially and through volunteer time from members of the Board of MATC.

This is the first time in nearly five decades that community members and residents have been able to partner with CURE, MATC and the City to create an innovative, comprehensive plan to guide Mt. Airy in the foreseeable future.

The process has been lengthy – encompassing over 2 years. Due to the pandemic, alterations needed to be made to traditional ‘in person’ meetings. Instead, numerous virtual meetings were held to collect the concerns and ideas of more than 250 Mt. Airy residents and business owners. More than 100 survey responses were collected through Mt. Airy Elementary School, sponsored events, and MATC’s website. In the end, we believe that this Neighborhood Plan speaks for our residents and business owners.

MATC is proud of the collaboration between the neighborhood organizations. We are confident the outcome of all the input and research will help bring Mt. Airy back to the gateway community that it once was!

Mt. Airy Town Council,

Lesley Jones, Interim President
Belle Walsh, Secretary
Mark Menkhaus
Terry Crooker



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EXECUTIVE SUMMARY

Mount Airy Plan: Our Future is the first comprehensive plan for the neighborhood since 1980 and represents an extensive collaboration effort between the community and the City. Mt. Airy is one of Cincinnati's northernmost neighborhoods and is positioned as a gateway between the City and surrounding townships.

MAP: Our Future encapsulates the aspirations of all the residents, business owners, and property owners who collaborated on a vision for the future of Mt. Airy. That vision centers on creating a revitalized environment, particularly within the Neighborhood Business District, connecting residents to economic and social centers, highlighting famous landmarks, and welcoming new neighbors who can contribute to the bright future of the neighborhood.

With the creation of the MAP Our Future Steering Committee, the community of Mt. Airy kicked off the two-year planning process exploring goals, strategies, and action steps in each of the Plan's **six theme areas**:



Transportation

Safe and comfortable connections between hubs of activity are the focus of Mt. Airy's transportation future. Whether a person is traveling by car, foot, bike, or bus, the overarching goal is to foster a transportation environment that allows people to easily get where they want to go while strengthening Mt. Airy's business district.



Public Safety

Getting more eyes on the street is a core component of Mt. Airy's public safety goals. The residents and businesses that are invested in creating a community that watches out for each other, the safer the neighborhood will be.



Business District

The vision for Mt. Airy's business district hinges on revitalization of both the physical built environment and the social atmosphere, transforming the district into the welcoming gateway it was meant to be.



Community and Marketing

Communicating important neighborhood meetings, issues, and opportunities to Mt. Airy residents and encouraging participation in community matters is paramount to the future development of the neighborhood. In addition to internal marketing and communication, Mt. Airy is also looking to its neighbors and the City to collaborate and share what Mt. Airy has to offer.



Housing

Mt. Airy should support existing and future residents of all income levels and lifestyles by providing a variety of quality, well-cared for housing options with incentives and assistance for property owners to maintain housing units.



Parks and Recreation

Capitalizing on Mt. Airy's current recreational resources, from the vast and beautiful Mt. Airy Forest to the Colerain and Shepherd Recreation Area, the future of Mt. Airy Parks and Recreation relies on improving existing facilities and providing greater access for all residents and visitors.

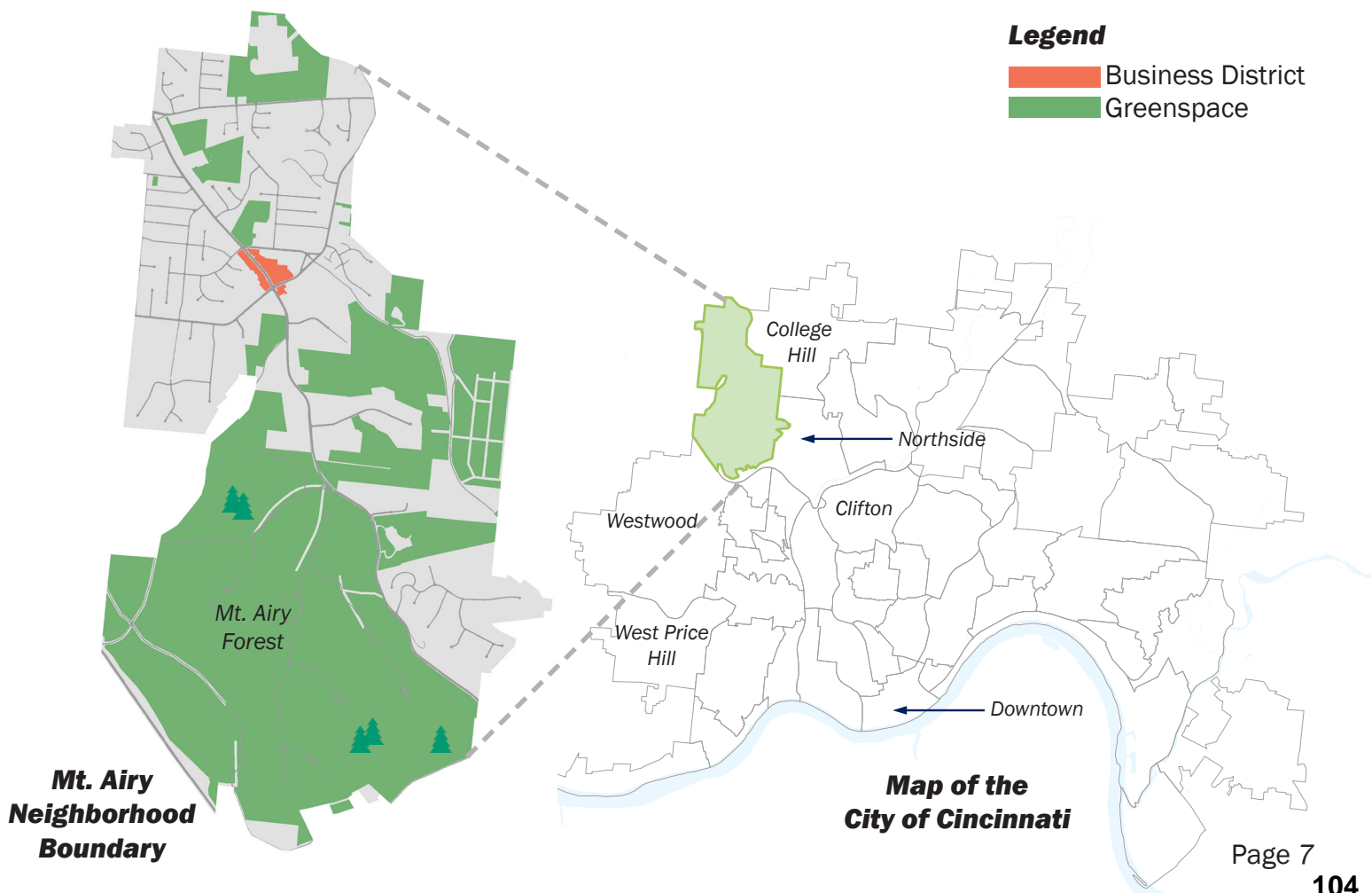
INTRODUCTION

TO MT. AIRY AND THE PLAN

Situated against the neighborhoods of College Hill, Northside, Westwood, and more, Mt. Airy is one of Cincinnati's northernmost neighborhoods. The neighborhood sits on the northern edge of the City's boundary, also bordering Colerain Township, Springfield Township, and Green Township. Known for its famous, castle-like water tower and Mt. Airy Forest, Mt. Airy is home to 9,210 residents and sits at around 2,314 acres (3.16 square miles).

As Cincinnati's largest park at 1,459 acres, Mt. Airy Forest makes up most of that acreage, taking up nearly half of the entire neighborhood. The man-made forest is home to miles of hiking trails, several picnic areas, a world-class disc golf course, and a multi-use mountain biking trail. The Forest additionally contains Ohio's only wheelchair accessible public tree house, an enclosed dog park, and a beautiful arboretum.

For the first time since 1980, Mount Airy community members and residents have partnered directly with the City to establish an innovative and progressive comprehensive plan document to continue guiding Mt. Airy for the upcoming decades. *The Mount Airy Plan: Our Future*, is the plan the neighborhood has been building for the past four decades. Neighborhood plans are vital for helping communities pinpoint development efforts as well as providing a stronger case for funding from both the City and other grants. *MAP: Our Future* builds upon previous community planning efforts and incorporates a robust community engagement process, instrumental in creating the unified vision of development.



Mt. Airy residents, in collaboration with Mt. Airy CURE (a 501(c)3 non-profit), business associations, and the Department of City Planning and Engagement, passionately and dedicatedly led the efforts to create the final draft of this document after two years of work, all during the Covid-19 global pandemic. Planning during the Covid-19 Pandemic made everyone think outside the box. Over a dozen of virtual meetings, virtual happy hours, surveys, and engagement sessions occurred to prioritize the health and safety of the community.

The Mount Airy CDC, known as CURE or Community Urban Redevelopment Enterprise, has been active in the past decade to promote the business district, apply for grants and funding, attempted to engage the business owners and identify opportunities to increase the business services and facilitate occupancy in vacant storefronts or free-standing structures.

Mt. Airy CURE has been dedicated to improving the neighborhood, specifically focusing on improving the Business District along Colerain Avenue and, along with revitalizing the key assets of the neighborhood, showcasing opportunities for growth, and organizing placemaking events. A partnership between Mt. Airy Council, Mt. Airy Civic Association, and Mt. Airy CURE led these efforts to beneficial results and create the main topics of the plan: Transportation, Public Safety, Community and Marketing, Housing, Parks and Recreation, with a focus on revitalizing the Colerain Avenue Business District.

Lastly, this plan will **map** the future of Mount Airy.

This plan charts a course beginning with the planning process, before backtracking and exploring Mt. Airy's **past** and previous planning efforts. Moving forward on the timeline to the **present** day, Mt. Airy's existing conditions and current land use and zoning are examined. Looking to the **future**, the plan navigates through Mt. Airy's focus areas and future development opportunities identified by the community.



CONSISTENCY WITH ***PLAN CINCINNATI*** (2012)

MAP: Our Future is based upon and consistent with the Comprehensive Plan for the City of Cincinnati, *Plan Cincinnati*, that was adopted by City Council in 2012. As the goals of *MAP: Our Future* are implemented, they will be assessed with *Plan Cincinnati* to ensure consistency with the City's comprehensive goals.

Specifically, *MAP: Our Future* is consistent with all five Initiative Areas of *Plan Cincinnati* - Compete, Connect, Live, Sustain, and Collaborate. These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

Compete | Be the pivotal economic force of the region.

Goal to “**Foster a climate conducive to growth, investment, stability, and opportunity**” (page 102) and the Strategy to “Pursue new growth and business recruitment efforts in target industries” (page 108). This plan is additionally consistent with the Goal to “Become nationally and internationally recognized as a vibrant and unique city” (page 121) through the Strategy to “Promote Cincinnati's lifestyle” (page 122).

As it states in *Plan Cincinnati*, “Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...**Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community**” (page 122).

Connect | Bring people and places together.

Goal to “**Develop an efficient multi-modal transportation system that supports neighborhood vitality**” (page 129) and the Strategy to “Support regional and intercity transportation initiatives” (page 144).

Live | Strengthen our magnetic City with energized people.

Goals to “**Build a robust public life**” (page 149) and “Create a more liveable community” (page 156) and the Strategies to “Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” (page 150), to “**Become more walkable**” (page 157), to “Support and stabilize our neighborhoods” (page 160).

Sustain | Steward resources and ensure long-term vitality.

Goals to “**Become a healthier Cincinnati**” (page 181) and to “Preserve our natural and built environment” (page 193) with the Strategies to “Protect our natural resources” (page 194) and “Preserve our built history” (page 197).

Collaborate | Partner to reach our common goals.

Goal to “Work in Synergy with the Cincinnati Community” through the Strategy to “**Unite our communities**” (page 210).

PLANNING PROCESS

This section outlines the planning process undertaken by Mt. Airy to create this neighborhood plan. The planning process began in **mid-2020** and ended in **September 2022**.

Steering Committee

The planning process was championed by the Steering Committee, a group of five neighborhood residents and stakeholders, including representatives from Mt. Airy CURE, who met monthly with the Department of City Planning and Engagement to guide the planning structure and process. The Steering Committee was instrumental in preparing for plan events and engaging their neighbors.

Community Engagement

Plan Kick-Off (Mid 2020 to Early 2021)

The plan kicked-off in mid-2020. To maintain the health and safety of residents, the MAP Steering Committee held small group gatherings, some of them structured as happy hour gatherings, rather than large group meetings. Residents volunteered to host the meetings and distribute invitations to their neighbors. City staff and the MAP Steering Committee created the invitations and virtual meeting links, coordinated the meeting logistics, and facilitated the meetings. The following meetings were held:

- *July 28, 2020: Kiplington Neighborhood*
- *August 17 and 19, 2020: Business District*
- *October 20, 2020: Kiplingwood and Willowcove Drives*
- *October 26, 2020: NW Mt. Airy*
- *October 29, 2020: Mt. Airy School*
- *November 9, 2020: Raeburn Neighborhood*
- *November 10, 2020: Mt. Airy School*
- *November 17, 2020: SW Mt. Airy*
- *January 11, 2021: NE Mt. Airy*
- *May 2, 2021: In-Person Meeting at Mt. Airy School*

Besides being great opportunities to gather with neighbors safely during the height of the COVID-19 pandemic, the gatherings collected important information in the initial kick-off and brainstorming stage. Community members were asked to provide insight on assets, opportunities, and challenges in the neighborhood. The maps with community feedback from these meets are included in the Appendix at the end of this document.

In addition to the virtual gatherings, there were two online opportunities for input, including a survey and interactive map. All the feedback from the gatherings, survey, and interactive map was compiled into feedback summaries that are included in Appendix B. These feedback summaries informed the first draft of the goals, strategies, and action steps, as well as the future development opportunity sites.

Draft Goals and Future Development Opportunities Review

Draft goals, strategies, and action steps were created in the later half of 2021 and shared with the community

via an online feedback form and an in-person open house event. The community event was originally scheduled for January 2022; however, due to health and safety concerns associated with the COVID-19 pandemic, it was postponed to April 7, 2022.

The open house event was held at Little Brothers-Friends of the Elderly, a social service organization, in the neighborhood's Business District. The event was from 3 – 8 p.m. which allowed community members to attend at their convenience. During the event, community members reviewed the draft goals and future development opportunity sites, provided feedback, and enjoyed refreshments with their neighbors. Approximately 25 people attended the event.

In addition to the open house event, there was an online feedback survey that was open from December 2021 – May 2022. This survey was distributed to the Mt. Airy CURE contact list and shared during Mt. Airy Town Council meetings.

Prioritization and Draft Plan Review

After all the meetings were held with an enormous amount of input received, goals and strategies were prioritized and the draft plan came to fruition. This plan was guided by the *Essential Elements of a Plan*, a guide used by the Department of City Planning and Engagement for the neighborhood plan process.

Approval Process

Community Council Approval

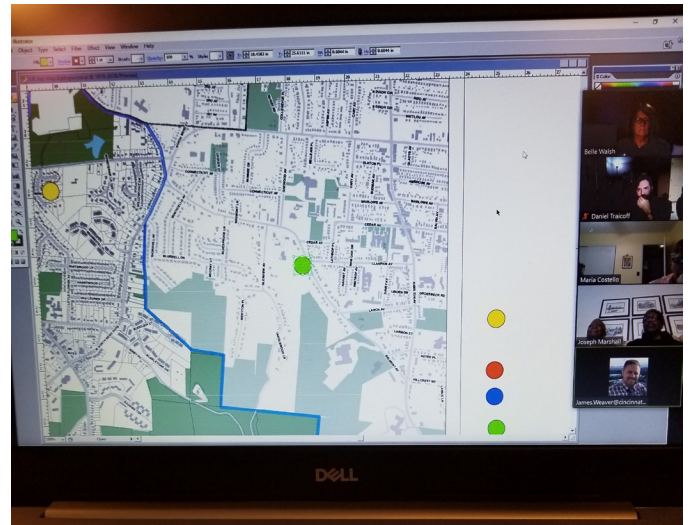
The Mt. Airy Town Council voted to approve the *MAP: Our Future Plan* on January 19, 2023. Multiple community members were in attendance and Mt. Airy Town Council voted to approve the plan following a presentation by the Steering Committee and City staff.

Departmental Review

City of Cincinnati departments, offices, and agencies reviewed this plan on February 13, 2023. Many of the departments were involved throughout the planning process while working groups were drafting and refining the goals, strategies, and action steps. Departments provided comments and thoughts on the plan.

City Planning Commission and City Council Review

The Steering Committee and members of the working groups presented this plan, along with City Planning & Engagement staff, to City Planning Commission on March 3, 2023 and to City Council in **[insert month]** 2022. The City Planning Commission recommended **[insert action]** and the City Council **[insert action]** the plan as Resolution No. **[insert number]**.



Virtual Working Group meeting during the Pandemic
(photo by Belle Walsh)



Scotty Johnson with the Steering Committee
(photo by Samantha McLean)

HISTORY

This plan acknowledges that the neighborhood is the native homeland of the Osage, Shawnee, Myaamia, Kaskaskia, Hopewell, and Adena peoples. Following the Battles of Wabash and Fallen Timbers in the late 1700s and decades of violent land disputes, these tribes signed the Treaty of Greenville and were forced to relinquish their land. This history summary of Mt. Airy begins in the mid-1800s. Until the mid-nineteenth century, Mt. Airy was known as Brown's Grove, a small rural hamlet. Even though it was incorporated as the Village of Mt. Airy in 1865 with land given by Mill Creek and Green Townships, it was sparsely populated with only 162 residents by 1880. Most of the residents of Mt. Airy worked in the farming industry or farm-related activities with some businesses scattered along Colerain Pike such as a grocery store, wagonmaker's shop, and several saloons or inns.

In the late 1880s and early 1890s, Mt. Airy experienced a burst of growth with new residents moving in, increasing the population of between 500-600 by 1893. A significant number of residents in Mt. Airy by this time had jobs located outside of the village or had businesses not related to the agricultural industry. In the late 1890s and early 1900s, both residential development and agricultural activity slowed down. In 1911, Mt. Airy was annexed by the City of Cincinnati. In the 1910s and 1920s, the agricultural industry slowly disappeared as development was revived. By the early 1930s, there were ten businesses clustered around the intersection of Colerain Avenue and North Bend Road alone, a sharp contrast from the state of the business district in the 1880s.

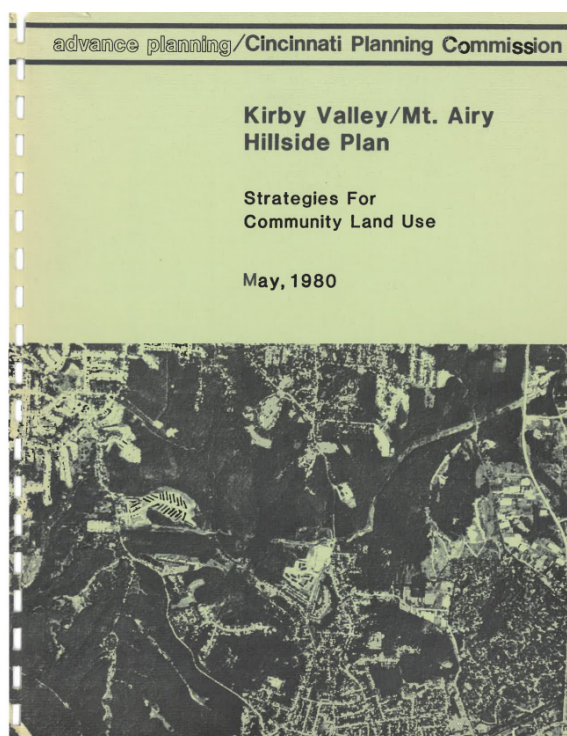
The Mt Airy neighborhood is a post war (WW II) community. Though the bulk of housing was built from 1950 to 1975, much of the single-unit construction occurred since 1980. With the City's population expanding to "suburban" City neighborhoods after WW II, the community became a strong demand destination for families desiring newer construction and larger yards. Housing styles and lot sizes reflect market demand from family households formed by the baby boomers and later generations. Ranch and 1.5 story homes with three to four bedrooms are evident as built during the decades of the 1950s through the 1970s, constructed on lots twice the size of the older urban neighborhoods of the City. Strong housing demand continued into the 1980s through to the millennium, with the housing stock increasing by 400 homes within eight subdivisions built from 1985 through 2006. These later subdivisions offered a range in settings and provided amenities and styles at affordable pricing for households looking to upgrade or to initiate their home ownership status. A drive through of the housing pockets illustrates pride in ownership for all the various price points of the community with homes and yards well maintained, complimented with tree lined streets.

As the community developed, the one block business district offered a variety of walk-up or drive to businesses with a diversity of services commencing and stabilizing during the decade of the 1960s and 1970s. The history of the commercial district along Colerain from North Bend to Kirby offered a range of consumer services including at various or concurrent times the following: one IGA grocery, a United Dairy Farmers, three sit-down restaurants, multiple fast food restaurants, one household appliance store, one hardware store, one bookstore, one pharmacy, three dry cleaners, two banks, one bakery, one auto parts store, and more.

Currently the business district provides in part, wireless retail operators, a carwash, beauty product and clothing services, hair care operations, salons and barber shops, convenient stores with gas sales, an independent food mart, the Cincinnati Chapter of Little Brothers and Friends of the Elderly, a carryout restaurant and a property maintenance office.

PAST PLANS

Mt. Airy has had a variety of past plans: one comprehensive neighborhood plan (1980), *Neighborhood Business District Urban Design Plan* (1996), and two area specific plans, the *Kirby Valley Hillside Study* (1980) and the *Colerain Corridor Study* (1983). These plans were considered in the creation of this plan. This section provides an overview of the past plans for the neighborhood.



Kirby Valley Hillside Study (1980)

After Cincinnati City Council amended the City's Zoning Code in 1976 to include Environment Quality (EQ) District Regulations, establishing Hillside Areas under the designation of Environmental Quality Hillside (EQ-HS) type became a high priority for many neighborhoods. The 1980 Kirby Valley Hillside Study reflects the neighborhood support for defining EQ-HS districts and proposes the establishment of the Kirby Valley/Mt. Airy EQ-HS 7. The land use recommendations follow the 1980 Mt. Airy Community Plan, recommending that future residential development should primarily be low-density and cluster, although the plan allows for medium density residential in hillside properties with insufficient lot sizes. Most of the recommended zoning changes are from current medium density residential sites to low density. The plan also proposes low-density residential as an alternative land use around the proposed Colerain Modified Freeway area, recognizing the appropriateness of alternative general land uses in case the freeway project should be abandoned in the future. The plan recognizes the important role of the

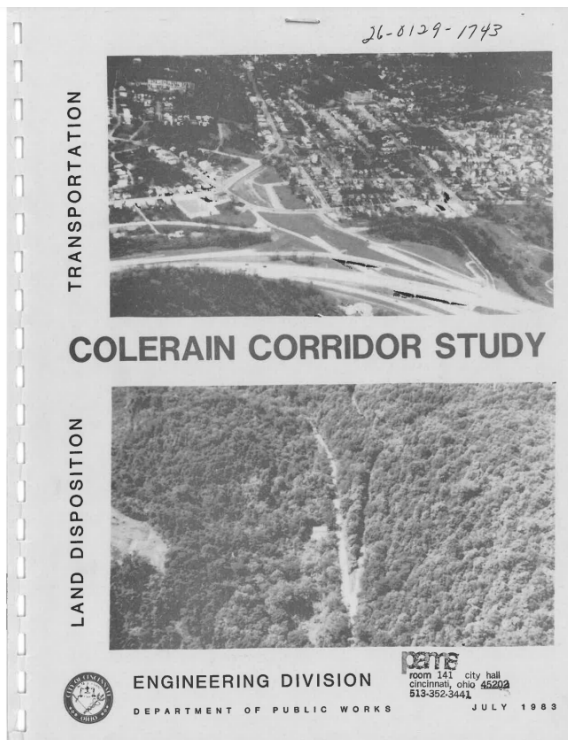
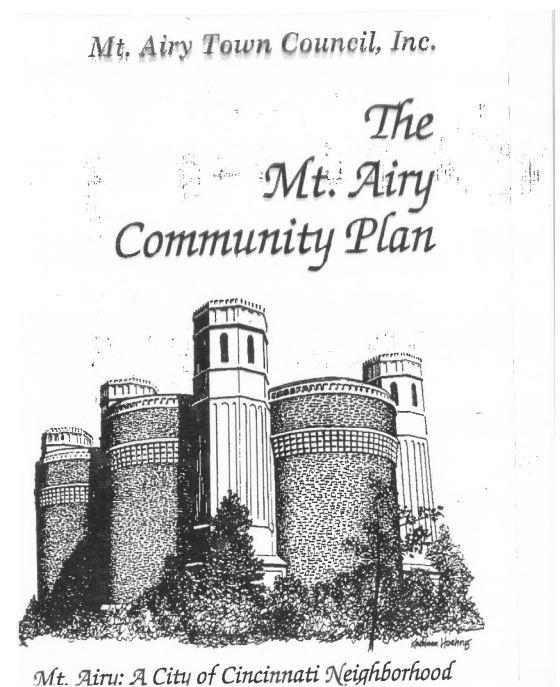
hillsides in the Mt. Airy neighborhood, where hillsides form a natural green edge delineating the College Hill, Mt. Airy, and Northside communities. The Mt. Airy Forest hillside planning boundary identified in the report stretches from 1-74 and the West Fork Valley north to North Bend Road and east to Virginia Avenue and Kirby Road. The hillside area is still an important neighborhood green space today and a touchstone of neighborhood identity.

Mt. Airy Community Plan (1980)

After a 1975 comprehensive plan for Mt. Airy failed to be adopted by the City Planning Commission due to insufficient community input, the Mt. Airy Town Council (MATC) spent the next few years surveying residents to develop the more community-based 1980 Mt. Airy Community Plan, which was amended in 1996. The plan was broken down into the following areas: land use and zoning; economic development; hillsides, parks, and open spaces; transportation; housing; recreation; public safety; health; social services; historic preservation; and education.

The overarching goals included eliminating blight in Mt. Airy's Neighborhood Business District (NBD) and encouraging revitalization of the NBD, preserving the beauty of Mt. Airy's hillsides, improving traffic safety and public transportation, developing a plan for bicycles, encouraging homeownership, providing housing for aging population, providing recreational opportunities for residents of all ages, reducing crime, improving and maintaining the health of all residents, providing support for a wide range of social services, raising community awareness of the history of Mt. Airy, ensuring that all students have a quality education, and providing opportunities for youth to be involved in the community.

The future land use plan focuses on the primarily residential character of Mt. Airy. As of the writing of the plan, about 33% of land was zoned as multi-family residential under the R-4 designation. However, due to the many hillsides present in Mt. Airy, much of the land zoned for multi-family could not be developed to that intensity with the available technology. To further protect the hillsides, the plan recommends pursuing an Environmental Quality overlay that would regulate development, which was proposed in the 1980 Kirby Valley Hillside Study.



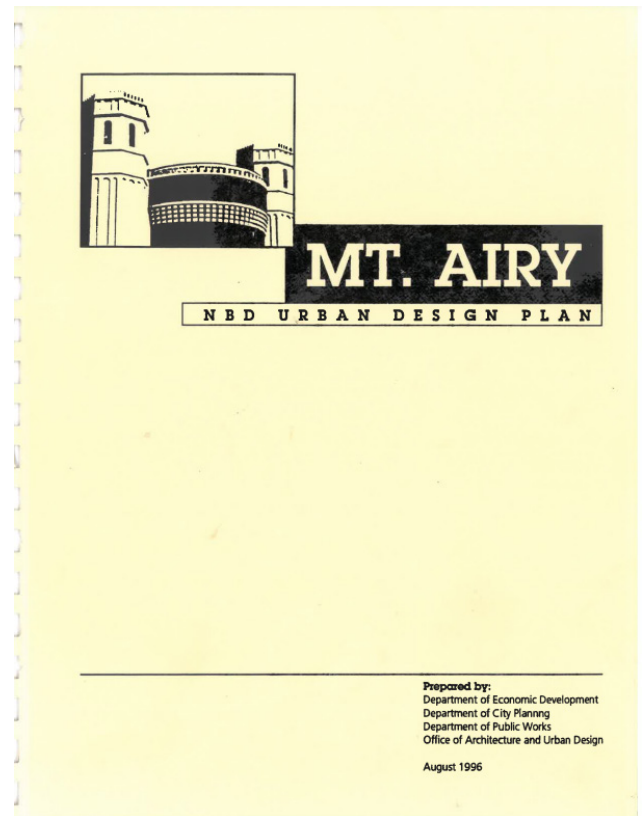
Colerain Corridor Study (1983)

The 1983 Colerain Corridor Study was created to respond to uncertainties about transportation and land use issues in the corridor. The uncertainty stemmed from changing philosophies about transportation improvement since the interchange was conceived, resulting in several iterations of the Colerain Corridor plan. The 1983 study represented a significant shift from the previously proposed expressway to identifying a group of improvements along the transportation corridor. The study also expanded on concerns mentioned in the 1980 Mt. Airy Community Plan about current residential streets, namely North Bend Road and Colerain Avenue, being treated as highways, stating that unless either the attitude changes or the city finds a way to substantially decrease traffic from those two roads. Four alternative plans for the Colerain Corridor were proposed: 1) an on-grade minimal improvement; 2) elevated connections between I-74 and Colerain; 3) adding a Virginia bypass directly connected to I-74; and 4) extending the Virginia Bypass to Hamilton and Springlawn. The four major alternatives also

included nine common roadway improvements. As of the publishment of the study, a final decision had not been made on the form of improvement. Public transportation was also considered in this study, with recommendations including increased usage of route 16 buses and increasing bus service in several designated areas. The land use recommendations outlined in the study also agree with the previous Mt. Airy plans adopted by the City Planning Commission.

Mt. Airy Neighborhood Business District Urban Design Plan (1996)

The goal of this urban design plan was to direct the future of Mt. Airy's Neighborhood Business District (NBD). The impetus for the plan was a lack of adequate parking and the need to provide physical continuity within the district. The NBD encompasses properties along Colerain Avenue from south of North Bend Road north to Kirby Avenue and is near other economic centers. The goals and objectives of the design plan were grouped into six functional areas and ranked in order of performance: cleanliness; safety; marketing and promotions; parking and circulation; design and infrastructure; and business development. The ranking was determined through a collaboration with businesses, property owners, neighborhood residents, investors, leaders, and City staff. In addition to Urban Design implementation guidelines, an Environmental Quality-Urban District (EQ-UD) was proposed to complement the Urban Design plan by protecting and enhancing the NBD's environmental features, including signs, facades, site amenities, paving, landscaping, lighting, and parking.



EXISTING CONDITIONS

POPULATION

Total Population

9,210

Source: 2020 Census

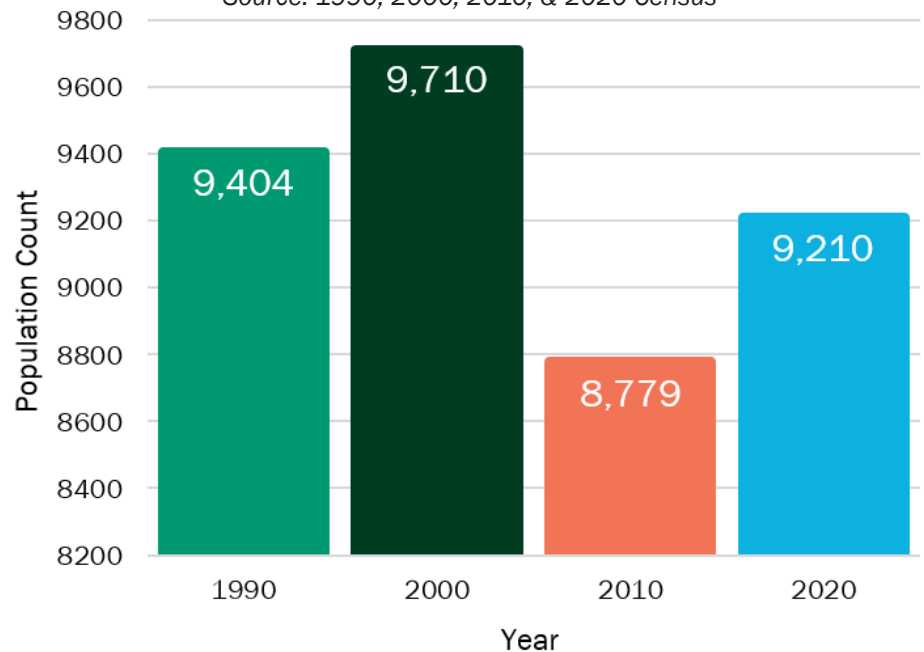
62%

moved to Mt.
Airy **after 2010**

Source: 2016-2020 ACS

Population Change from 1990 to 2020

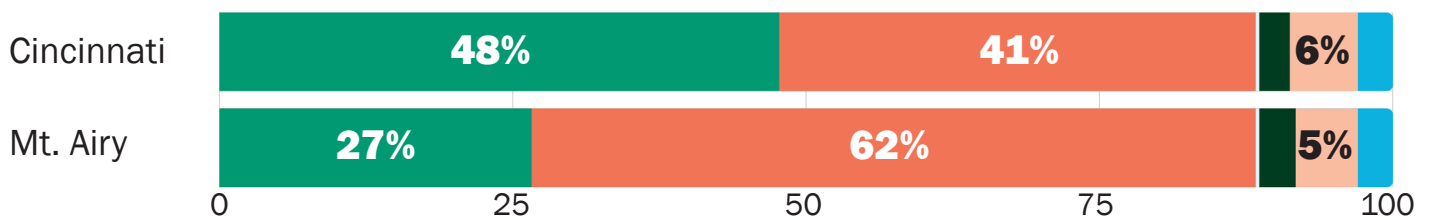
Source: 1990, 2000, 2010, & 2020 Census



The total Mt. Airy population in 2020 was 9,210, a 5% increase from 2010, although still lower than 1990 and 2000 population levels. The increase in population was accompanied by an influx of new residents, with 62% of current Mt. Airy residents moving to the neighborhood after 2010. Mt. Airy is also a majority-minority neighborhood, with a higher percentage of Black or African American residents compared to Cincinnati as a whole, 62% and 41% respectively.

Race Breakdown in Mt. Airy compared to Cincinnati

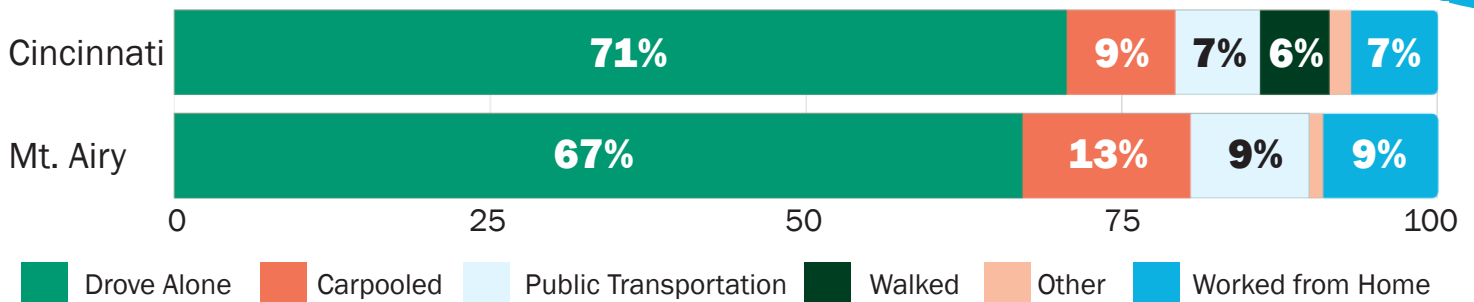
Source: 2020 Census



White Black American Indian/Alaska Native Asian/Pacific Islander Mixed Race Other

Commute Methods in Mt. Airy compared to Cincinnati

Source: 2020 Census



23%
of residents
**do not own a
vehicle**

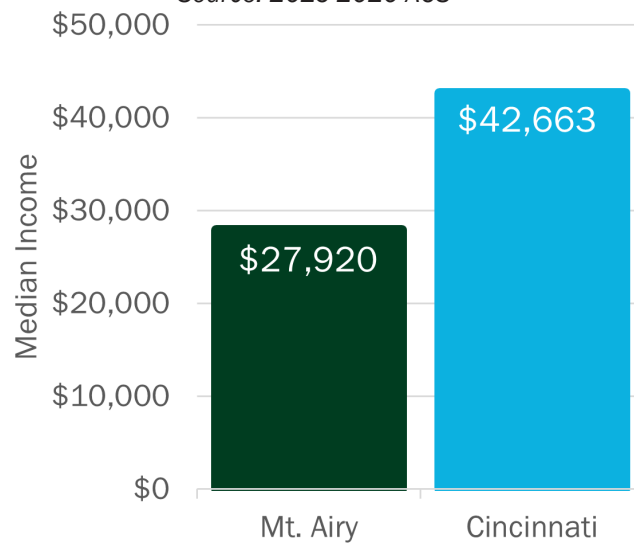
Source: 2016-2020 ACS

28%
of residents
**below the
poverty level**

Source: 2016-2020 ACS

2020 Mt. Airy Median Household Income compared to Cincinnati

Source: 2016-2020 ACS



Mt. Airy
and
Cincinnati
have a
42%
**difference
in median
income**

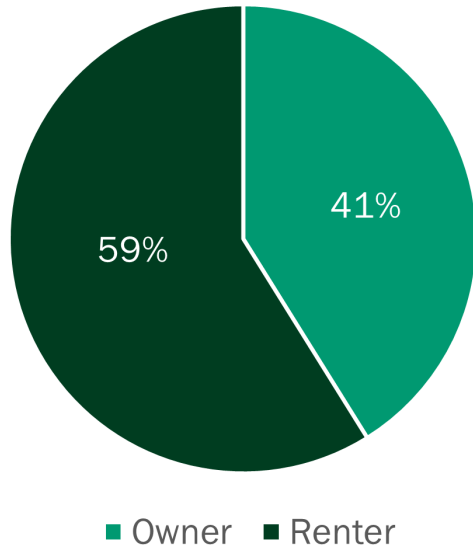
At 67%, the primary method Mt. Airy residents use to commute is driving alone in a personal vehicle, although carpooling is a distant second at 13%. The percentage of carpooling residents is four percentage points higher than in Cincinnati overall, which could be linked to 23% of Mt. Airy residents not owning a vehicle, compared to 19% of Cincinnati residents who do not own a vehicle. The largest category difference was the number of residents who commute by walking, with almost zero percent of residents in Mt. Airy walking to work.

The median household income in Mt. Airy is lower than the City as a whole, with a difference of 42% and lower by about \$14,743. Additionally, the poverty rate among Mt. Airy residents is 28%, four percentage points higher than the City of Cincinnati.

HOUSING

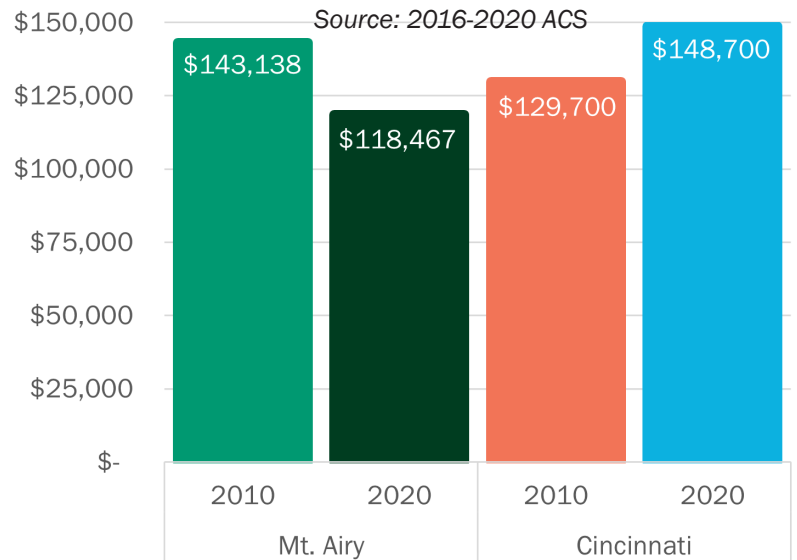
Percent of Renters and Owners in Mt. Airy

Source: 2016-2020 ACS



Comparison of Median Home Value in 2010 and 2020 between Mt. Airy and Cincinnati

Source: 2016-2020 ACS

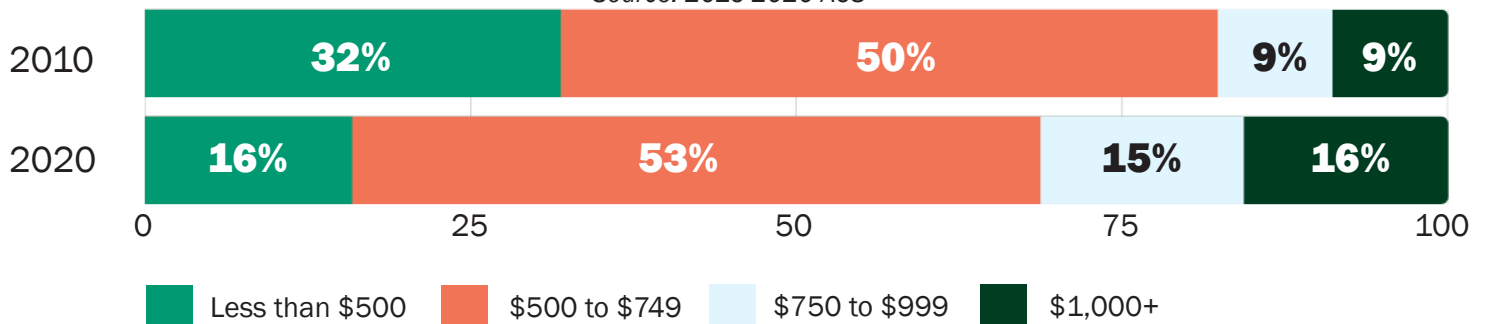


65% of housing built before **1970**
Source: 2016-2020 ACS

465 Vacant Units in Mt. Airy
Source: 2020 Census

Comparison of Mt. Airy Gross Rents between 2010 and 2020

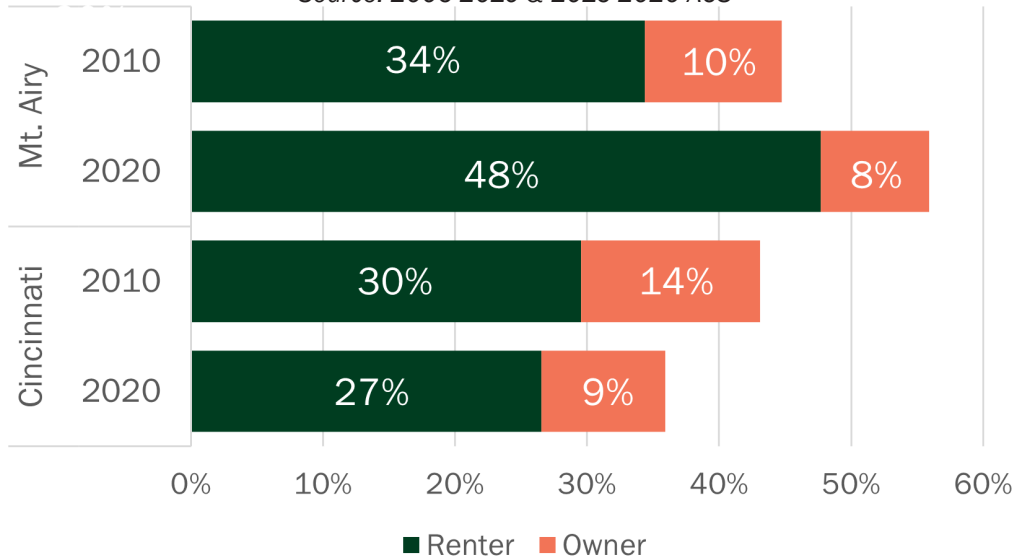
Source: 2016-2020 ACS



Median
Gross Rent
\$672
Source: 2016-2020 ACS

Percentage of Housing Burdened Residents in 2010 and 2020

Source: 2006-2010 & 2016-2020 ACS



38%
of housing
stock is
**detached
single-family**

Source: 2016-2020 ACS

A majority of Mt. Airy residents rent their homes instead of owning them, 59% to 41%, respectively. Almost 50% of residents who are renting are considered housing burdened by HUD's definition, meaning nearly half of Mt. Airy renters spend 30% or more of their income on housing.

The overall percentage of housing burdened residents in Mt. Airy is around 20 percentage points higher than Cincinnati as a whole.

The **median rent in Mt. Airy increased since 2010**, going from \$583 to \$672 per month, with the percentage of units renting at \$750 per month or more increasing from 18% to 31%.

CURRENT LAND USE



53% PUBLICLY OWNED

21% SINGLE FAMILY

6% VACANT

6% APARTMENTS - 20+ UNITS

3% COMMERCIAL

3% PARK / RECREATIONAL

The other **8%** include other uses not listed above.

CURRENT ZONING

PARKS & RECREATION **51%**

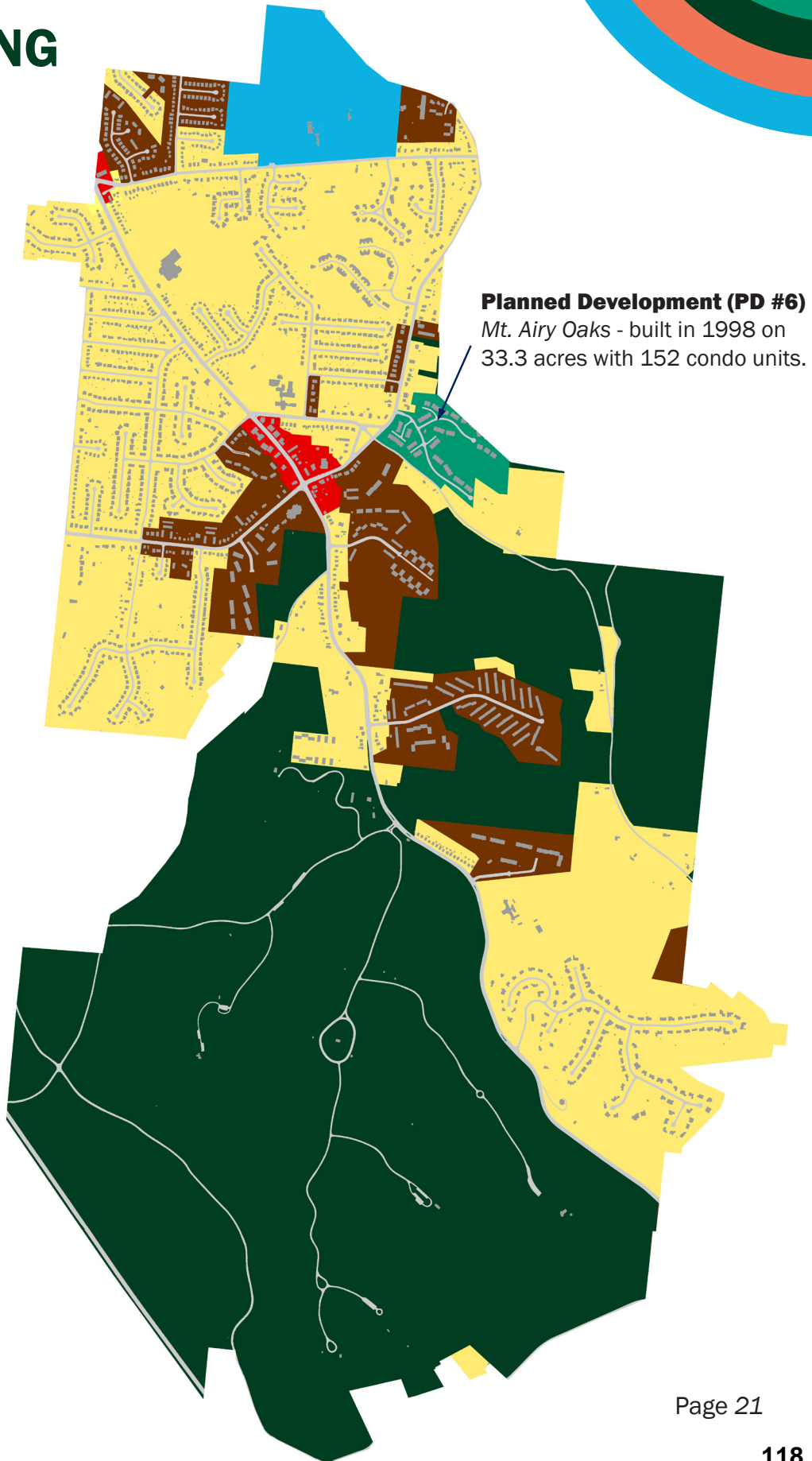
SINGLE FAMILY **35%**

RESIDENTIAL MULTI-FAMILY **9%**

INSTITUTIONAL RESIDENTIAL **3%**

PLANNED DEVELOPMENT **1%**

COMMERCIAL **1%**



THE GUIDING **VISION**

Mount Airy is a **gateway** neighborhood, with access points to three townships and other Cincinnati neighborhoods, that strives to create an *inviting, appealing, safe, and **revitalized*** environment, highlighting famous *landmarks* and **welcoming** new neighbors who will work collaboratively with one another to **map** the future of Mount Airy.

The six Theme Areas for Mount Airy: Map our Future are found on the next page (page 23).

Each of these theme areas have detailed goals, strategies, and action steps that prioritize the ideas of the community. Each of these may be found in the Implementation Tables in the Appendix located at the end of the document. These Implementation Tables will help the community prioritize each goal and strategy, while identifying appropriate resources and timelines.





TRANSPORTATION



PUBLIC SAFETY



**BUSINESS
DISTRICT**



**COMMUNITY &
MARKETING**



HOUSING



**PARKS &
RECREATION**

TRANSPORTATION

GOALS, STRATEGIES, & ACTION STEPS



Safe and comfortable connections between hubs of activity are the focus of Mt. Airy's transportation future. Whether a person is traveling by car, foot, bike, or bus, the overarching goal is to foster a transportation environment that allows people to easily get where they want to go while strengthening Mt. Airy's business district.

GOAL 1

Implement traffic calming on major thoroughfares to reduce accidents and speeding

Strategy 1.1: Increase on-street parking

Strategy 1.2: Consider a roundabout at Kirby Road and the W. North Bend Road intersection

Strategy 1.3: Consolidate or eliminate left hand turns in the business district

Action Step 1.3.1: Review crash data for left hand turns, specifically at Thornton's, Taco Bell, and the southern portion of the Business District where appropriate

Action Step 1.3.2: Work with businesses to combine access points to eliminate excessive curb cuts

Action Step 1.3.3: Reference and coordinate goals from Colerain Township's Colerain Corridor Study

GOAL 2

Enhance multi-modal transportation options and increase pedestrian safety

Strategy 2.1: Improve crosswalks with enhanced lighting or traffic lights

Strategy 2.2: Build sidewalks where needed and repair existing sidewalks to City standards

Strategy 2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District

Mt. Airy CURE Colerain Avenue Corridor Study (June 2021)

In pursuit of creating a consistent, appealing, and safe public environment along the Colerain Avenue Corridor, Mt. Airy CURE, in partnership with KZF Design, generated goals and recommendations that will foster a safer transportation experience. The recommendations from the study are:

- Construct new 8' minimum sidewalks with 2' collector strip, curbs, and rebuild driveways along both sides of Colerain Avenue
- Incorporate street trees along the Corridor where possible
- Buffer areas between street, sidewalk, and parking lots
- Utilize service/access roads
- Enforce uniform signage and consolidation
- Implement pedestrian-scale lighting along the Corridor

The **proposed improvements** to Colerain Avenue were explored in the graphic below.



Source: Mt. Airy CURE Colerain Avenue Study

PUBLIC SAFETY

GOALS, STRATEGIES, & ACTION STEPS



Getting more eyes on the street is a core component of Mt. Airy's public safety goals. The more residents and businesses are invested in creating a community that watches out for each other, the safer the neighborhood as a whole will be.

GOAL 1

Reduce speeding on Colerain Avenue and North Bend Road

Strategy 1.1: Install raised crosswalks, bump outs, speed cushions where appropriate and make crosswalks more visible

Action Step 1.1.1: Prioritize these improvements along Colerain Avenue and W. North Bend Road and areas with higher pedestrian traffic

Strategy 1.2: Work with Police District 5 to increase targeted speeding enforcement

GOAL 2

Work with Police District 5 to improve community/police relations

Strategy 2.1: Work with District 5 to assign a Community Police Officer specifically for Mt. Airy who is involved in the community

Strategy 2.2: Identify resources and social capital to restart Citizens on Patrol

Action Step 2.2.1: Partner with local businesses for sponsorships of forest amenities

Strategy 2.3: Partner with Police with National Night Out or bus students to Police Station for tours/touch a truck

GOAL 3

Implement a neighborhood wide Neighborhood (Block) Watch program

Strategy 3.1: Create a neighborhood safety plan with the Police advising

Action Step 3.1.1: Work with institutions to run safety/ outreach campaigns in neighborhood

Action Step 3.1.2: Lights on front porches, lock doors, design standards to reduce crime

Strategy 3.2: Collaborate with Recreation for amenities and programming and the Colerain and Shepherd Recreation Area

Action Step 3.2.1: Connect youth who sell water on corners with the established programming

GOAL 4

Increase safety on Hawaiian Terrace and Bahama Terrace

Strategy 4.1: Work with property owners to improve buildings, playgrounds and common spaces

Action Step 4.1.1: Apply for the City's rental inspection program

Strategy 4.2: Encourage landlords neighborhood wide to accept a mix of market rate and housing vouchers with the aim to deconcentrate poverty

Strategy 4.3: Create plan for purchasing the property if owners decide to sell



BUSINESS DISTRICT

GOALS, STRATEGIES, & ACTION STEPS



The vision for Mt. Airy's business district hinges on revitalization of both through the physical built environment and the social atmosphere, transforming the district into the welcoming gateway it was meant to be.

GOAL 1

Develop the Business District into an attractive environment for both Mt. Airy residents and visitors

Strategy 1.1: Develop attractive gateways at both entrances to the Business District

Strategy 1.2: Make the Business District more pedestrian friendly

Action Step 1.2.1: Design and implement a well-lit, aesthetically pleasing, safe, and uniform streetscape

Action Step 1.2.2: Study the feasibility of landscape medians, bump outs, raised crosswalks, etc.

Action Step 1.2.3: Create more public gathering spaces that are programmed year-round

Strategy 1.3: Hold more events within the Business District

Action Step 1.3.1: Build partnerships with local businesses to host these events

Strategy 1.4: Address litter challenges in the Business District

GOAL 2

Improve the built environment of the Business District

Strategy 2.1: Strategically acquire and redevelop property according to the Urban Design Overlay District standards

Strategy 2.2: Work with the Department of Transportation & Engineering to implement the KZF study recommendations

GOAL 2

Improve the built environment of the Business District (cont.)

Action Step 2.2.1: Study the feasibility of an access road behind the eastern businesses to help eliminate lefthand turns onto Colerain Avenue

Strategy 2.3: Focus on maintaining and creating building facades that contribute to the streetscape of the Business District

Action Step 2.3.1: Help current businesses freshen up their storefronts

Strategy 2.4: Prioritize future redevelopment efforts for one-to-two single story commercial uses where appropriate for the corner of Colerain Avenue and W. North Bend Road

Action Step 2.4.1: Reassess potential opportunities (if any come to fruition) in 2-3 years and rethink efforts to include 3-4 story mixed-use development(s)

Action Step 2.4.2: Continue outreach to potential developers or investors to highlight corner property

Action 2.4.3: Ensure all developments meet the Urban Design Overlay District guidelines and continue to update the guidelines to meet the community's wishes

Action 2.4.4: The existing buildings on this corner are recommended for demolition by this Plan (see map on page 39)

Strategy 2.5: Expand the existing Neighborhood Business District north along Colerain to include Little Flower Future Development Opportunity (FDO):

Action 2.5.1: Explore the option of 'splitting' the Little Flower FDO to allow for the possibility of mixed-use development along the eastern side of Colerain Avenue allowing the western half of the site to continue with future single-family development or mixed-use efforts.

COMMUNITY & MARKETING

GOALS, STRATEGIES, & ACTION STEPS



Communicating important neighborhood meetings, issues, and opportunities to Mt. Airy residents and encouraging participation in community matters is paramount to the future development of the neighborhood. In addition to internal marketing and communication, Mt. Airy is also looking to its neighbors and the City to collaborate and share what Mt. Airy has to offer.

GOAL 1

**Develop programs/
incentives for more
people to attend Mt.
Airy Town Council
meetings**

Strategy 1.1: Partner with Mt. Airy institutions to raise awareness of meetings and issues affecting the neighborhood

GOAL 2

**Strengthen the
Quality-of-Life
Committee under Mt.
Airy Town Council**

Strategy 2.1: Recruit volunteers to attend meetings and get organized

Strategy 2.2: Lobby the City for the Neighborhood Enhancement Program (NEP)

Strategy 2.3: Increase access to resources for housing, job centers, events and social service programming

Action Step 2.3.1: Recruit social services into the neighborhood during neighborhood events, etc.

Action Step 2.3.2: If demand is there, recruit job and social service providers to open an office in the neighborhood

GOAL 3

Develop a community meeting space for Mt. Airy residents to gather

Strategy 3.1: Host pop-up community events to create temporary gathering spaces

Action Step 3.1.1: Have a mobile circus event in Business District and Church parking lot

Action Step 3.1.2: Partner with Little Flower Parish to host events on their property

Strategy 3.2: Create a designated indoor/outdoor public space at Mt. Airy School or within the Business District

GOAL 4

Create a neighborhood roundtable with other neighborhoods to discuss similar problems/solutions

Strategy 4.1: Reach out to College Hill, Northside, Villages at Roll Hill, Westwood, and Colerain and Green Township to discuss common issues and developments that may affect both areas

Action Step 4.1.1: Develop contacts with each neighborhood and share information when needed

GOAL 5

Market Mt. Airy's assets to existing and future residents, business owners, and visitors

Strategy 5.1: Develop a marketing program for Mt. Airy Community Learning Center, Mt. Airy School-Based Health Center, Mt. Airy Forest, Mt. Airy Commons, etc.

Action Step 5.1.1: Research existing Mt. Airy businesses that could help, or utilize UC students, as part of a design studio



HOUSING

GOALS, STRATEGIES, & ACTION STEPS



Mt. Airy should support existing and future residents of all income levels and lifestyles by providing a variety of quality, well-cared for housing options with incentives and assistance for property owners to maintain housing units.

GOAL 1

Maintain and enhance the single-family housing stock

Strategy 1.1: Conduct outreach and connect property owners with financial and technical assistance to help them maintain their property

Action Step 1.1.1: Identify and connect property owners with programs, such as the Homestead Exemption, that can assist them with rapidly increasing property taxes and other financial assistance programs, such as utility assistance

Action Step 1.1.2: Partner with landlords of single-family properties to address property maintenance concerns

Action 1.1.3: Continue to report and be proactive with reporting code violations

Strategy 1.2: Create an incentive program for well-maintained properties

Action Step 1.2.1: Start a “Home of the Month” program with yard signs

GOAL 2

Identify blighted and problem properties and work with property owners to improve them

Strategy 2.1: Create a landlord partnership with larger multi-family properties to help better understand landlords and what services could be provided to assist them

Action Step 2.1.1: Build a database of existing multi-family properties and contact information and keep it updated

Action Step 2.1.2: Hold quarterly meetings with landlords to discuss common issues/problems and brainstorm ideas for solutions and incentives to help

Strategy 2.2: Encourage a mix of market-rate and subsidized rental units in large apartment complexes

Strategy 2.3: Improve the quality of rental units

Action Step 2.3.1: Apply for the City rental inspection pilot program to inspect all units in Mt. Airy

GOAL 3

Support existing residents who want to stay in Mt. Airy

Strategy 3.1: Develop tenant support programs to help families address substandard living conditions without fear of retaliation from their landlord

Strategy 3.2: Develop more senior housing so seniors can stay in Mt. Airy

Strategy 3.3: Develop support/toolkits to assist low-moderate income homeowners and increase homeownership opportunities

PARKS & RECREATION

GOALS, STRATEGIES, & ACTION STEPS



Capitalizing on Mt. Airy's current recreational resources, from the vast and beautiful Mt. Airy Forest to the Colerain and Shepherd Recreation Area, the future of Mt. Airy Parks and Recreation relies on improving existing facilities and providing greater access for all residents and visitors.

GOAL 1

Hold more events in Mt. Airy Forest to bring people into the neighborhood

Strategy 1.1: Partner with Cincinnati nature groups to bring events to Mt. Airy Forest

Strategy 1.2: Improve perception of safety in Mt. Airy Forest

Action Step 1.2.1: Add more security lighting in Park

Action Step 1.2.2: Add functioning and regularly maintained cameras to the Forest

GOAL 2

Work with the Park Board to implement the recommendations of the Mt. Airy Forest Plan

Strategy 2.1: Continue to market and attend Mt. Airy Forest Advisory Committee meetings to maintain and improve the forest

Strategy 2.2: Improve identification and wayfinding signage for the forest

Action Step 2.2.1: Partner with local businesses for sponsorship of forest amenities

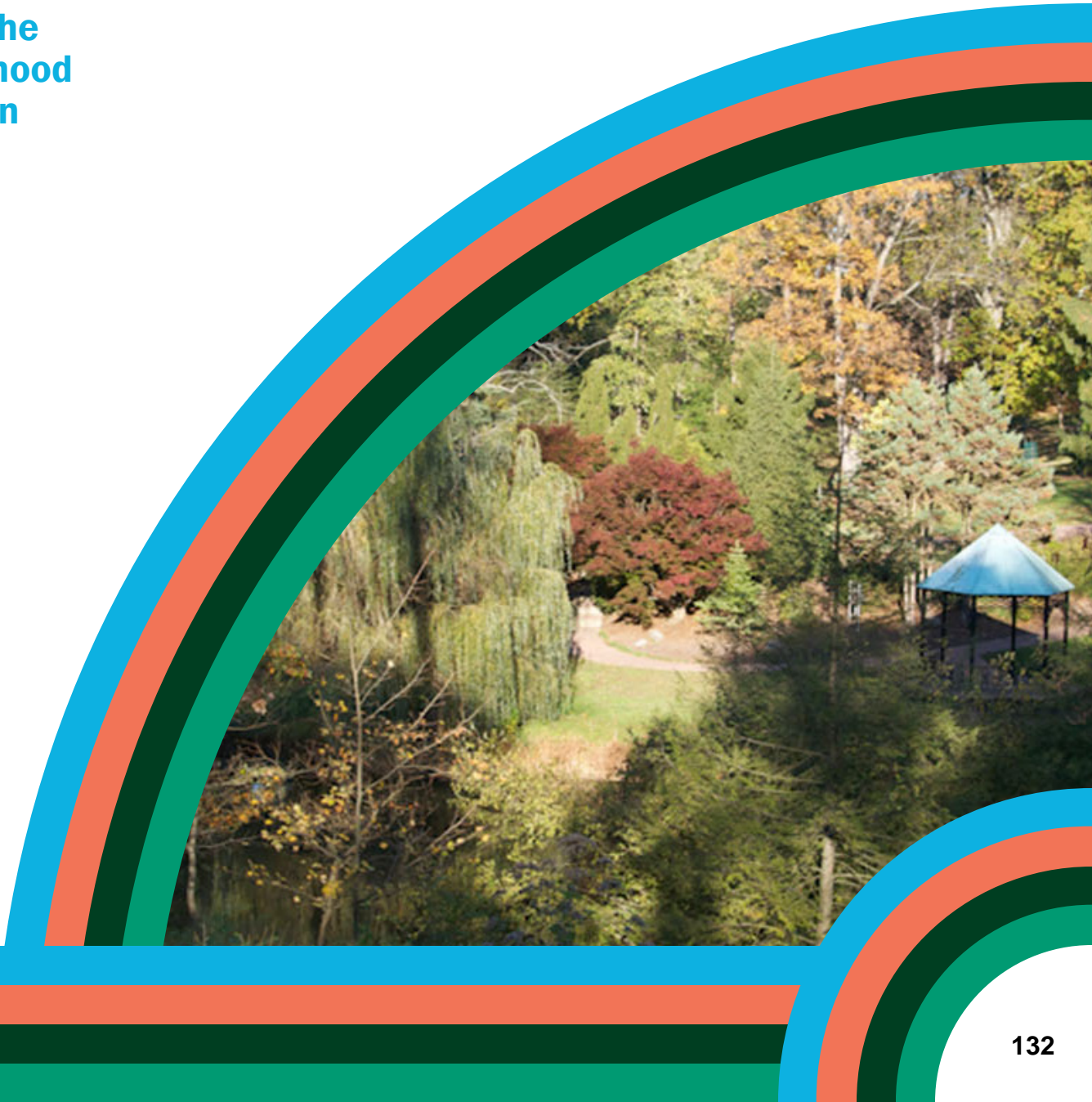
Strategy 2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District

GOAL 3

**Increase awareness/
utilization of
existing recreational
amenities and
enhance existing
recreation assets
to serve the
neighborhood
population**

Strategy 3.1: Utilize Mt. Airy School for community events, potentially partnering with Cincinnati Recreation Commission


Strategy 3.2: Collaborate with Cincinnati Recreation Commission and local nature clubs for amenities and programming, including the Colerain and Shepherd Recreation Area





thefuture

FUTURE DEVELOPMENT OPPORTUNITIES



Based on the many goals and strategies that were outlined in the previous section, the following six future development opportunities (FDOs) were identified on page 37. These areas were identified solely as **potential** development opportunities in the future, in case there would be possibilities of redevelopment or sales.

1

ACADIA

2

BUSINESS DISTRICT

3

**HAWAIIAN &
BAHAMA**

4

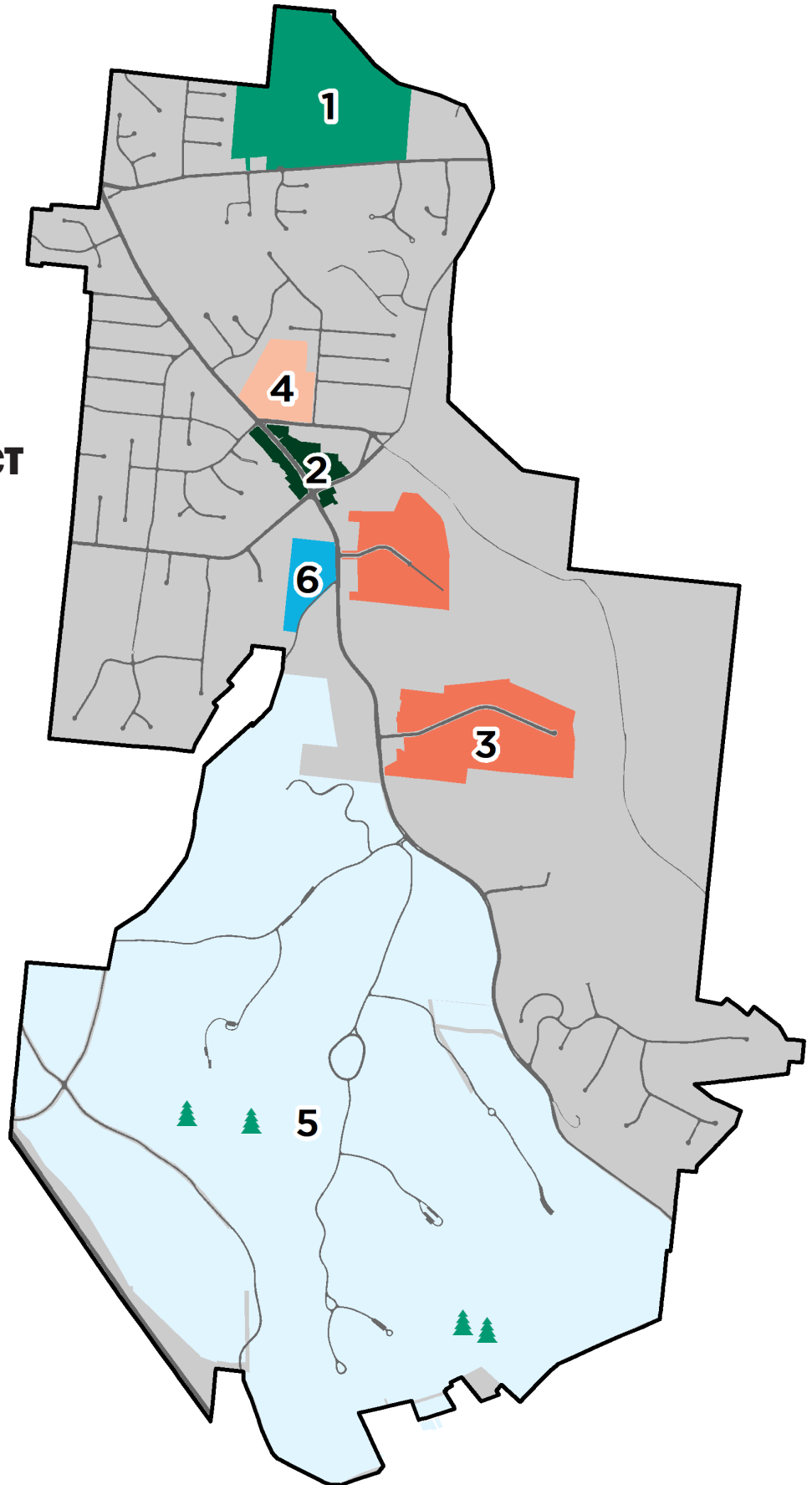
LITTLE FLOWER

5

MT. AIRY FOREST

6

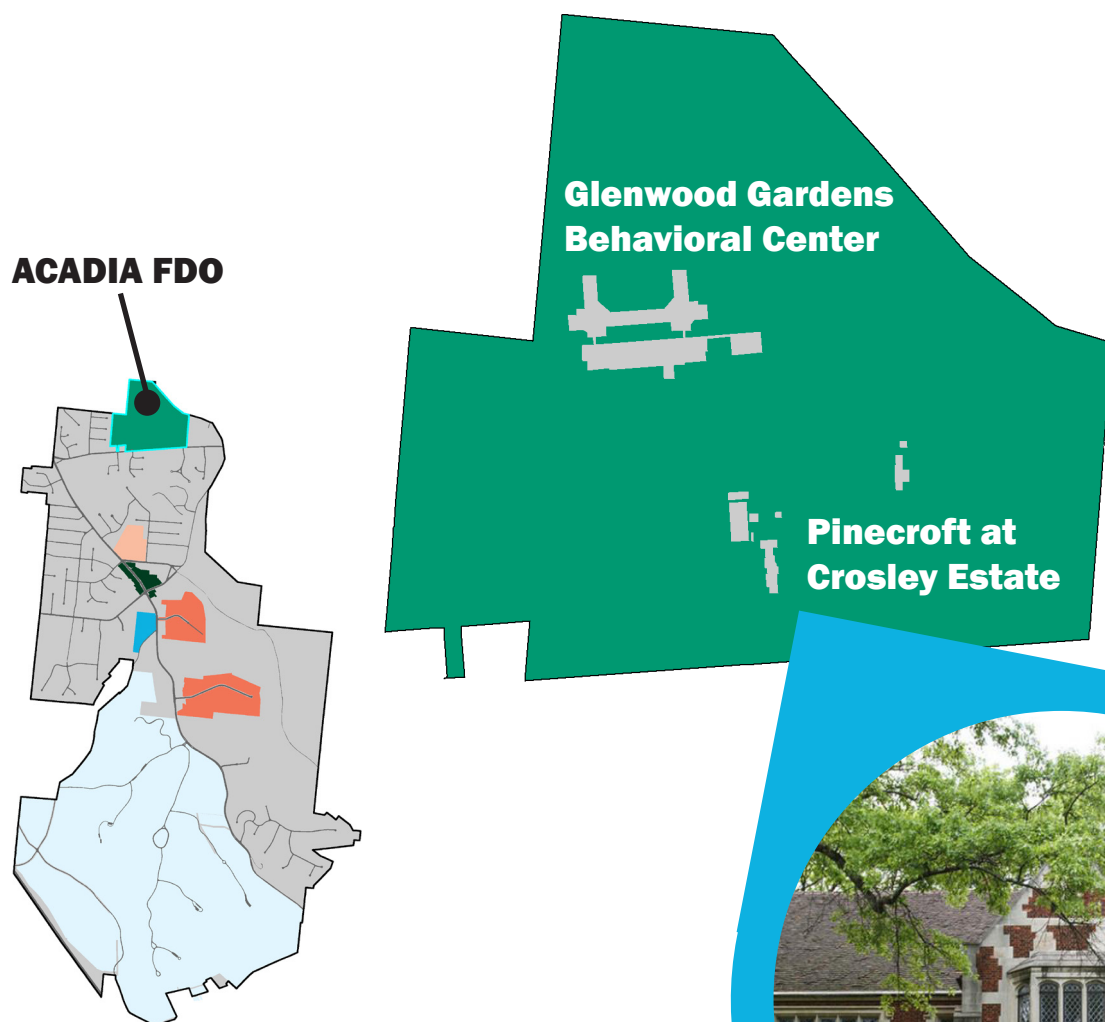
SHEPHERD



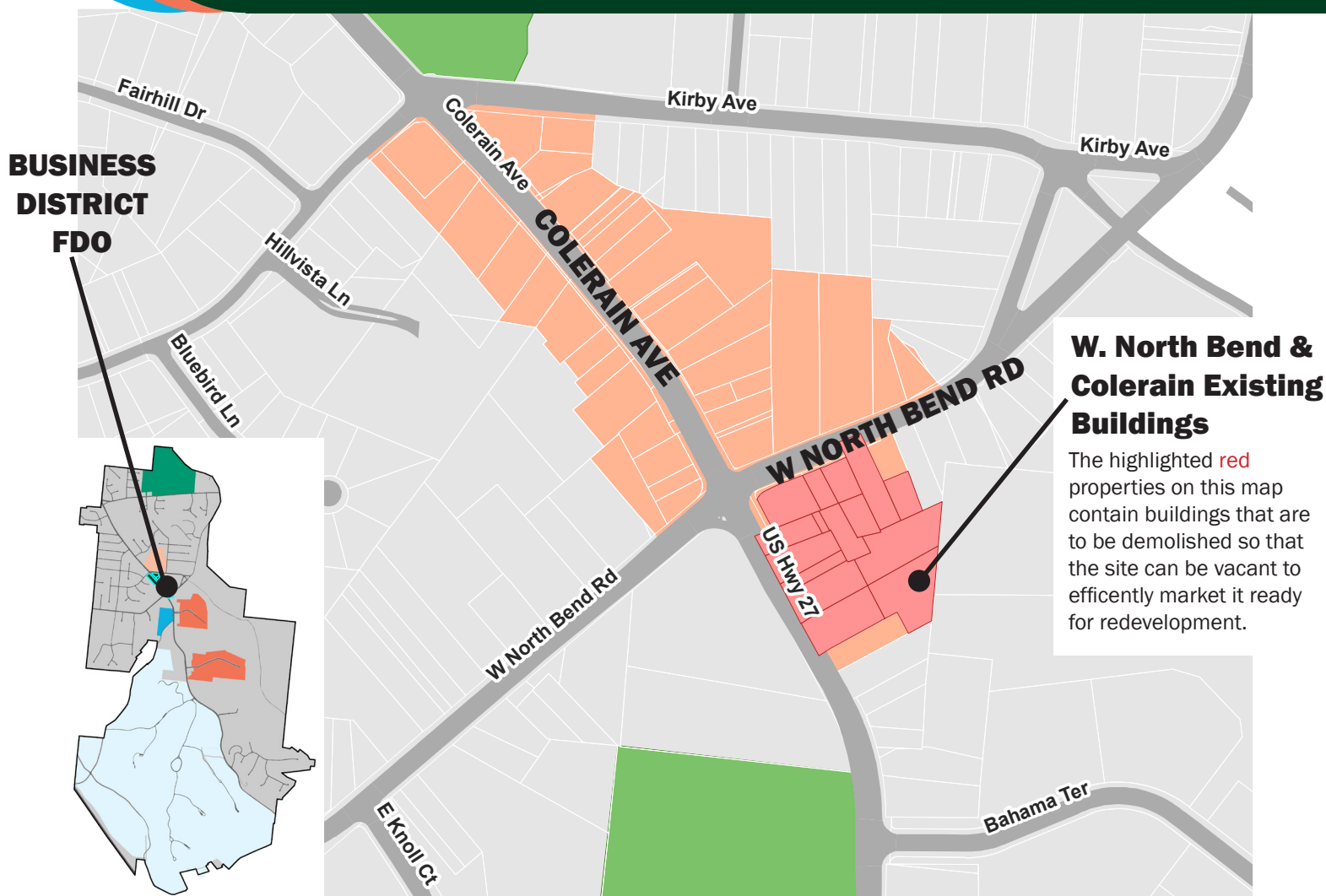
ACADIA

Future development opportunities for the **excess land surrounding the Pinecroft at Crosley Estate** and the Glenwood Gardens Behavioral Center focus on bringing more recreational opportunities to Mt. Airy residents. Recreational concepts proposed include an outdoor or drive-in movie theater, a park with a walking loop connecting to Pinecroft, and a fishing lake.

The goal of the development would be to attract more people to the area and add to Mt. Airy's portfolio of recreational activities. Another potential development option is to construct more single-family homes on the excess land, contributing to the neighborhood's residential character.



BUSINESS DISTRICT



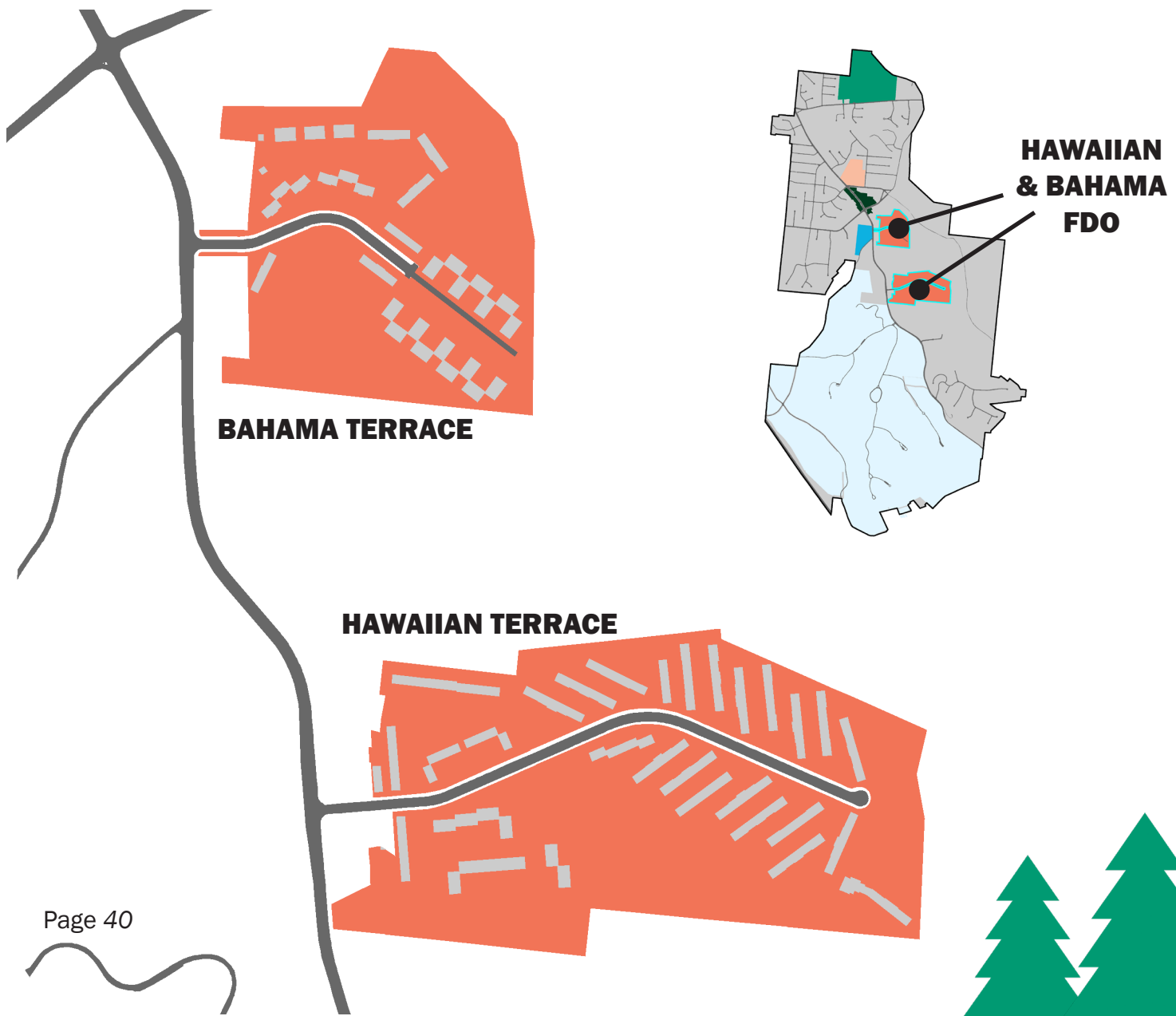
While Mt. Airy's current **Neighborhood Business District** is a little lackluster, a partnership with KZF Design produced a plan to make the district a focal point for the community. A major factor impacting accessibility in the district is traffic safety. Between excessive speeding on Colerain Avenue and dangerous intersections, particularly at crossroads North Bend and Colerain, implementing traffic calming measures is a priority to make the street safer. Some ideas for future development that could slow traffic and create a safer pedestrian experience are adding a roundabout or square at the intersection of Colerain and North Bend, making the intersection a gateway into the district, constructing medians on the stretch of Colerain Avenue that runs through the business district, widening sidewalks to eight feet, and improving crosswalks.

Other development opportunities identified in the business district are using the Impact Worship Center and Little Flower Church parking lots for big events, engaging Speedway and Thornton's to become more integrated into the community, bringing a wider variety of businesses to the district and creating job opportunities for Mt. Airy residents, more extensive marketing of Mt. Airy restaurants, and exploring the potential for rooftop gardens in the district. The corner of North Bend and Colerain is ideal for redevelopment efforts. Page 39

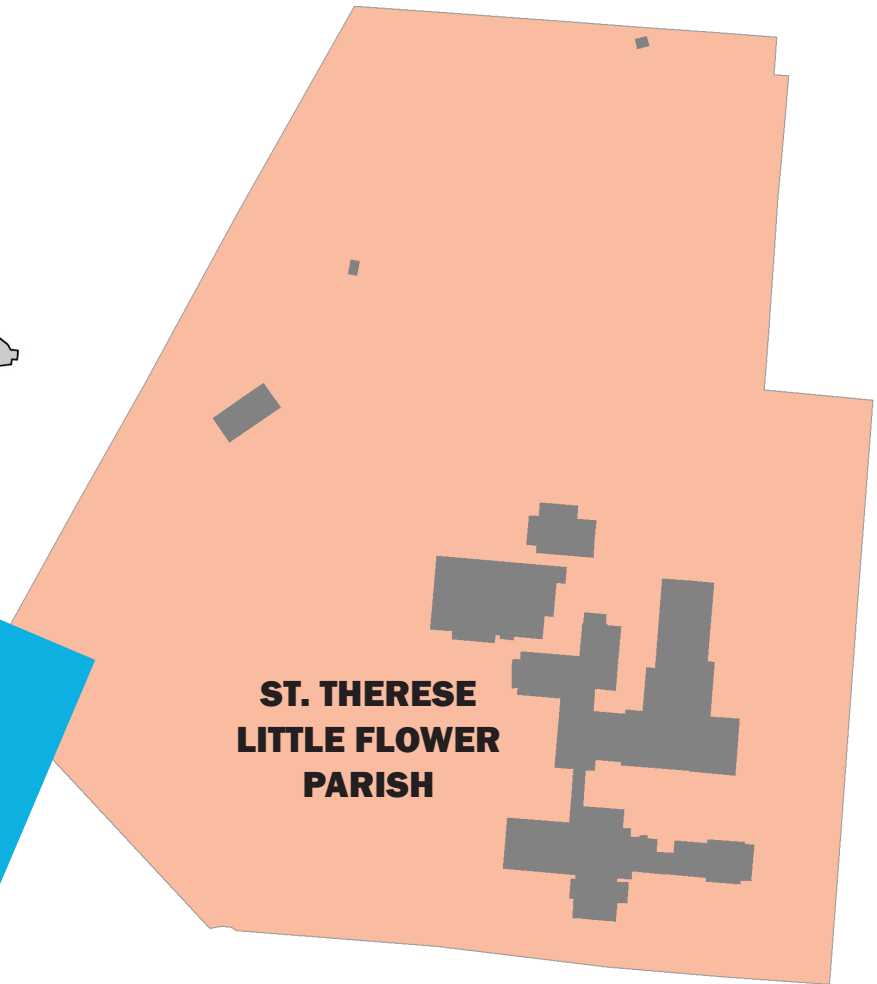
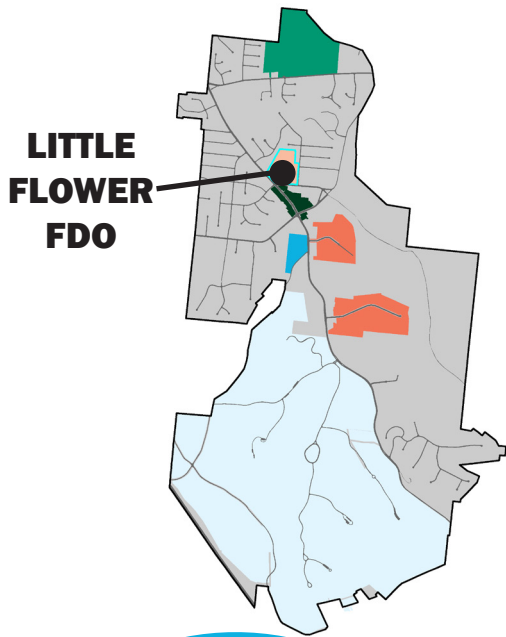
HAWAIIAN & BAHAMA

Redevelopment along **Hawaiian Terrace and Bahama Terrace** presents several opportunities to improve the lives of residents on those streets. According to feedback, current living conditions are poor, with reports of broken playground equipment, absentee landlords, neighborhood isolation, lack of amenities, and long distances to bus stops, with some apartments being up to a mile away.

The proposed future development of these streets includes creating a mixed-income community with different types of housing by maintaining the current number of low-income units and adding additional mixed-income units. Existing buildings and landscape should be improved, and initiatives to get more residents involved with the Mt. Airy Town Council would help current residents guide the development of their communities.



LITTLE FLOWER



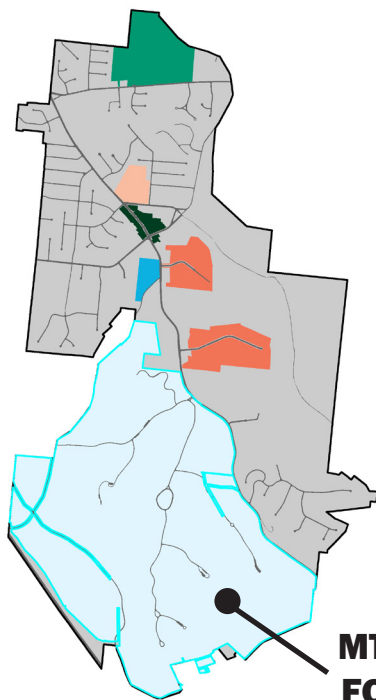
St. Therese Little Flower Parish is a Catholic Church on the corner of Kirby Avenue and Little Flower Avenue, just north of Mt. Airy's business district. While the church will ideally stay in operation, potential redevelopment options were considered in case they decide to relocate. The existing buildings could be used by future institutions, although other options include creating a public park with programming as a community gathering space, starting a community garden, adding walking paths to connect surrounding neighborhoods to the business district, bringing more commercial development along Colerain Avenue, and using the land for more single-family homes with some park space. While all the options described are potential redevelopment opportunities, if the site is ever sold, it will be imperative to involve the community early on in any redevelopment plans. Across the street from Little Flower Parish, south of Kirby Avenue, another development opportunity was identified: building a playground behind the Little Brothers - Friends of the Elderly building. The playground addition would benefit the nearby Constance Constant Care daycare center.

MT. AIRY FOREST

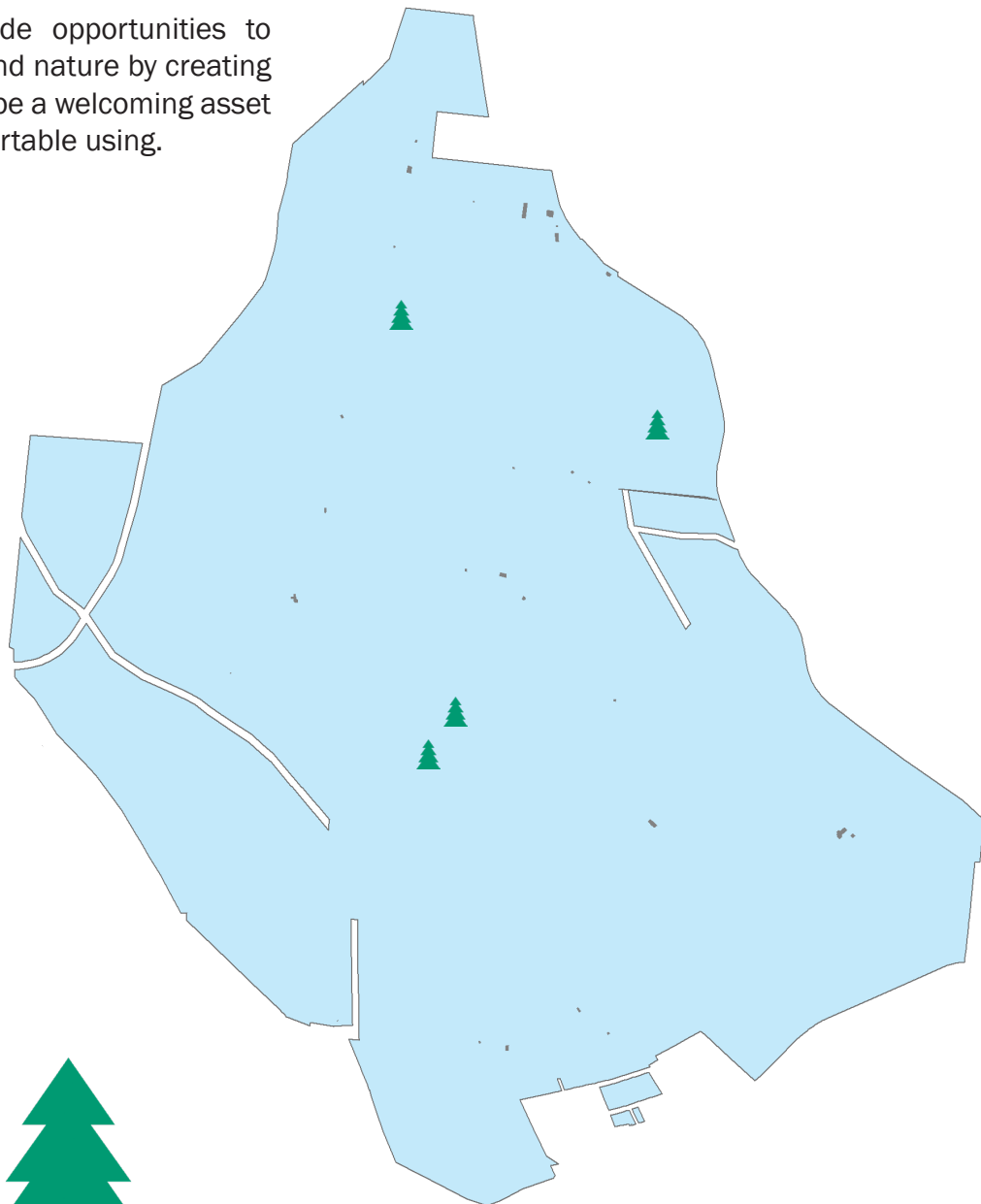
The **Mt. Airy Forest** is a recreational highlight of the neighborhood, although feedback recognized that the sites existing assets and events, including disc golf, walking groups, arboretum, and amphitheater, could benefit from better advertising. In addition to supporting existing facilities, more mountain bike trails would benefit visitors, since people are currently mountain biking on hiking trails when they are muddy, which tears them up and makes hiking on the trails less pleasant. The horse trail along Shepherd Creek should also be improved to make it more navigable by foot.

To expand the forest, the City should purchase the property northwest of Shepherd Creek Road and Diehl Road between I-74 and West Fork Road. Another focus in the Mt. Airy Forest is increasing investments in safety measures and litter reduction, including more frequent security patrols and removing graffiti at Trail Ridge.

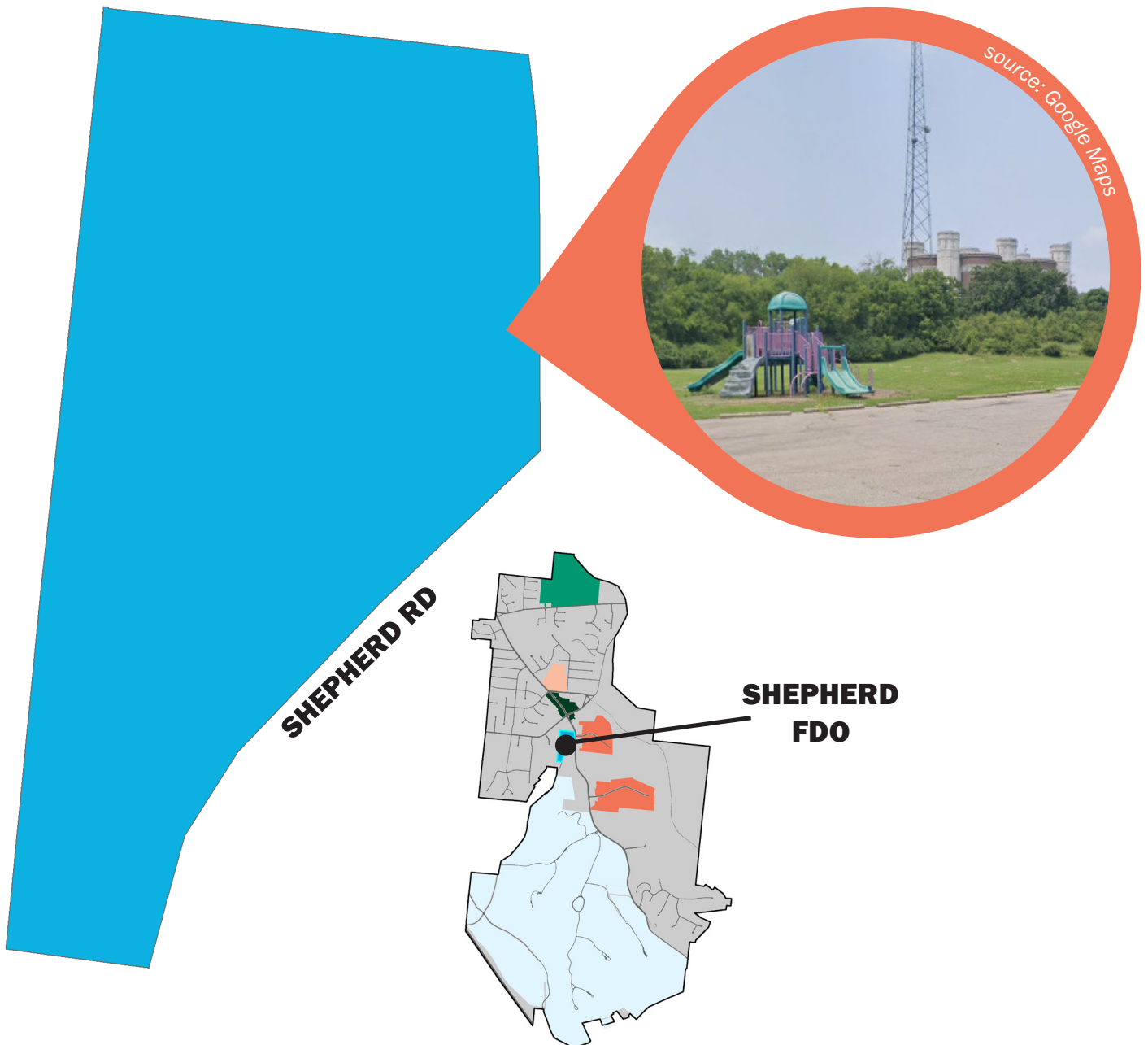
Maintaining the forest could provide opportunities to involve young people with the park and nature by creating paid jobs. The Mt. Airy Forest should be a welcoming asset that all residents feel safe and comfortable using.



**MT AIRY
FOREST
FDO**



SHEPHERD



The current **Shepherd Recreation Area** is underutilized; more activities are needed for children and youth. Activities could include a winter park, flag football leagues, a splash pad, and more active programming, such as a fitness trail. The recreation space has tremendous potential to connect the business district to Mt. Airy Forest and surrounding neighborhoods and includes a great view of the water towers.

The developed amenities, including more seating and lighting, would also serve the nearby area as a safety measure, putting more eyes on the street. Traffic calming elements should also be explored, particularly adding a sheltered bus stop in front of the water towers and installing traffic lights at Bahama Terrace and south of Bahama Terrace.

APPENDICES

IMPLEMENTATION TABLES

ABBREVIATIONS

Each goal, strategy and action step may be found outlined in each of the appropriate tables on the next few pages. These are highlighted in addition to the priority level, approximate time frames, and suggested partners that could assist or can collaborate with in the implementation of the vision. Abbreviations of suggested partners may be found below.

Abbreviations:

B&I – Department of Buildings and Inspections
CCA - Citizen Complain Authority
CPD – Cincinnati Police Department
CP - Cincinnati Parks
CPS - Cincinnati Public Schools
CRC - Cincinnati Recreation Commission
DCED - Department of Community and Economic Development
DCPE - Department of City Planning and Engagement
DPS - Department of Public Services
DOTE - Department of Transportation and Engineering
INN - Invest in Neighborhoods
ODOT - Ohio Department of Transportation
OKI - Ohio Kentucky Indiana Regional Council of Governments
MACLC - Mt. Airy Community Learning Center
MAFAC - Mt. Airy Forest Advisory Committee
MAS - Mt. Airy School
MATC - Mt. Airy Town Council
NBW - Neighborhood Block Watch
TST - Tri-State Trails



TRANSPORTATION

GOALS, STRATEGIES, & ACTION STEPS



<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Transportation					
Goal 1: Implement traffic calming on major thoroughfares to reduce accidents and speeding.	1.1 Increase street parking		Ongoing	Medium	DOT
	1.2: Consider a roundabout at Kirby Road and the W. North Bend Road intersection		2-5 Years	Low	DOT, ODOT, MATC
	1.3: Consolidate or eliminate left hand turns in the business district	1.3.1: Review crash data for left hand turns, specifically at Thorton's, Taco Bell, and the southern portion of the Business District where appropriate	2-5 Years	Medium	OKI, DOT, ODOT
		1.3.2: Work with businesses to combine access points to eliminate excessive curb cuts	Ongoing	Medium	Businesses, MATC, DOT
		1.3.3: Reference and coordinate goals from Colerain Township's Colerain Corridor Study	Ongoing	Medium	Colerain Township, DOT, ODOT
Goal 2: Enhance multi-modal transportation options and increase pedestrian safety.	2.1: Improve crosswalks with enhanced lighting or traffic lights		Ongoing	High	ODOT, DOT
	2.2: Build sidewalks where needed and repair existing sidewalks to City standards		Ongoing	High	ODOT, DOT
	2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District		5-10 Years	Low	Parks, Businesses, TST

PUBLIC SAFETY

GOALS, STRATEGIES, & ACTION STEPS



Public Safety					
Goals	Strategies	Action Steps	Time Frame	Priority Level	Potential Partners
Goal 1: Reduce speeding on Colerain Avenue and North Bend Road.	1.1: Install raised crosswalks, bump outs, speed cushions where appropriate and make crosswalks more visible	1.1.1: Prioritize these improvements along Colerain Avenue and W. North Bend Road and areas with higher pedestrian traffic	Ongoing	High	ODOT, DOTE
	1.2: Work with Police District 5 to increase targeted speeding enforcement		Ongoing	High	CPD
Goal 2: Work with Police District 5 to improve community/police relations.	2.1: Work with District 5 to assign a Community Police Officer specifically to Mt. Airy who is involved in the community		Ongoing	High	CPD
	2.2: Identify resources and social capital to restart Citizens on Patrol	2.2.1: Partner with local businesses for sponsorships of forest amenities	Ongoing	Medium	Local Businesses, City Departments
	2.3: Partner with Police with National Night Out or bus students to Police Station for tours/touch a truck		Ongoing	Low	CPD
Goal 3: Implement a neighborhood wide Neighborhood (Block) Watch program.	3.1: Create a neighborhood safety plan with the Police advising	3.1.1: Work with institutions to run safety/outreach campaigns in neighborhood	Ongoing	Low	CPD
		3.1.2: Lights on front porches, lock doors, design standards to reduce crime	Ongoing	Medium	CPD
	3.2: Collaborate with Recreation for amenities and programming and the Colerain and Shepherd Recreation Area	3.2.1: Connect with youth who sell water on corners with the established programming	1-2 Years	Low	Youth, Schools, MATC

PUBLIC SAFETY

GOALS, STRATEGIES, & ACTION STEPS



Goal 4: Increase safety on Hawaiian Terrace and Bahama Terrace.	4.1: Work with property owners to improve buildings, playgrounds and common spaces	4.1.1: Apply for the City's rental inspection program	1-2 Years	Low	B&I
	4.2: Encourage landlords neighborhood wide to accept a mix of market rate and housing vouchers with the aim to deconcentrate poverty		Ongoing	Medium	DCED, City Departments
	4.3: Create plan for purchasing the property if owners decide to sell		2-5 Years	Medium	DCED, City Departments

BUSINESS DISTRICT

GOALS, STRATEGIES, & ACTION STEPS



Business District					
<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Develop the Business District into an attractive environment for both Mt. Airy residents and visitors.	1.1: Develop attractive gateways at both entrances to the Business District		5-10 Years	High	
	1.2: Make the Business District more pedestrian friendly	1.2.1: Design and implement a well-lit aesthetically pleasing, safe, and uniform streetscape	2-5 Years	High	
		1.2.2: Study the feasibility of landscape medians, bump outs, raised crosswalks, etc.	2-3 Years	High	ODOT, DOTE
		1.2.3: Create more public gathering spaces that are programmed year-round	Ongoing	Medium	Parks, Businesses
	1.3: Hold more events within the Business District		Ongoing	Low	Businesses, MATC
	1.4: Address litter challenges in the Business District		Ongoing	Medium	DPS
Goal 2: Improve the built environment of the Business District.	2.1: Strategically acquire and redevelop property according to the Urban Design Overlay District standards		5-10 Years	Medium	The Port, DCED, City Depts.
	2.2: Work with the Department of Transportation and Engineering (DOTE) to implement the KZF study recommendations	2.2.1: Study the feasibility of an access road behind the eastern businesses to help eliminate lefthand turns onto Colerain Avenue	2-5 Years	High	DOTE
	2.3: Focus on maintaining and creating building facades that contribute to the streetscape of the Business District	2.3.1: Help current businesses freshen up their storefronts	Ongoing	High	Businesses

	2.4: Prioritize future redevelopment efforts for one-to-two single story commercial uses where appropriate for the corner of Colerain Avenue and W. North Bend Road	2.4.1: Reassess potential opportunities in 2-3 years and rethink efforts to include 3-4 story mixed-used development(s)	2-3 Years	Medium	DCED
		2.4.2: Continue outreach to potential developers or investors to highlight corner property	Ongoing	Medium	DCED, City Depts.
		2.4.3: Ensure all developments meet the Urban Design Overlay District guidelines and continue to update guidelines to meet the community's wishes	Ongoing	Medium	DCPE, City Depts.
		2.4.4: The existing buildings on this corner are recommended for demolition by this Plan	1-2 Years	High	Buildings, City Depts.
	2.5: Expand the existing NBD north along Colerain to include Little Flower FDO	2.5.1: Explore the option of 'splitting' the Little Flower FDO to allow for the possibility of mixed-use development along the eastern side of Colerain Ave, allowing the western half of the site to continue with future development efforts	2-5 Years	Low	MATC, DCED

COMMUNITY & MARKETING

GOALS, STRATEGIES, & ACTION STEPS



Community & Marketing					
<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Develop programs/incentives for more people to attend Mt. Airy Town Council Meetings.	1.1: Partner with Mt. Airy institutions to raise awareness of meetings and issues affecting the neighborhood.		Ongoing	Medium	Businesses, MATC
Goal 2: Strengthen the Quality-of-Life Committee under Mt. Airy Town Council.	2.1: Recruit volunteers to attend meetings and get organized		Ongoing	Medium	MATC
	2.2: Lobby the City for the Neighborhood Enhancement Program (NEP)		Ongoing	High	City Departments
	2.3: Increase access to resources for housing, job centers, events and social service programming	2.3.1: Recruit social services into the neighborhood during neighborhood events, etc.	Ongoing	High	Businesses, City Departments
		2.3.2: If demand is there, recruit job and social service providers to open an office in the neighborhood	Ongoing	Medium	
Goal 3: Develop a community meeting space for Mt. Airy residents to gather.	3.1: Host pop-up community events to create temporary gathering spaces	3.1.1: Have a mobile circus event in Business District and Church parking lot	1-2 Years	Low	Businesses, Church
		3.1.2: Partner with Little Flower Parish to host events on their property	Ongoing	Low	Little Flower
	3.2: Create a designated indoor/outdoor public space at Mt. Airy School or within the Business District		2-3 Years	Medium	DCED, City Departments

Goal 4: Create a neighborhood roundtable with other neighborhoods to discuss similar problems/solutions.	4.1: Reach out to College Hill, Northside, Villages at Roll Hill, Westwood, and Colerain and Green Township to discuss common issues and developments that may affect both areas	4.1.1: Develop contracts with each neighborhood and share information when needed	Ongoing	Medium	DCED, City Departments
Goal 5: Market Mt. Airy's assets to existing and future residents, business owners, and visitors.	5.1: Develop a marketing program for Mt. Airy Community Learning Center, Mt. Airy School-based Health Center, Mt. Airy Forest and Mt. Airy Commons	5.1.1: Research existing Mt. Airy businesses that could help, or utilize UC students, as part of a design studio.	2-5 Years	Low	UC, Schools, Businesses

HOUSING

GOALS, STRATEGIES, & ACTION STEPS



Housing

<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Maintain and enhance then single-family housing stock.	1.1: Conduct outreach and connect property owners with financial and technical assistance to help them maintain their property	1.1.1: Identify and connect property owners with programs, such as the Homestead Exemption, that can assist them with rapidly increasing property taxes and other financial assistance programs, such as utility assistance	2-5 Years	High	City Depts.
		1.1.2: Partner with landlords of single-family properties to address property maintenance concerns	Ongoing	High	Landlords, MATC
		1.1.3: Continue to report and be proactive with reporting code violations	Ongoing	High	CPD
	1.2: Create an incentive program for well-maintained properties	1.2.1: Start a "Home of the Month" program with yard signs	6 Months - 1 Year	Low	MATC
Goal 2: Identify blighted and problem properties and work with property owners to improve them.	2.1: Create a landlord partnership with larger multi-family properties to help better understand landlords and what services could be provided to	2.1.1: Build a database of existing multi-family properties and contact information and keep it updated	Ongoing	Low	City Depts.
		2.1.2: Hold quarterly meetings with landlords to discuss common issues/problems and brainstorm ideas for solutions and incentives	Ongoing	Medium	Landlords, MATC
		2.2: Encourage a mix of market-rate and subsidized rental units in large apartment complexes	Ongoing	High	City Depts.

	2.3: Improve the quality of rental units	2.3.1: Apply for the City rental inspect pilot program to inspect all units in Mt. Airy	2-3 Years	Low	B&I, City Depts.
Goal 3: Support existing residents who want to stay in Mt. Airy.	3.1: Develop tenant support programs to help families to address substandard living conditions without fear of retaliation from their landlord		Ongoing	Medium	Landlords, MATC, City Depts.
	3.2: Develop more senior housing so seniors can stay in Mt. Airy		Ongoing	High	City Depts.
	3.3: Develop support/toolkits to increase low-moderate income homeowners and homeownership opportunities		Ongoing	Medium	CMHA, City Depts.

PARKS & RECREATION

GOALS, STRATEGIES, & ACTION STEPS



Parks & Recreation

<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Hold more events in Mt. Airy Forest to bring people into the neighborhood.	1.1: Partner with Cincinnati nature groups to bring events to Mt. Airy Forest		Ongoing	Medium	MATC
	1.2: Improve perception of safety in Mt. Airy Forest	1.2.1: Add more security lighting in Park	2-5 Years	High	CPD
Goal 2: Work with the Park Board to implement the recommendations of the Mt. Airy Forest Plan.	2.1: Continue to market and attend Mt. Airy Forest Advisory Committee meetings to maintain and improve the forest		Ongoing	High	MAFAC
	2.2: Improve identification and wayfinding for the forest	2.2.1: Partner with local businesses for sponsorships of forest amenities	Ongoing	High	Businesses
	2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District		5-10 Years	Medium	Businesses, MAFAC
Goal 3: Increase awareness/utilization of existing recreational amenities and enhance existing recreation assets to serve the neighborhood population.	3.1: Utilize Mt. Airy School for community events, potentially partnering with Cincinnati Recreation Commission		Ongoing	Low	Schools
	3.2: Collaborate with Cincinnati Recreation Commission (CRC) and local nature clubs for amenities and programming, including the Colerain and Shepherd Recreation Area		Ongoing	Medium	CRC

MT. AIRY COLERAIN AVENUE CORRIDOR STUDY

KZF Design & Mt. Airy Cure

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Mt. Airy Colerain Avenue Corridor Study

June 2021



www.mtairycure.com

Acknowledgements



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Executive Summary

Mount Airy Community Redevelopment Enterprise (CURE) has been working to create a consistent, appealing, safe public environment along the Colerain Avenue Corridor that will be impactful for quality of life and property values in Mt. Airy.

As part of this process, Mt. Airy CURE and KZF Design partnered to perform a study for strategic enhancements to the neighborhood's section of Colerain Avenue.

As a gateway neighborhood to three Townships, Mt. Airy is a diverse area with a suburban feel that is very much part of the urban community of the City of Cincinnati. With significant landmarks such as Mt. Airy Forest and the iconic, castle-like Mt. Airy Towers, there are many unique features to this charming neighborhood that can benefit from improving conditions along Colerain Avenue.

Process of the Study

The Colerain Avenue Corridor Study began with evaluating existing conditions supported by base mapping, crash and traffic data, and driving and walking the Corridor followed by analyzing said existing conditions through a series of maps that combined conditions and feedback from meetings with Mt. Airy CURE.

After meeting with Mt. Airy CURE, recommendations made prioritized safety and consistent design along the Corridor. Some items discussed focused on landscaping, such as street trees and greenspace, and access, such as providing continuous and adequate sidewalks along Colerain Avenue and connecting businesses through new access points while exploring methods to reduce vehicle speed.

After these discussions, the design was

digitally tested and illustrative mapping was developed that would demonstrate how improvements could be implemented.

The design team held two Working Committee Meetings consisting of CURE members and representatives from KZF Design and the City of Cincinnati throughout the duration of this study.

Meetings that occurred during the duration of the Study are included below:

- 07/21/20 - Project Kickoff Meeting
- 07/28/20 - Existing Conditions Discussion
- 10/01/20 - City Planning Meeting
- 12/04/20 - Preliminary Recommendations
- 03/10/21 - Final Plan & Renderings Review
- 05/20/21 - DOTE Review

Mt. Airy CURE's Goals

- Relate the Mt. Airy segment of Colerain Avenue to the Colerain Township and Green Township sections
- Look at key Mt. Airy intersections and stretches of road for potential road improvements to improve the walkability, safety, traffic calming, and transit options for Colerain Avenue
- Identify estimated costs that CURE and DOTE could use to apply for grants to implement the proposed changes
- Develop a plan that is feasible and can be collaboratively implemented by CURE and the City of Cincinnati

Colerain Avenue Corridor Study's Goals, Strategies, and Design Standards

Safety

- Consolidate number of driveways
- Create safe pedestrian spaces
- Provide continuous and accessible sidewalks along Colerain Avenue

Beautification

- Incorporate gateways and signage
- Install street trees, landscape buffers, and pedestrian-scale lighting
- Create buffer between vehicles and pedestrians

Access Management

- Efficient traffic flow throughout the Corridor
- Access improvements and developing service/access roads
- Design bus-stop pull-offs to alleviate congestion along Colerain Avenue

Cleanliness

- Reduce visual clutter along the roadway
- Utilize trash receptacles and recycling bins at bus-stops
- Consolidate signage and enforce sign code

Redevelopment

- Provide opportunity for catalytic development and redevelopment
- Break up and connect fields of parking
- Update and enhance buildings

Project Implementation

Implementation of this study will take a coordinated effort between CURE, the City of Cincinnati, Hamilton County, and the businesses and residents in Mt. Airy. This study is an essential step in a multi-year process to create a safe public environment along Colerain Avenue and offer a series of public improvements that will further the growth and development of private investment for decades to come spanning multiple jurisdictions.

The work laid out in this study is broken out in to short- and long-term improvements. Short term improvements should be implemented within three years of adopting this study. A three-year time-frame is critical because these improvements are at the forefront with residents. Long term improvements are much broader and include projects that will need to be scaled based on funding opportunities, will, and capacity.

Project	Estimated Cost	Possible Funding Sources
Traffic Analysis:		
Signal Timing, Midblock Crossing, Unrestricted Parking	\$30,000	STP, SCIP, LTIP
Signage Standards/Guidelines	\$30,000	TA, TID
Mt. Airy NBD Streetscape Improvements:		
Landscaped Medians, Landscaping, etc.	\$1,500,000	STP, TA, TID
Sidewalk Improvements*:		
*Factored at \$190/LF (\$1M/mile) - 3.1 Miles Studied	\$3,100,000	STP, TID, CMAQ
Crosswalk Improvements*:		
*Considered at \$5,000/intersection - 4 Studied	\$20,000	OPWC
Safety, Median, and Streetscape Engineering Fees	\$468,000	FHWA
Total	\$4,680,000	

Funding Source		Funding Agency	Type	Award	Min. Match	Categories
Surface Transportation Program OKI						
Application Deadline - June (Annually)	STP	OKI	Grant	Varies	20%	Roads, Safety, Economic Development
Transportation Alternatives OKI						
Application Deadline - June (Annually)	TA	OKI	Grant	Varies	20%	Bikepaths, Streetscape, Economic Development
Hamilton County TID						
Application Deadline - June (Annually)	TID	COUNTY	Grant	Varies	75%	Roads, Bridges, Bikepaths, Trails, Streetscape, Economic Development
State Capital Improvement Program Dist. 2						
Application Deadline - September (Annually)	SCIP	OPWC	Grant/Loan	\$ SCIP: \$10,738,100	10%	Roads, Bridges, Safety
Local Transportation Improv. Program Dist. 2						
Application Deadline - September (Annually)	LTIP	OPWC	Grant/Loan	\$ LTIP: \$4,410,000	10%	Safety, Economic Development
Congestion Mitigation and Air Quality Improv.						
Application Deadline - February (Annually)	CMAQ	FHWA	Grant	\$ FEDERAL \$ 2.499 B	n/a	Roads, Transportation

Design Standards

The following design standards were used as strategies and guidelines for development of the conceptual planning within this report.

Safety Principles

Continuous and Accessible Sidewalks

Mt. Airy must construct 8' wide (minimum) accessible sidewalks along the entire Colerain Avenue Corridor.

Sidewalks are essential in providing safe facilities to pedestrians, bicyclists, and transit users. Current facilities are adequate along some areas of Colerain Avenue and absent entirely in others.

Additional safety principles that could be considered for traffic calming efforts and pedestrian safety could include, but are not limited to, raised crosswalks, and flashing signage at pedestrian crossings.

There are many segments of roadway along this Corridor that do not have any sidewalks or those that have fallen into disrepair.

*At the time this report was published, seven (7) foot wide sidewalks meet ODOT's minimum design standards. Sidewalk benefits include improved safety, mobility, and healthier communities. Inadequate sidewalks can lead to vehicle-pedestrian conflicts and accidents. Providing walkways separated from travel lanes could help to prevent up to 88 percent of "walking along roadway crashes," as noted in FHWA's *An Analysis of Factors Contributing to "Walking Along Roadway" Crashes: Research Study and Guidelines for Sidewalks and Walkways*. By providing facilities that are more comfortable, Mt. Airy can encourage walking, particularly in areas with mixed land uses.*

High Visibility Crosswalks

Mt. Airy must work with the City of Cincinnati to provide clear and boldly-marked crosswalks at all intersections.

Intersection crossings are the places where the potential for conflict is increased. Creating an environment where pedestrians feel safe to cross is critical to the success and overall connectivity of Colerain Avenue. The signalized intersections of Colerain Avenue and W. North Bend Road and Colerain Avenue and Kilby Avenue should have compliant pedestrian crossing signals with countdown beacons and proper crosswalk markings.

Buffer Between Vehicles and Pedestrians

Mt. Airy should work with private property owners to encourage landscaping and knee walls to better define the pedestrian "safe zone" along the roadway.



Example of the buffer between vehicles and pedestrians

Many private parking lots along the Corridor encroach on the public right-of-way and/or sidewalks, creating an unpleasant environment for pedestrians and bicyclists. With little or no distinction between private property and the sidewalk, and sidewalk

and the roadway, there is a prominent safety issue for pedestrians, as well as a cramped and chaotic feeling to the Corridor.

Landscape buffers between sidewalk and parking lots must be created, where applicable, as many areas have the sidewalk directly abutting the parking areas which creates safety issues. By constructing wider sidewalks, redefining continuous curb cuts, and “right-sizing” existing driveways, Mt. Airy can calm traffic and provide safer pedestrian spaces.

ODOT must replace missing or inadequate curbs throughout the Corridor. In many areas along the Corridor, curbs are 1” to 2” in height where they exist, and many areas have no curbs to adequately protect pedestrians from vehicular traffic.

Access Roads at Rear of Properties

Mt. Airy must work with the City of Cincinnati, as well as individual property owners, to develop service and access roads at the rear of properties.

As indicated on the Proposed Site Plan maps, there are opportunities to create cross-access between properties along Colerain Avenue. Service/access roads can be public or private in ownership and allow access to properties from side streets at the rear of the property. Service/access roads make it safer to access signals, and when accompanied with consolidated signage, make finding businesses easier.

Cross-Access Between Parking Lots

Mt. Airy must work with property owners to reduce barriers between parcels and connect abutting parking lots.

Cross-access points connect adjacent parcels, allowing circulation between parking lots and relieving traffic on Colerain Avenue. Parking lot connections make it easier for drivers to move from one business to another without having to enter Colerain Avenue.



Creating cross-access between parking lots and providing access to service roads at the rear of businesses/properties.

Cross-access between parking lots can also make it easier for drivers to access nearby signals, providing safe options for turning onto Colerain Avenue. A right-turn only situation exists with most driveways, and increasing cross-access options/locations can relieve current traffic.

Street Connectivity

Mt. Airy must plan for future connections between existing properties and roadways and future developments.

Street network connectivity can help reduce the volume of traffic and traffic delays on Colerain Avenue. Street network connectivity is achieved by providing connections within individual developments, between developments, and having a well-planned collector road network to complement the existing roadway network.

Shared Parking Lots

Mt. Airy must encourage the development of shared parking, allowing multiple businesses to utilize a single lot.

Shared parking allows for more efficient use of parking facilities. Parking can be shared among different buildings and facilities in an area to take advantage of different peak periods. For example, an office complex can efficiently share parking facilities with a restaurant or theaters, since offices require maximum parking during weekdays, while restaurants and theaters require maximum parking during evenings and weekends. As

Design Standards Continued

a result, the total amount of parking can be reduced 40-60% compared with standard off-street parking requirements for each destination. Shared parking facilities allow for additional “greenspace” throughout the corridor, create new opportunities for development, and increase development density throughout the Corridor.

Many private parking lots along the Corridor encroach on the public right-of-way and/or sidewalks, creating an unpleasant business district.

Beautification

Streetscape/Landscaping Buffer Zone

Mt. Airy should consider zoning/land use updates to require a streetscape/landscape buffer zone outside of the City of Cincinnati's right of way that is solely dedicated to lighting and landscape improvements.



Example of Streetscape improvements within the buffer zone

To create a consistent aesthetic, more appealing streetscape experience, and beautify the corridor, Mt. Airy should collaborate with the City of Cincinnati to develop a legislative mechanism to encourage landscaping, gateway, signage,

and lighting improvements between the sidewalk and parking areas/buildings that face Colerain Avenue. Since the City of Cincinnati's right-of-way is dedicated to roadway, sidewalks and other infrastructure, Mt. Airy should look to establish a formal streetscape/landscape buffer zone area. This area will be dedicated to the streetscape improvements laid out in this study.

Streetscape, Landscape, and Aesthetic Improvements

Street Trees:

Mt. Airy should encourage street trees spaced a maximum of 30' on center, located between the sidewalk and parking areas/buildings.

Street trees should be utilized to create a continuous “green” element throughout the Corridor. Trees can make the pedestrian environment more appealing by defining the boundaries between the road and pedestrian areas, screening parking lots and utility poles, encouraging more appropriate traffic speeds, and creating visual “walls” that frame streets. Street trees also allow features, that should be dominant, to be seen, such as traffic, regulatory, and business signage. Tree locations should take into consideration overhead utilities.

For areas of concentrated development or catalytic development projects, Mt. Airy should implement concentrated street tree elements in 1,500 linear foot increments, where trees are spaced 10' to 20' on center.

Site Landscaping:

Mt. Airy should encourage additional site landscaping on private property.

Updating zoning regulations to require additional site landscaping will help soften

the harsh aesthetics and sharp lines of concrete and asphalt throughout the Corridor. Specific site landscaping improvements include:

- *Additional landscaping between the sidewalk and parking areas/buildings*
- *Tree lines perpendicular to Colerain Avenue along property lines*
- *Landscaped islands in parking lots*
- *Evergreen screening of buildings*
- *Tree-lined private drives*

Bus Stops:

Mt. Airy and SORTA/Metro should work to improve the design of bus stops to improve aesthetics.

Transit organizations have been moving toward transit “hubs” that offer amenities and design improvements to make the transit experience more appealing. Hubs can include custom shelters highlighting Mt. Airy community icons, plazas, lighting/vertical elements for pedestrian and vehicular identification, stop markers, kiosks featuring routes and neighborhood information and ticketing vending machine technology for convenient bus pass purchases.

Pedestrian-Scale Lighting:

Implementation of pedestrian-scale lighting spaced a maximum of 60’ on center located between the sidewalk and parking areas/buildings throughout the corridor.



Visionaire Lighting New Orleans II High-Top Lighting which is being incorporated along the Colerain Avenue Corridor

Pedestrian-scale lighting should continue to be installed in the streetscape/landscape buffer zone. For areas of concentrated development or catalytic development projects, concentrated lighting lights are recommended spaced 40’ on center.

Gateways and Signage

Mt. Airy should implement strategic gateway elements to create a more consistent look, enhance wayfinding and establish a visual identity for the corridor.

A hierarchy of gateway elements is recommended, adding walls and signage using materials that utilize Mt. Airy’s monument signage. Color could be coordinated to ease in wayfinding and should be implemented in the form of banners on light poles, color of lettering on gateway elements and color of LED lighting in towers.

Gateway elements should follow a hierarchy, with the largest elements focused on neighborhood boundaries, then key intersections throughout the corridor, with smaller intersection improvements at all other locations.

Neighborhood Gateways

Improvements occur at intersection corners within the right-of-way and include 6’ high walls, 8’ to 12’ high internally-illuminated towers and 2’ to 3’ high knee walls, with landscaping and signage identifying the two entries into Mt. Airy.



Newly installed Neighborhood Gateway monument sign located at the corner of W. North Bend Road and Colerain Avenue

Design Standards Continued

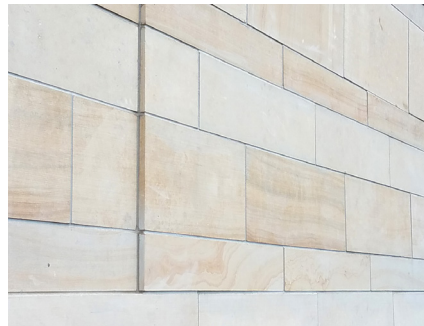
Hardscape Palette

To soften the harshness of the existing streetscape along Colerain Avenue, streetscape features such as street trees, planters, benches, pedestrian lighting, and others should be implemented into the Corridor. The goal is to introduce more natural materials such as wood, stone, and light colors, in addition to screening landscaping and walls along Colerain Avenue.

Below are several examples of collector strip materials and other various hardscape elements such as stone screening walls, planters and bus stop benches.



Collector Strip Material (Example 1)



Collector Strip Material (Example 2)



Collector Strip Material (Example 3)



Trash Receptacles



Pedestrian Lighting



Black Intersection Mast Arms



Black and Metal Bus Stop Benches



Landscape Planters at Corners

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Design Recommendations and Goals

Mt. Airy CURE's Mission

- Relate the Mt. Airy segment of Colerain Avenue to the Colerain Township and Green Township sections
- Look at key Mt. Airy intersections and stretches of road for potential road improvements to improve the walkability, safety, traffic calming, and transit options for Colerain Avenue.
- Identify estimated costs that CURE and DOTE could use to apply for grants to implement the proposed changes
- Develop a plan that is feasible and can be collaboratively implemented by CURE and the City of Cincinnati

Recommendations

- Construct new 8' minimum sidewalks with 2' collector strip, curbs, and rebuild driveways along both sides of Colerain Avenue
- Incorporate street trees along the Corridor where possible
- Buffer areas between street sidewalk and parking lots
- Utilize service/access roads
- Enforce uniform signage and consolidation
- Implement pedestrian-scale lighting along the Corridor

Colerain Avenue from Virginia Avenue to Highforest Lane:

- Where possible, widen sidewalks to a minimum of 8' to meet current standards
- Explore options of reducing lane widths from 12' and 11' lanes, to a 10' inside lane and 11' outside lane with a possible 3-4' striped median with a center line rumble strips incorporated
- Study the possibility of extending traffic calming measures, such as medians

Colerain Avenue from Highforest Lane to Blue Spruce Road:

- Where possible, widen sidewalks to a minimum of 8' to meet current standards

Colerain Avenue from Blue Spruce Road to W. North Bend Road:

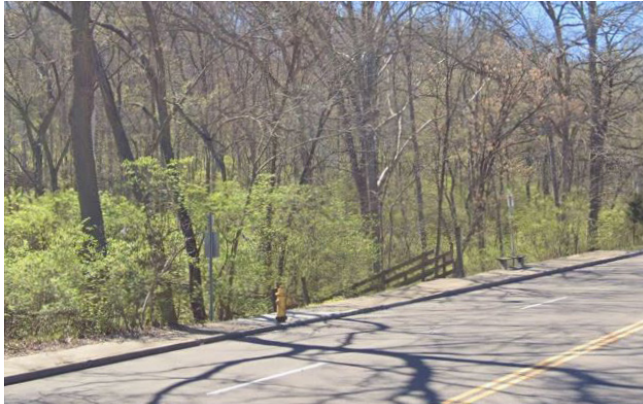
- Where possible, widen sidewalks to a minimum of 8' to meet current standards
- Construct a grass median at Bahama Terrace
- Explore options of adding a climbing bike lane and possible center median along this portion of Colerain Avenue
- Explore options of reducing speed limit to 25 MPH and introduce speed limit pavement striping

Colerain Avenue from W. North Bend Road to Kirby Avenue:

- Repair and construct new sidewalks along both sides of Colerain Avenue to meet current standards
- Incorporate grass medians with street trees in targeted areas along the Corridor
- Incorporate street trees and bike racks as part of a streetscape project
- Construct curb bump outs and introduce striped crosswalks to improve pedestrian safety
- Introduce painted sharrows for bikers
- Explore options of acquiring Thorntons Gas Station and developing a Mt. Airy Square
- Coordinate with the City to study a possible signal mid-block and raised crosswalk
- Study options of converting rush-hour restricted outside lanes into 24-hour parking, narrowing this section to one lane both Northbound and Southbound

Colerain Avenue from Kirby Avenue to Kipling Avenue:

- Where possible, widen sidewalks to a minimum of 8' to meet current standards



Current sidewalk conditions between Virginia Avenue and Highforest Lane along Colerain Avenue



Current sidewalk conditions between Hawaiian Terrace and Shepherd Creek Road along Colerain Avenue



Current sidewalk conditions in the Mt. Airy NBD in the 5500 Block of Colerain Avenue



Current road conditions of Colerain Avenue through the Mt. Airy Neighborhood Business District

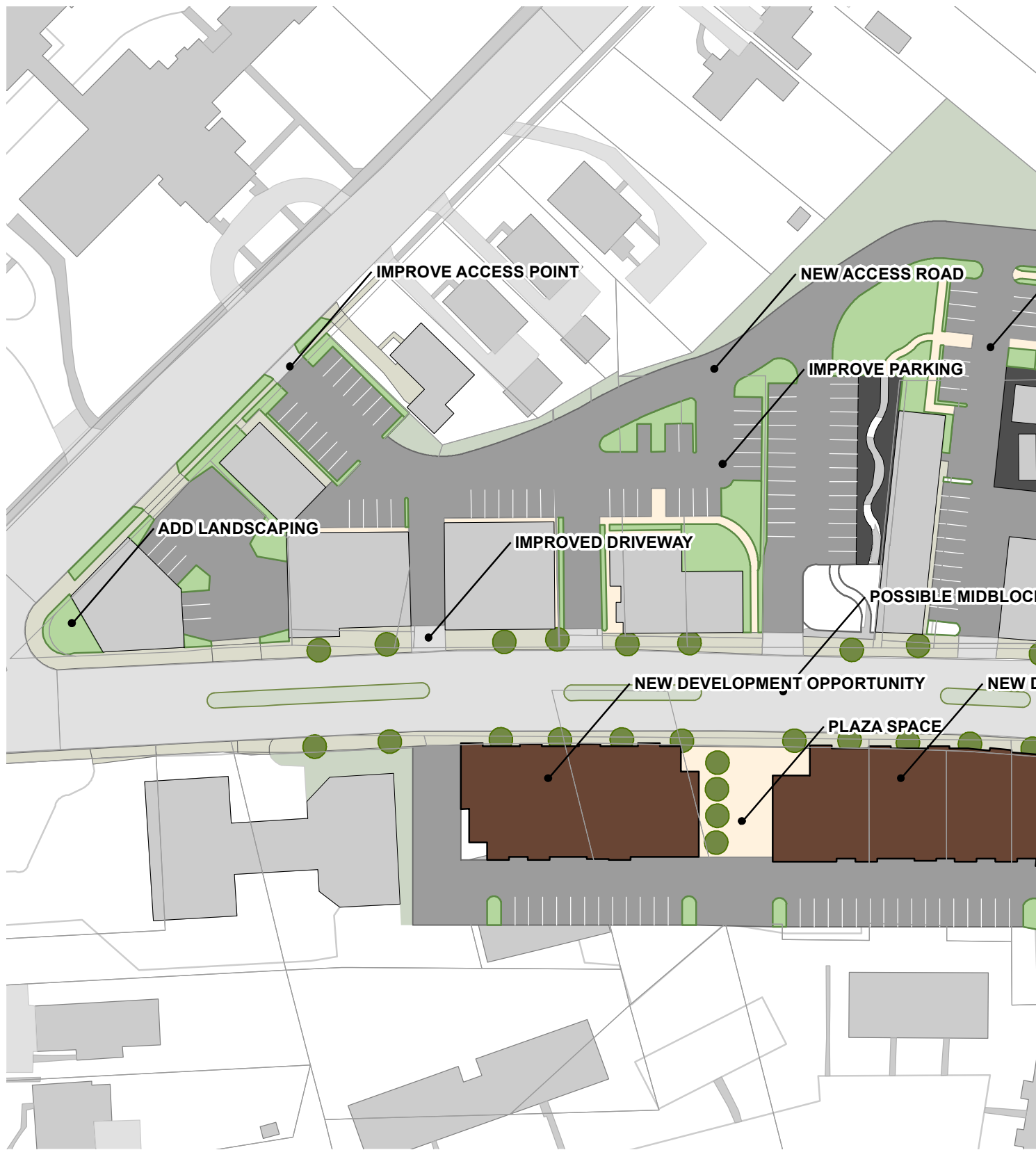


Redevelopment opportunity at the corner of W. North Bend and Colerain Avenue (5400 Block)



Additional redevelopment opportunity in the 5500 Block of Colerain Avenue

Renderings are for illustrative purposes only and are intended to convey a concept and vision. They are for guidance only and may alter as design and engineering work progresses. They do not represent a true and accurate depiction of a final design.





Renderings are for illustrative purposes only and are intended to convey a concept and vision. They are for guidance only and may alter as design and engineering work progresses. They do not represent a true and accurate depiction of a final design.



Conceptual Development Information*:

- 17,000 Square Feet of Potential Commercial Space, Underground Parking located on site
- 51 Total Units - 27 One-Bedroom / 24 Two-Bedroom Units

**Square footage and unit counts are approximations and are derived from conceptual renderings. They do not represent a true and accurate depiction of a final design.*

NOT FOR CONSTRUCTION



Southeast Intersection of W. North Bend Road and Colerain Avenue

Renderings are for illustrative purposes only and are intended to convey a concept and vision. They are for guidance only and may alter as design and engineering work progresses. They do not represent a true and accurate depiction of a final design.



Conceptual Development Information*:

- 22,000 Square Feet of Potential Commercial Space, Underground Parking located on site
- 60 Total Units - 36 One-Bedroom / 24 Two-Bedroom Units

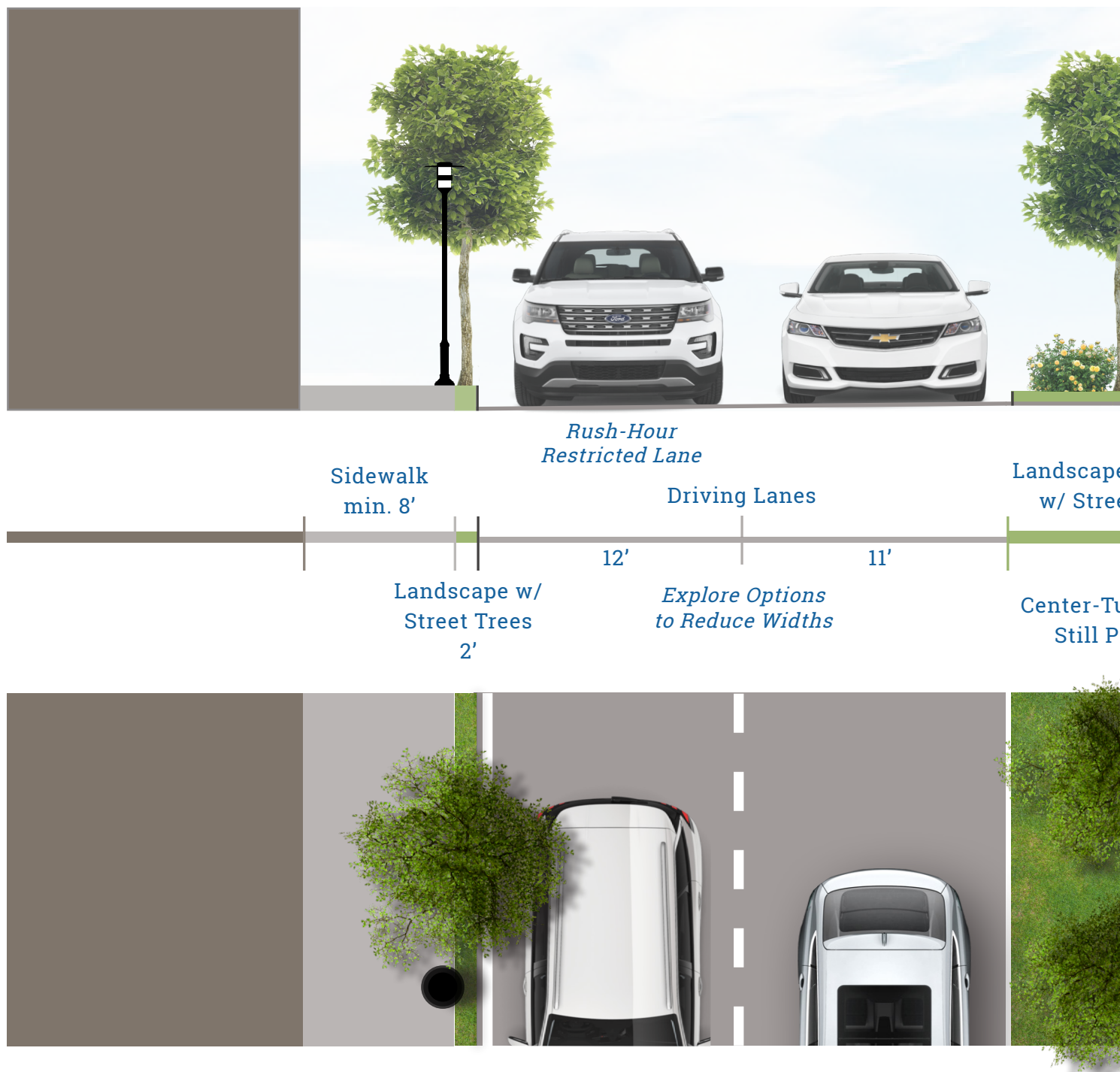
**Square footage and unit counts are approximations and are derived from conceptual renderings. They do not represent a true and accurate depiction of a final design.*

NOT FOR CONSTRUCTION

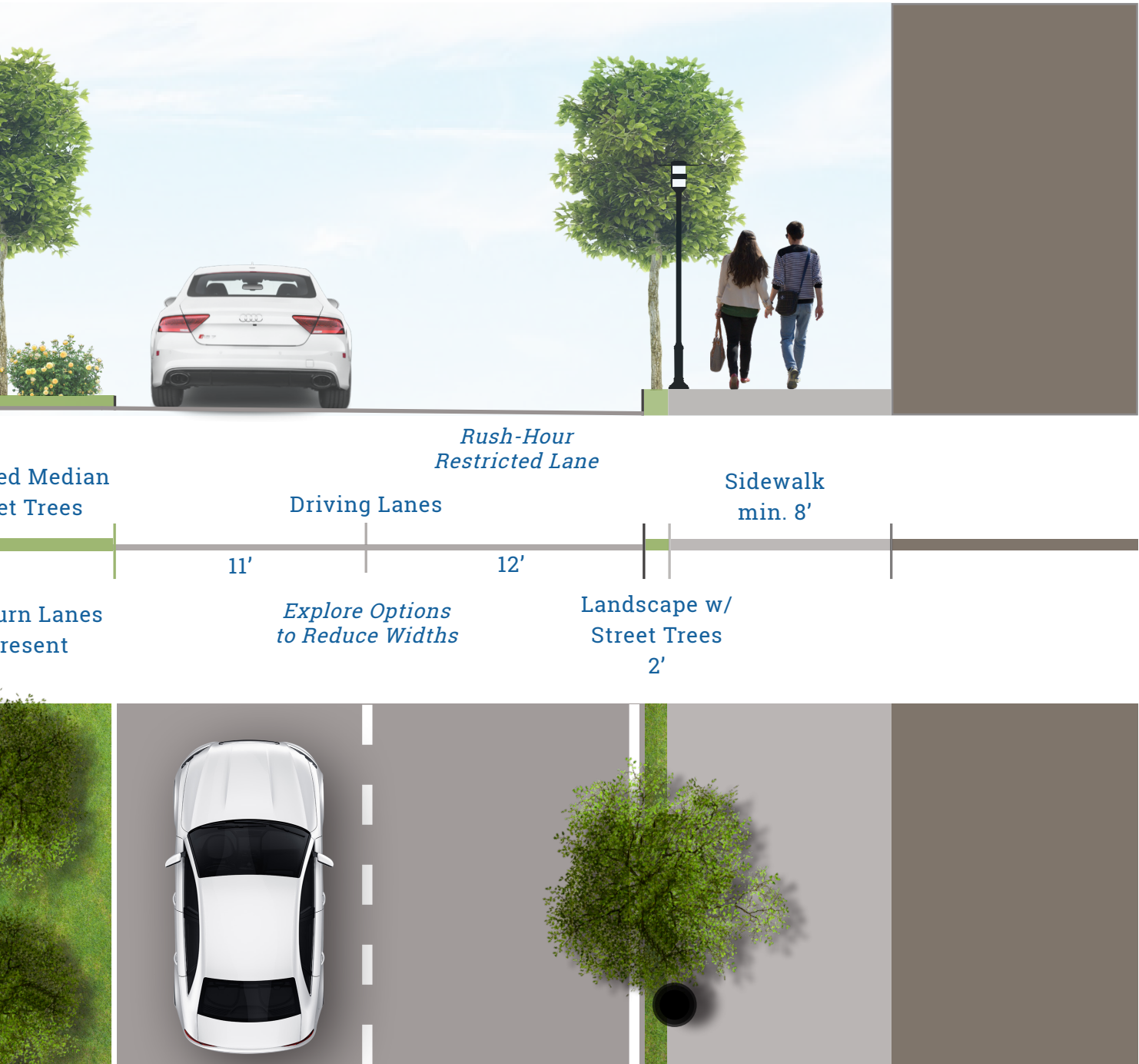


5500-5549 Block of Colerain Avenue

Proposed Road Improvements



NOT DRAWN TO SCALE



Typical Section of Colerain Avenue in Mt. Airy

Contact Us:

Mount Airy Community Urban Redevelopment Enterprise (CURE)
2563 W. North Bend Road
Cincinnati, Ohio 45239
Phone: 513-437-2873
mtairycure@gmail.com

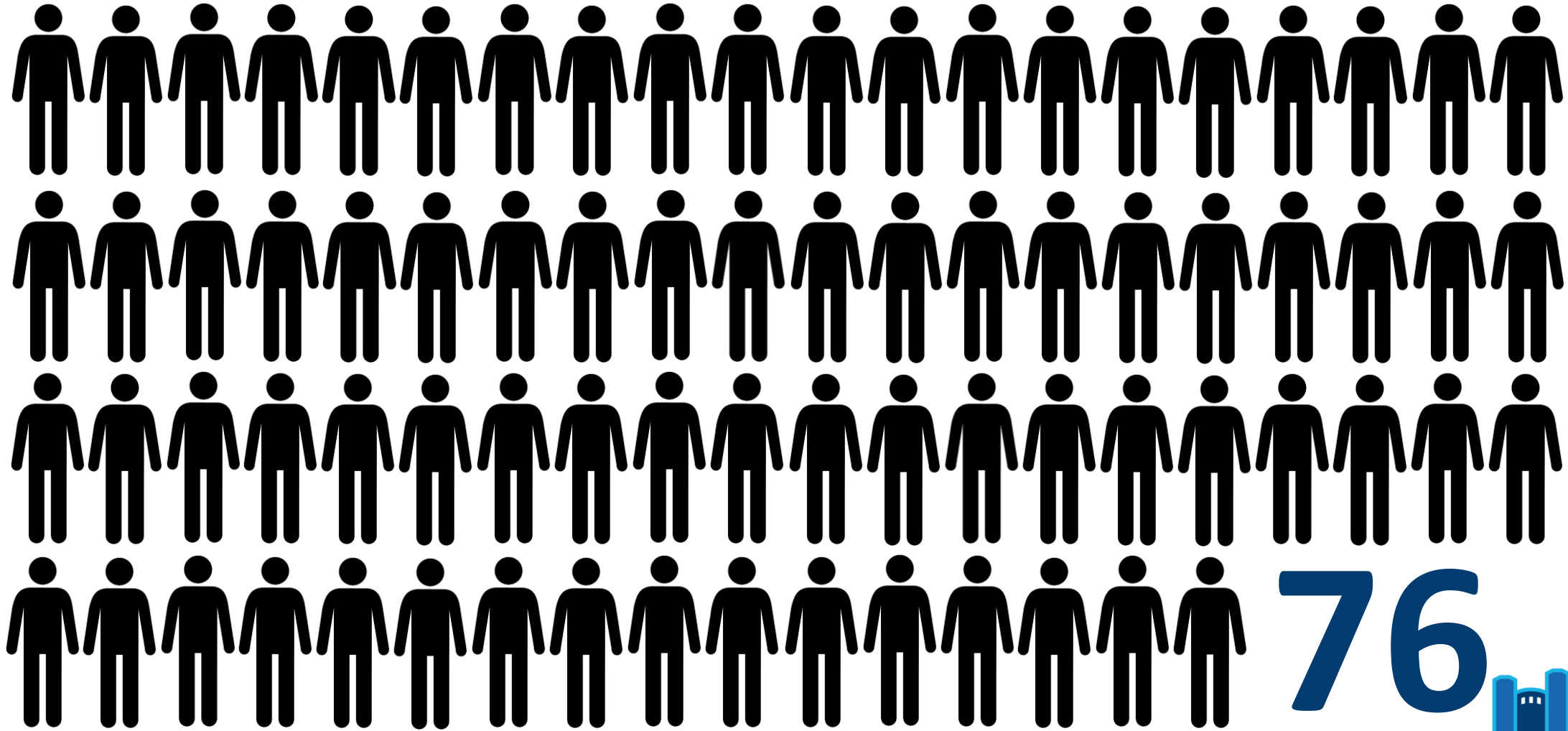


www.mtairycure.com

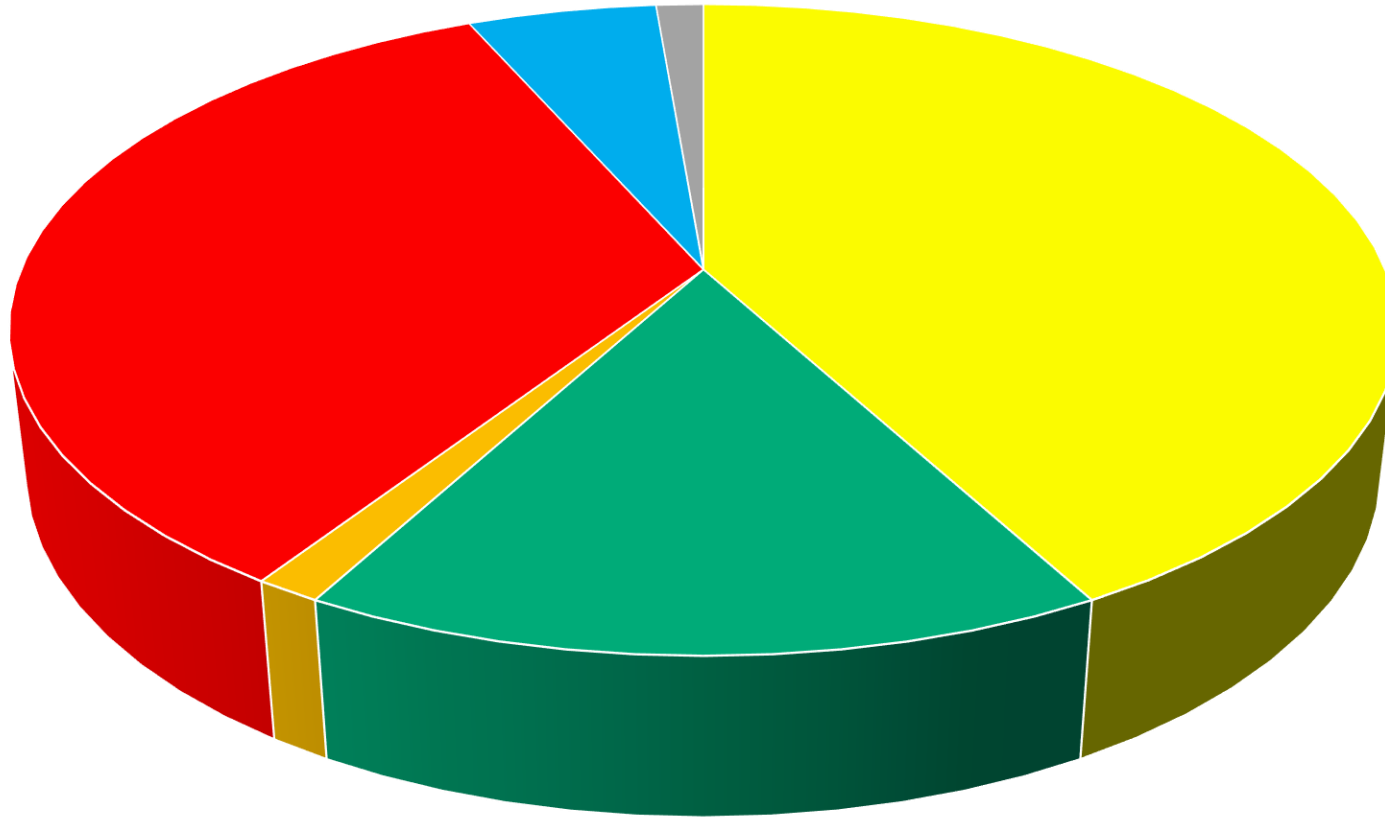
MOUNT AIRY PLAN: OUR FUTURE

MOUNT AIRY SCHOOL: SURVEY RESULTS

SURVEYS COLLECTED:



CONNECTION TO MT. AIRY



■ I live in Mt. Airy (32)

■ I live in and own property in Mt. Airy (1)

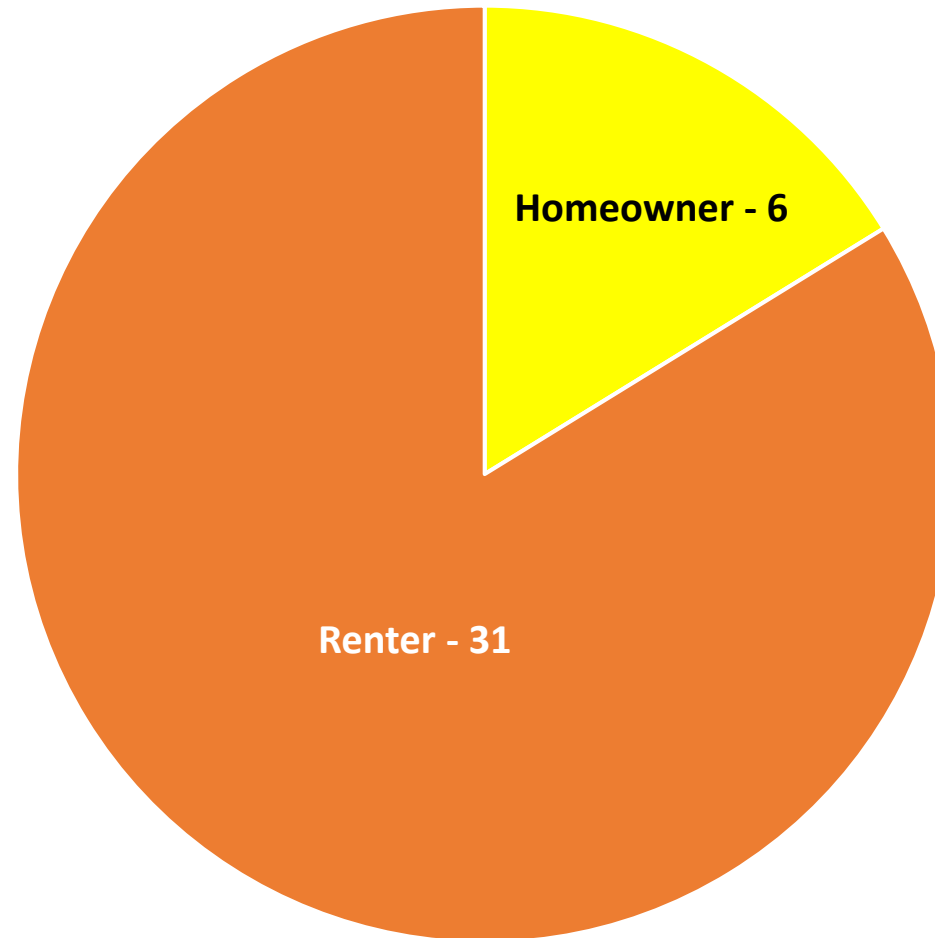
■ I work in and visit Mt. Airy (4)

■ I visit Mt. Airy (12)

■ I work in Mt. Airy (26)

■ I live in North College Hill (1)

HOUSING STATUS



I CHOOSE MT. AIRY BECAUSE:

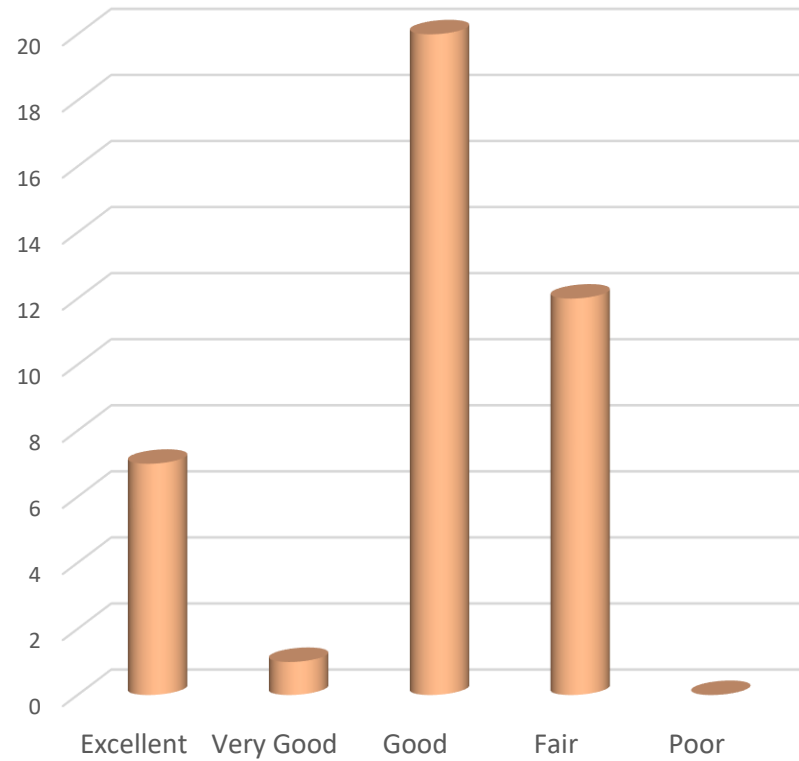
- “It is quiet and everything that my family needs is within a 5-10 minute distance from our home.”
- “I have family here.”
- “Very peaceful place to raise my children.”
- “Mt. Airy Elementary - CLC and Mt. Airy Forest.”
- “The surrounding businesses & restaurants and how close it is to other neighborhoods.”
- “Very clean neighborhood, good stores available.”
- “I believe the community has a lot to offer if provided enough support and resources.”
- “I love where I live. Its quiet, close to everything and just perfect.”
- “I live in Bahama most unsafe place to live.”
- “School.”
- “It was the perfect community when we were looking for a house.”
- “We have a great school family!”
- “Love the school! One of the best schools I have ever worked at. Love hiking in Mt. Airy Forest.”
- “I have lived in Mt. Airy in the past and still attend church here.”

LEVELS OF SATISFACTION

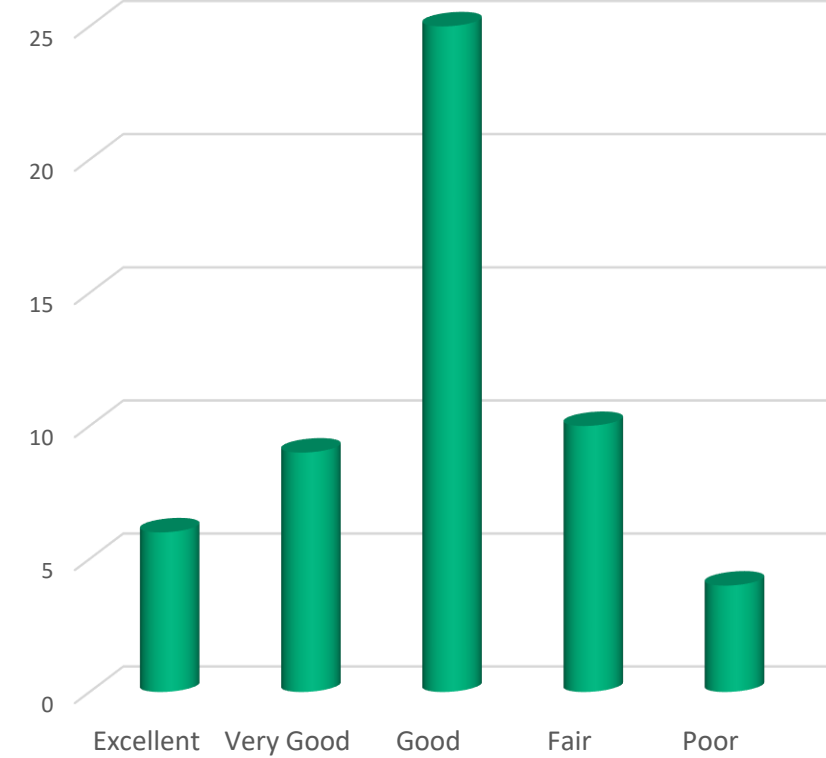
Level of Satisfaction: Living in Mt. Airy



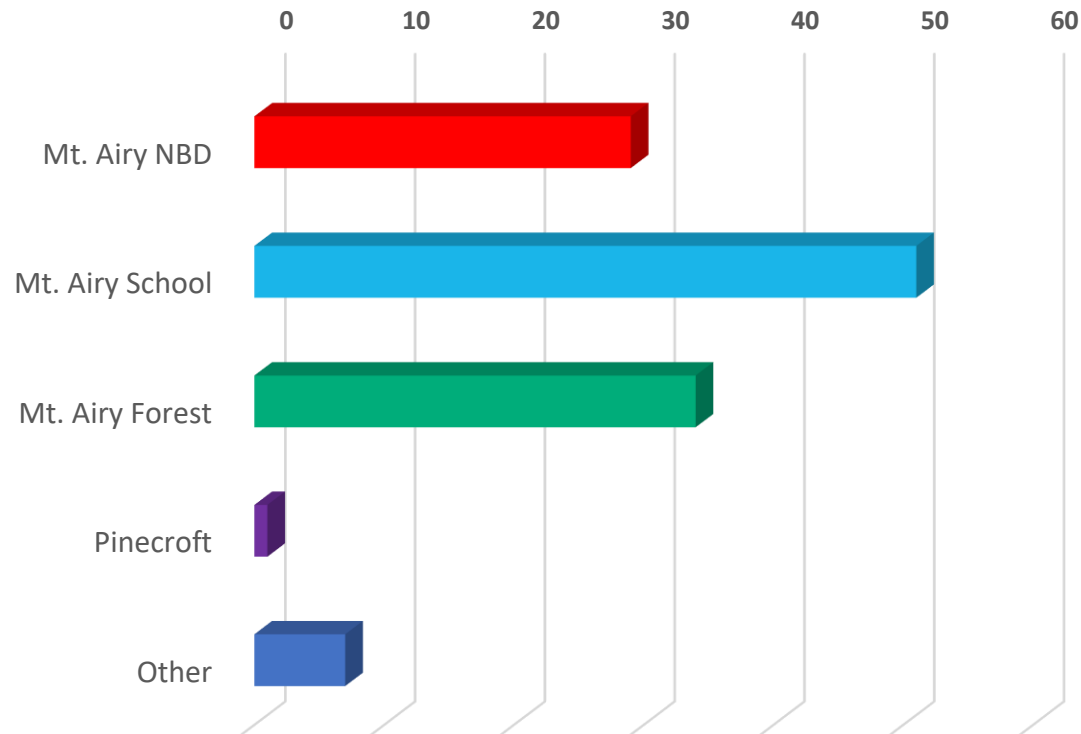
Level of Satisfaction: Working in Mt. Airy



Level of Satisfaction: Visiting Mt. Airy



PLACES VISITED



“Impact Worship Center Church”

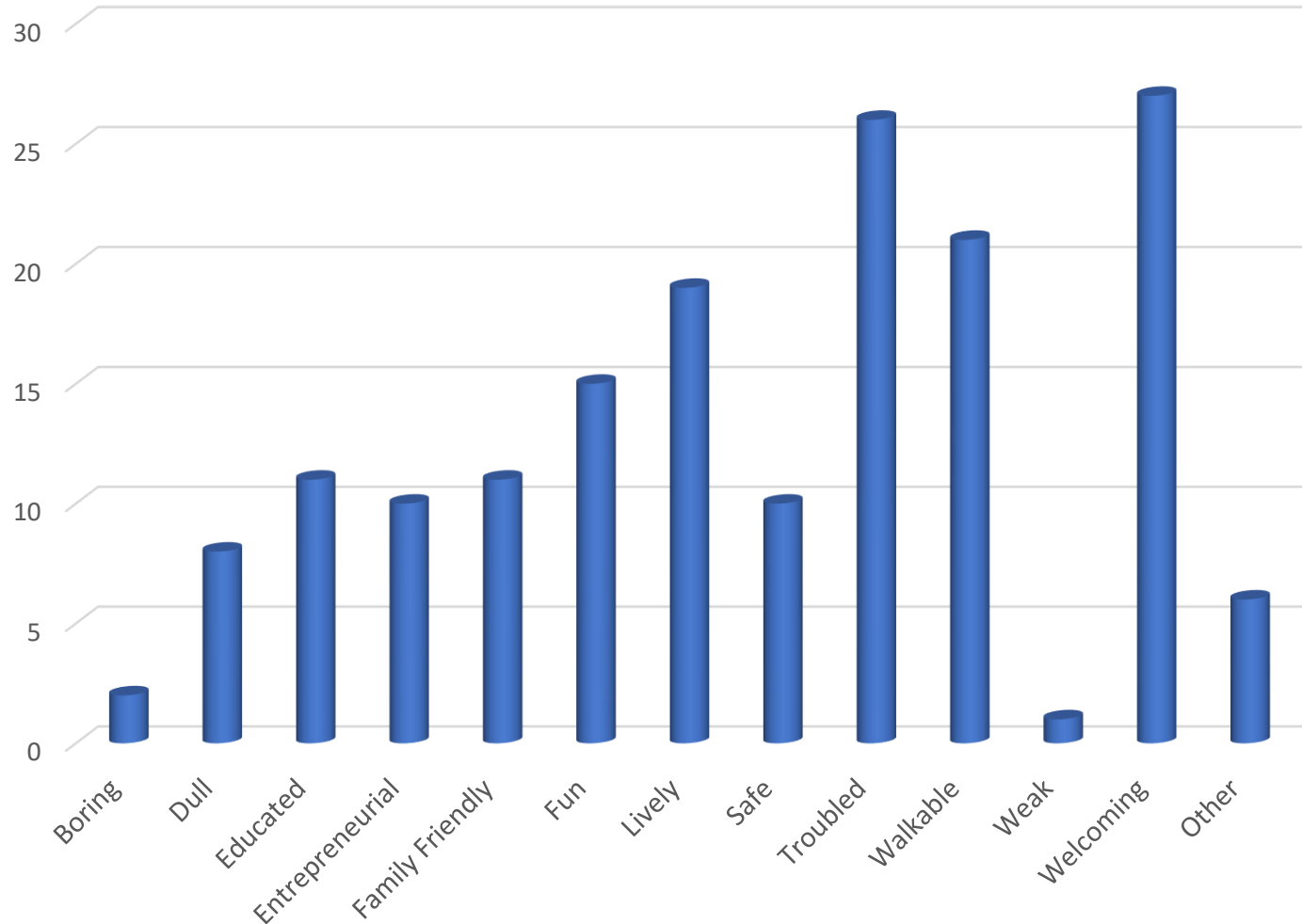
“Friends and family members houses”

“Grandparents live here”

“Apartments”

“Family”

I WOULD DESCRIBE MT. AIRY AS:



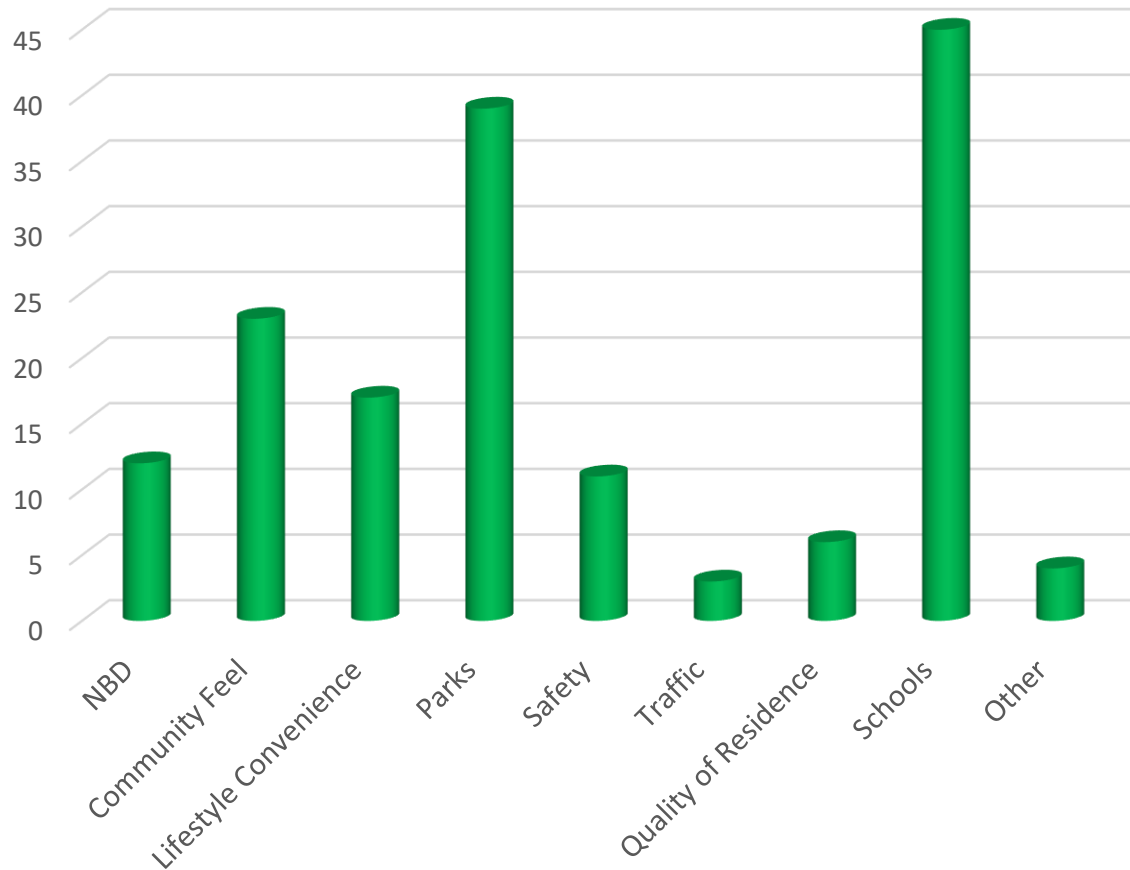
“Need more businesses to draw
in visitors”

“Walkable”

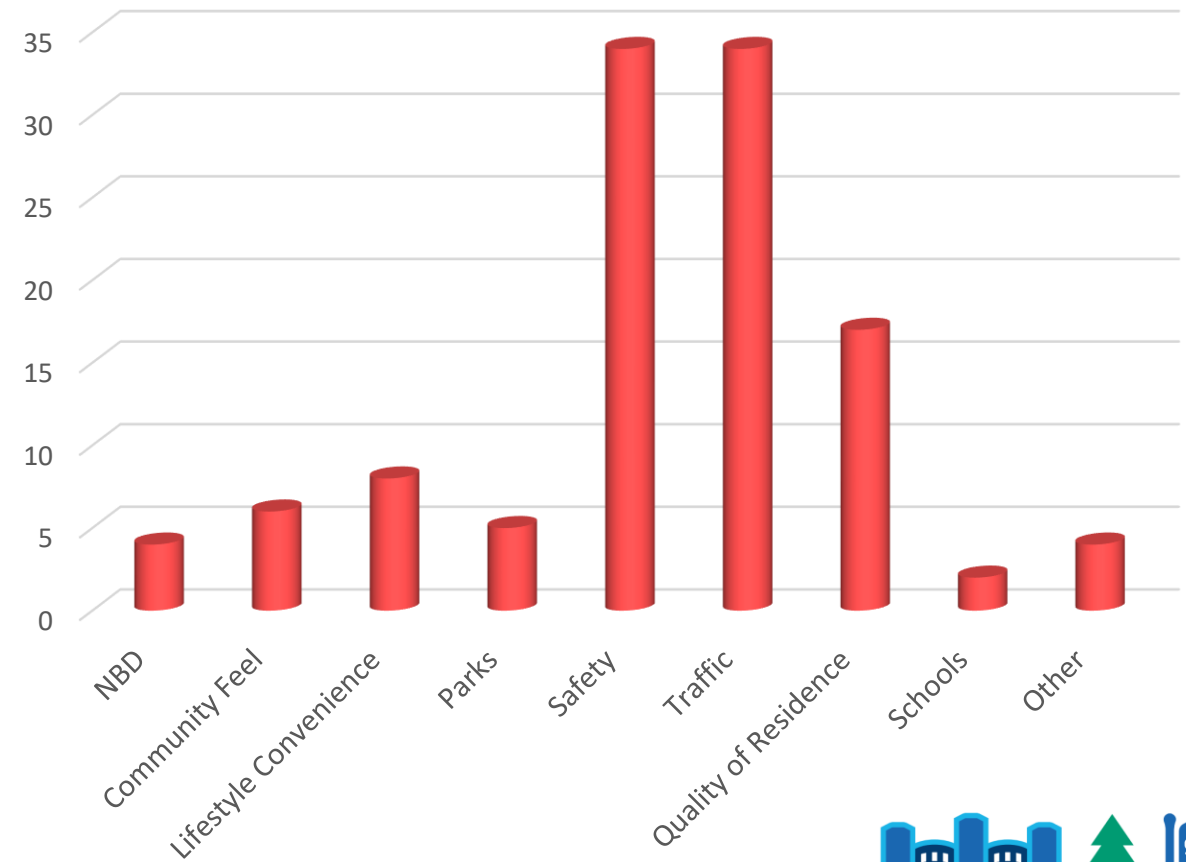
“Lots of potential”

LIKES AND DISLIKES

I like ____ the best



I like ____ the least



OPPORTUNITIES

- “Better housing. Grocery stores. Coffee place. Many more.”
- “Family-friendly businesses.”
- “Making low-income housing safer.”
- “Need a grocery store.”
- “Improve traffic (speeding) and crime.”
- “Hawaiian and Bahama Terrace need more attention, beautification, more than one entrance in and out.”
- “Business District (NBD) – plenty of street visibility”
- “Heavy traffic on Colerain is crazy. Need more crosswalks for teens crossing the street during school hours.”
- “Mt. Airy CLC as hub for community. More resources can be provided to entire neighborhood community”



MOUNT AIRY PLAN: OUR FUTURE

BUSINESS DISTRICT

ASSETS

- Plenty of street visibility
- Some great restaurants that need more publicity

NEEDED IMPROVEMENTS

- Loitering at Thornton's and Speedway
- Block off cut-through from apartments to NBD on east side
- **Nothing to do besides getting gas**, I didn't know there was a business district
 - No real anchor in NBD
- Lack of diversity in businesses
- Opportunities for minority owned businesses
- **Feels unsafe** – crime and **speeding on Colerain Avenue**
 - Sidewalks too close to street or missing completely – kids walking next to speeding cars
 - Hard to cross the street as a pedestrian
- **North Bend/Colerain Intersection is unsafe**
 - Turning left out of Thornton's is dangerous
- Too much litter

OPPORTUNITIES

- The Colerain/Northbend intersection needs to be a gateway
- Engage Speedway/Thornton's to become a part of the community
- Impact Worship Center and Little Flower have large parking lots that could be used for events
- **Create a bypass around business district, like Montgomery**
 - Mt. Airy Square
- **Tear down business district and start over**
- Streetscape improvements and landscaping
 - **Widen sidewalks/make sure they connect, better crosswalks**
- Attract a wider variety of businesses (grocery store, sit-down/quick service restaurants, coffee shop, hardware store, brewery/taproom, deli/bakery, arts and crafts, dry cleaner game room, etc.) and employ Mt. Airy residents
- Rooftop gardens in business district
- **Restaurant district – need more publicity**

OPPORTUNITY SITES

- **Mt. Airy Square**
 - Creating a roundabout or square at the intersection of Colerain and Northbend was brought up to help calm traffic
- **Little Flower Church and School**
 - The campus is ~15 acres just north of the business district. While ideally Little Flower will stay, there needs to be a redevelopment plan in place if they decide to leave Mt. Airy





MOUNT AIRY PLAN: OUR FUTURE

HOUSING & NEIGHBORHOOD

ASSETS

- High quality affordable housing stock
- Central location – close to everything
- Friendly and diverse
- Mt. Airy School
- Religious institutions

NEEDED IMPROVEMENTS

- **Hawaiian Terrace and Bahama Terrace**
 - Unsafe for kids/students, playground equipment is broken, poor living conditions, cut off from rest of neighborhood
 - Bus routes pick up at Colerain – over a mile from some apartments
- Poor living conditions at Shady Mist Apartments
- **Absentee landlords**
- **Need a way for people without a car to obtain fresh food (grocery store)**
- Vacant commercial properties in proximity to Mt. Airy
 - Kroger area in Green Township

OPPORTUNITIES

- **Hawaiian and Bahama Terrace**
 - Could be redeveloped into mixed-income community with different types of housing
- Getting more residents involved with Mt. Airy Town Council
 - Partner with churches
- Working together with surrounding neighborhoods/jurisdictions
- Have Business Association meetings before CURE to get more people involved
- Community housing for the elderly
- **Need for more neighborhood services**
 - Job center, health clinic, youth center

OPPORTUNITY SITES

- Acadia – Excess Land
 - Could be an outdoor theatre or drive-in, a park/walking loop that connects to Pinecroft, something to attract people
- Hawaiian and Bahama
 - Could be redeveloped into a mixed-income area with different types of housing
- Lot adjacent to Raeburn
 - Donate to Hillside Trust – park, trails to avoid walking next to Colerain Avenue





MOUNT AIRY PLAN: OUR FUTURE

RECREATION

ASSETS

- Mt. Airy Forest
 - Arboretum
- Pinecroft at Crosley Estate
- Water Tower
- Shepherd Recreation Area
- Mt. Airy Park
- Tanglewood

NEEDED IMPROVEMENTS

- Too few cultural events/activities
- No community pool, recreation center or sports complex
- Community needs a third space to go besides home and work
- **Shepherd Recreation Area underutilized**
- More events at schools and churches for kids
- **Very few activities for young people**
- Mt. Airy Forest
 - Crime/sexual activity in forest
 - Lots near Putz's are small, fill up quickly
 - Not enough programming/marketing
 - Poor access for walkers and bikers

OPPORTUNITIES

- Pinecroft Estate
- Excess land on Acadia site
 - Outdoor theatre/drive in
 - Park, walking trail loop – tie in to Pinecroft Estate
- Shepherd Recreation area – need more activities for children and youth
 - Winter park, flag football leagues, splash pad, more active space
- Mt. Airy Forest
 - More mountain bike trails
 - Focus on safety, litter reduction, and increase investment
 - Not properly advertised
 - Find a way for young people to work with nature (paying jobs)
 - Walking groups, disc golf leagues, beer garden, amphitheater, marketing
 - Large events have been successful – drive-thru circus sold out
 - Arboretum

OPPORTUNITY SITES

- **Shepherd Recreation Area**
 - This area below the water towers is a tremendous opportunity for a large recreation space to connect the business district to the neighborhood
- **Mt. Airy Forest**
 - The Park Board is going through a process for updates to the Forest Master Plan





MOUNT AIRY PLAN: OUR FUTURE

SAFETY

ASSETS

- Safety is improving in Mt. Airy the last few years
- Several institutions that can create programming to give young people something to do

NEEDED IMPROVEMENTS

- Loitering at gas stations (Thornton's and Speedway)
- **Drugs, crime, violence**
- Police
 - More presence in business district
 - Better community/police relations especially in high crime areas
- Some areas are safe, some areas aren't
 - Little Flower neighborhood
- Cleanliness and upkeep
- Families don't know each other in some areas

OPPORTUNITIES

- Business owners pooling resources for more cameras in the business district
- Few activities for young people – places to work or play
- Programs for youth and children – apprenticeships, after school programs
 - More activities from institutions (churches, school, etc.)
- Neighborhood watch groups/Citizens on Patrol



MOUNT AIRY PLAN: OUR FUTURE

TRANSPORTATION

ASSETS

- Easy access to downtown/highways
- Proximity to bus lines

NEEDED IMPROVEMENTS

- Traffic on Colerain Avenue

- Business district
- Speeding/accidents on the curve going down the hill to Northside

- **Sidewalks too close to street, missing or in poor condition**

- Business district, Kirby/North Bend triangle (redesign), Kipling and North Bend

- Hard for students to walk to school, catch a bus

- Hard to get out of Kiplington neighborhood

- Traffic on North Bend Road

- Accidents, hard to turn left onto Colerain Avenue

- Students in Hawaiian and Bahama have to walk up to a mile to catch a school bus

- Bus only picks up on Colerain Avenue

OPPORTUNITIES

- 24-hour street parking in business district
- Safer crosswalks
 - Signage, striping
- Widen sidewalks, add trees and grass
- Targeted traffic enforcement
- Traffic calming measures on Colerain Avenue and North Bend Road
 - Roundabout, Mt. Airy Square
- Enhancing the sidewalk/trail network to connect the business district with Mt. Airy Forest, neighborhoods and other amenities

Honorable City Planning Commission
Cincinnati, Ohio

March 3, 2023

SUBJECT: A report and recommendation on the proposed *Mount Airy Plan: Our Future* as the Mount Airy neighborhood's guiding comprehensive plan document.

BACKGROUND:

Situated adjacent to the neighborhoods of College Hill, Northside, and Westwood, Mt. Airy is one of Cincinnati's northernmost neighborhoods. The neighborhood sits on the northern edge of the City's boundary, also bordering Colerain Township, Springfield Township, and Green Township. Known for its famous, castle-like water tower and Mt. Airy Forest, Mt. Airy is home to approximately 9,210 residents and sits at around 2,314 acres (3.16 square miles) in size. As Cincinnati's largest park at 1,459 acres, Mt. Airy Forest makes up most of that acreage, taking up nearly half of the entire neighborhood. The man-made forest is home to miles of hiking trails, several picnic areas, a world-class disc golf course, and a multi-use mountain biking trail. Mt. Airy Forest additionally contains Ohio's only wheelchair accessible public tree house, an enclosed dog park, and a beautiful arboretum.

For the first time since 1980, Mt. Airy community members and residents have partnered directly with the City of Cincinnati to establish an innovative and progressive comprehensive plan document to continue guiding Mt. Airy for the upcoming decades. *Mount Airy Plan: Our Future (MAP: Our Future)* represents an extensive collaborative effort between the community and the City of Cincinnati. The plan encapsulates all the aspirations for the residents, business owners, property owners, and visitors of Mt. Airy who all collaborated over the past three years.

The planning process of *MAP: Our Future* was led by the Steering Committee which was comprised of residents and stakeholders from the neighborhood and was supported by members of the Department of City Planning and Engagement staff, Mt. Airy Town Council (MATC), Mt. Airy Community Urban Revitalization Enterprise (CURE), and Community Learning Center Institute. These groups and the entire community created a new vision for the future of Mt. Airy that centers on creating a revitalized environment, particularly within the neighborhood business district (NBD), connecting residents to economic and social centers, highlighting famous landmarks, and welcoming new neighbors who will contribute to the bright future of the neighborhood.

PROCESS & COMMUNITY ENGAGEMENT:

The neighborhood planning process began in the summer of 2020 (during the height of the global pandemic) with the entire planning process being championed by the Steering Committee. To maintain the health and safety of residents and the community, the *MAP: Our Future* Steering Committee held small group gatherings virtually, some of them structured as happy hour events, rather than meeting in large groups. Residents volunteered to host meetings and to distribute invitations to their neighbors. Ten of these meetings occurred with most meetings being focused on different locations throughout Mt. Airy. Besides being insightful opportunities to gather with neighbors safely during the height of the pandemic, the gatherings collected important information in the initial kick-off and brainstorming stage. Community members were asked to provide insight on assets, opportunities, and challenges in the neighborhood. These results were then combined into one map to summarize the initial feedback received.

In addition to the virtual gatherings, there were two online opportunities for input, including a survey and interactive map. This survey was distributed to the Mt. Airy CURE contact list, shared during MATC meetings, and with parents of the Mt. Airy School. This feedback helped craft the goals and strategies of this plan and the results may be found in the Appendix, starting on page 78.

A final in-person open house event was held at Little Brothers-Friends of the Elderly, a social service organization, in the neighborhood's business district. This open house allowed community members to attend at their convenience. During the event, community members reviewed the draft goals and future development opportunity sites, provided feedback, and enjoyed refreshments and charcuterie boards and spreads with their neighbors. Approximately 25 members of the public attended the event, including City staff members and Councilmember Scotty Johnson. From start to finish, approximately 250 community members have engaged with the *MAP: Our Future* process.

PLAN OVERVIEW:

The plan begins with a summary of the neighborhood planning process, before backtracking and exploring Mt. Airy's past and previous planning efforts. Moving forward on the timeline to the present day, Mt. Airy's existing conditions and current land use and zoning are examined. Looking to the future, the plan navigates through Mt. Airy's focus areas and future development opportunities identified by the community.

Plan Cover Page and Logo

The *Mount Airy Plan: Our Future* logo and cover was designed by previous project manager and former Senior City Planner, James Weaver. The plan's logo and layout are inspired by the Mt. Airy neighborhood flag and the features found throughout the neighborhood. The neighborhood's water tower represents the M. The A is a tree representing Cincinnati's largest park, Mt. Airy Forest. Within the A sits a north arrow, as Mt. Airy is one of the Cincinnati's most northern neighborhoods. Lastly, a flag with 961.5 feet composes the P. The water tower is located 961.5 feet above sea level, one of the highest points in Cincinnati.

History and Past Plans

The history section of the plan provides an overview of the history of the Mt. Airy neighborhood including the past plans which included one comprehensive plan from 1980, *Mt. Airy Community Plan*, and two area specific plans, the *Kirby Valley Hillside Study* (1980) and the *Colerain Corridor Study* (1983).

Not mentioned in this specific section but attached as Appendix A in the Appendixes at the end of the plan is the *Mt. Airy Colerain Avenue Corridor Study* (2021) curated by KZF Design. Staff from the Department of City Planning and Engagement (DCPE) as well as the *MAP: Our Future* Steering Committee felt it was necessary to attach this document to the Appendix for reference and easy accessibility.

The same goals in the "Transportation" and "Public Safety" theme areas are reiterated in the *Mt. Airy Colerain Avenue Corridor Study* and it is vital to reference this document, including the Implementation Tables at the end of *MAP: Our Future*, during the implementation phases. This study identifies possible design standards, road improvements, recommendations, and goals for Colerain Avenue. It also provides a proposed site plan and renderings the potential redevelopment of the properties located at the corner of W. North Bend Road and Colerain Avenue and the business district in general.

Existing Conditions

The existing conditions section of the plan is meant to provide a snapshot of the neighborhood's demographic characteristics, zoning, land use, assets, transportation corridors and more. A current land use and zoning map follow this section. The plan incorporates updated 2020 U.S. Census numbers and data which are referenced in this section highlighting population, median household income, race, renters versus owners, vacant units and housing statistics.

Vision

The vision statement for *MAP: Our Future* states:

“Mount Airy is a gateway neighborhood, with access points to three townships and other Cincinnati neighborhoods, that strives to create an inviting, appealing, safe, and revitalized environment, highlighting famous landmarks and welcoming new neighborhoods who will work collaboratively with one another to map the future of Mount Airy” (page 22).

Theme Areas and Goals, Strategies, and Action Steps

There are six theme areas with a total of 19 goals, 48 strategies, and 36 action steps.

Transportation:

The focus of planning for Mt. Airy’s transportation future is safe and comfortable connections between hubs of activity are the focus of Mt. Airy’s transportation future. Whether a person is traveling by car, foot, bike, or bus, the overarching goal is to foster a transportation environment that allows people to easily get where they want to go while strengthening Mt. Airy’s business district.

This theme area highlights two main goals to “Implement traffic calming on major thoroughfares to reduce accidents and speeding” and to “Enhance multi-modal transportation options and increase pedestrian safety” (page 24). Main strategies throughout this section highlight the need to increase on-street parking, improve pedestrian elements such as lighting, sidewalks, and crosswalks and to look into the feasibility of creating a biking or walking trail from Mt. Airy Forest to the business district.

Public Safety:

Getting more eyes on the street is a core component of Mt. Airy’s public safety goals. The more residents and businesses are invested in creating a community that watches out for each other, the safer the neighborhood will start to become.

Many of the same goals or ideas are reiterated throughout this plan. This theme area identifies for main goals to “Reduce speeding on Colerain Avenue and North Bend Road”, to “Work with Police District 5 to improve community and police relations”, to “Implement a neighborhood wide watch program” and to “Increase safety on Hawaiian Terrace and Bahama Terrace” (page 26). Strategies highlighted in this section include installing pedestrian safety elements, partnering with the Cincinnati Police District on multiple strategies, and encouraging landlords neighborhood-wide to accept a mix of market-rate and affordable units with the aim to deconcentrate poverty.

Business District:

The vision for Mt. Airy’s business district hinges on revitalization of both through the physical built environment and the social atmosphere, transforming the district into the welcoming gateway it was meant to be.

This theme area identifies two main goals for the neighborhood, to “Development the Business District into an attractive environment for both Mt. Airy residents and visitors” and to “Improve the environment of the Business District” (page 28). There are several strategies within this theme area

to make the neighborhood business district more attractive to potential developers and to improve the aesthetics by developing attractive gateway entrances.

Community & Marketing:

Communicating important neighborhood meetings, issues, and opportunities to Mt. Airy residents and encouraging participation in community matters is paramount to the future development of the neighborhood. In addition to internal marketing and communication, Mt. Airy is also looking to its neighbors and the City of Cincinnati to collaborate and share what Mt. Airy has to offer.

This theme area identifies five main goals: To “Develop programs and incentives for more people to attend Mt. Airy Town Council meetings”, to “Strengthen the Quality-of-Life Committee under Mt. Airy Town Council”, to “Develop a community meeting space for Mt. Airy residents to gather”, to “Create a neighborhood roundtable with other neighborhoods to discuss similar problems and solutions” and to “Market Mt. Airy’s assets to existing and future residents, business owners, and visitors” (page 31).

Housing:

Mt. Airy should support existing and future residents of all income levels and lifestyles by providing a variety of quality, well-cared for housing options with incentives and assistance for property owners to maintain housing units.

This theme area identifies three main goals: To “Maintain and enhance the single-family housing stock”, to “Identify blighted and problem properties and work with property owners to improve them” and to “Support existing residents who want to stay in Mt. Airy” (page 33). Strategies and action steps mentioned in this section include starting a ‘Home of the Month’ program, improving the quality of rental units, and encouraging a mix of market-rate and subsidized rental units in large apartment complexes.

Parks & Recreation:

Capitalizing on Mt. Airy’s current recreational resources, from the vast and beautiful Mt. Airy Forest to the Colerain and Shepherd Recreation Area, the future of Mt. Airy Parks and Recreation relies on improving existing facilities and providing greater access for all residents and visitors.

In this last section, there were three goals created: To “Hold more events in Mt. Airy Forest to bring people into the neighborhood”, to “Work with the Park Board to implement the recommendations of the Mt. Airy Forest Plan” and lastly to “Increase awareness and the utilization of existing recreation assets to serve the neighborhood population” (page 35). Strategies within this theme area consist of adding more security and safety measures to Mt. Airy Forest and to partner with other Cincinnati nature groups to bring even more events to the park.

Future Development Opportunities (FDOs)

Based on the many goals and strategies identified and outlined in the previous sections, there were six future development opportunities identified which also can be found on page 37 of the *MAP: Our Future* plan document. These areas were identified solely as *potential* development opportunities.

These six areas are: Acadia (the excess land surrounding the Pinecroft at Crosley Estate and the Glenwood Gardens Behavioral Center), the Business District, Hawaiian and Bahama Terraces, the St. Therese Little

Flower Parish property, Mt. Airy Forest, and the Shepherd Recreation Area. The strategic goal of these FDOs is to provide guidance and give Mt. Airy a say in the community engagement process for when (and if) a redevelopment opportunity occurs on any of these subject properties.

Implementation Charts and Additional Appendices

Appendix A includes implementation charts for each of the six theme areas. The charts provide the following information on each action step within the plan's strategies and goals:

- *Time Frame:* The time frames are approximations of how long it would take an action step to be completed, ranging anywhere from 3 months up to 10 years, including multiple ongoing items.
- *Priority Level:* The priority level was determined by the Steering Committee and City staff.
- *Potential Partners:* This identifies additional organizations that could assist in the completion of the action steps such as other City Departments, businesses, Cincinnati Public Schools, Invest in Neighborhoods, Tri-State Trails, and Ohio Kentucky Indiana Regional Council of Governments (OKI).

CONSISTENCY WITH PLAN CINCINNATI (2012):

MAP: Our Future is based upon and consistent with the comprehensive plan for the City of Cincinnati, *Plan Cincinnati*, that was adopted by City Council in 2012. As the goals of *MAP: Our Future* are implemented, they will be assessed with *Plan Cincinnati* to ensure consistency with the City's comprehensive goals. Specifically, *MAP: Our Future* is consistent with all five Initiative Areas of *Plan Cincinnati* - Compete, Connect, Live, Sustain, and Collaborate. These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

Compete Initiative Area

Goal to "Foster a climate conducive to growth, investment, stability, and opportunity" (page 102) and Goal to "Become nationally and internationally recognized as a vibrant and unique city" (page 121). As it states in *Plan Cincinnati*, "Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community" (page 122).

Connect Initiative Area

Goal to "Develop an efficient multi-modal transportation system that supports neighborhood livability" (page 129) and the Strategy to "Support regional and intercity transportation initiatives" (page 144).

Live Initiative Area

Goals to "Build a robust public life" (page 149), "Create a more livable community" (page 156), and "Provide a full spectrum of housing options, and improve housing quality and affordability" (page 164) and the Strategies to "Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people" (page 150), "Become more walkable" (page 157), and to "Support and stabilize our neighborhoods" (page 160).

Sustain Initiative Area

Goal to "Become a healthier Cincinnati" (page 181), specifically through the Strategies to "Preserve our natural and built environment" (page 193), "Protect our natural resources" (page 194) and to "Preserve our

built history” (page 197).

Collaborate Initiative Area

Goal to “Work in synergy with the Cincinnati community” (page 209) and the Strategy to “Unite our communities” (page 210).

CONCLUSION:

The planning process for *MAP: Our Future* has been lengthy, and the community and City staff had to be flexible due to the global pandemic, however this did not stop the Mt. Airy neighborhood from completing this beneficial plan which will be utilized for decades to come. This plan represents the strategic vision to implement all the goals and strategies identified by the community and outlines a 5-to-10-to-20-year structure to improve the neighborhood business district, safety and existing assets while striving to promote collaboration efforts and incentivizing new development and redevelopment opportunities. This plan will put Mt. Airy back on the map as this neighborhood is unique just like the other neighborhoods in Cincinnati. Lastly, this plan would not have been possible without the leadership of former Department of City Planning and Engagement staff: Senior City Planners James Weaver and Samantha McLean, including graphic assistance from Seangood Intern Emily Burns, who were all instrumental in part of helping map the future of Mt. Airy.

RECOMMENDATION:

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following action:

APPROVE the proposed *Mount Airy Plan: Our Future* as the Mount Airy neighborhood’s guiding comprehensive plan document.

Respectfully submitted:



Jesse Urbancsik, Senior City Planner
Department of City Planning and Engagement

Approved:



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

Mount Airy Plan OUR FUTURE

The Mt. Airy Neighborhood Plan



APPROVED BY

**Mt. Airy Town
Council**
01/19/23

**City Planning
Commission**
on xx/xx/23

**City
Council**
on xx/xx/23



Logo Source: James Weaver



Flag Source: Cincy Flags

The **MAP Our Future** plan's logo and plan layout is inspired by the Mt. Airy neighborhood flag and features in the neighborhood. The neighborhood's water tower represents the **M**. The **A** is a tree representing Cincinnati's largest park, Mt. Airy Forest. Within the **A** sits a north arrow, as Mt. Airy is one of the Cincinnati's most northern neighborhoods. Lastly, a flag with 961.5' composes the **P**. The water tower is located 961.5' above sea level, one of the highest points in Cincinnati.

The City of Cincinnati Department of City Planning & Engagement prepared this plan document.

The planning process was led by the MAP Our Future Steering Committee comprised of residents and stakeholders from Mt. Airy Town Council, Mt. Airy CURE, and Community Learning Centers Institute.

ACKNOWLEDGMENTS

Thank you to everyone who contributed to this plan by sharing your stories, ideas, expertise, and time.

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Aftab Pureval

City Council

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Victoria Parks, President Pro Tem
Jeff Cramerding, Councilmember
Reggie Harris, Councilmember
Mark Jeffreys, Councilmember
Scotty Johnson, Councilmember
Liz Keating, Councilmember
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Steve Pacella, Cincinnati Recreation Center

Working Group Participants

Over **300 community members** were engaged in events, working groups, or participated by providing feedback or filling out surveys throughout the planning process.

LETTER FROM **MT. AIRY TOWN COUNCIL**



November 7, 2022

When Mt. Airy Community Urban Redevelopment Enterprise (CURE) approached Mt. Airy Town Council (MATC) for support to help in the execution of a Neighborhood Plan, we were excited to participate both financially and through volunteer time from members of the Board of MATC.

This is the first time in nearly five decades that community members and residents have been able to partner with CURE, MATC and the City to create an innovative, comprehensive plan to guide Mt. Airy in the foreseeable future.

The process has been lengthy – encompassing over 2 years. Due to the pandemic, alterations needed to be made to traditional ‘in person’ meetings. Instead, numerous virtual meetings were held to collect the concerns and ideas of more than 250 Mt. Airy residents and business owners. More than 100 survey responses were collected through Mt. Airy Elementary School, sponsored events, and MATC’s website. In the end, we believe that this Neighborhood Plan speaks for our residents and business owners.

MATC is proud of the collaboration between the neighborhood organizations. We are confident the outcome of all the input and research will help bring Mt. Airy back to the gateway community that it once was!

Mt. Airy Town Council,

Lesley Jones, Interim President
Belle Walsh, Secretary
Mark Menkhaus
Terry Crooker



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EXECUTIVE SUMMARY

Mount Airy Plan: Our Future is the first comprehensive plan for the neighborhood since 1980 and represents an extensive collaboration effort between the community and the City. Mt. Airy is one of Cincinnati's northernmost neighborhoods and is positioned as a gateway between the City and surrounding townships.

MAP: Our Future encapsulates the aspirations of all the residents, business owners, and property owners who collaborated on a vision for the future of Mt. Airy. That vision centers on creating a revitalized environment, particularly within the Neighborhood Business District, connecting residents to economic and social centers, highlighting famous landmarks, and welcoming new neighbors who can contribute to the bright future of the neighborhood.

With the creation of the MAP Our Future Steering Committee, the community of Mt. Airy kicked off the two-year planning process exploring goals, strategies, and action steps in each of the Plan's **six theme areas**:



Transportation

Safe and comfortable connections between hubs of activity are the focus of Mt. Airy's transportation future. Whether a person is traveling by car, foot, bike, or bus, the overarching goal is to foster a transportation environment that allows people to easily get where they want to go while strengthening Mt. Airy's business district.



Public Safety

Getting more eyes on the street is a core component of Mt. Airy's public safety goals. The residents and businesses that are invested in creating a community that watches out for each other, the safer the neighborhood will be.



Business District

The vision for Mt. Airy's business district hinges on revitalization of both the physical built environment and the social atmosphere, transforming the district into the welcoming gateway it was meant to be.



Community and Marketing

Communicating important neighborhood meetings, issues, and opportunities to Mt. Airy residents and encouraging participation in community matters is paramount to the future development of the neighborhood. In addition to internal marketing and communication, Mt. Airy is also looking to its neighbors and the City to collaborate and share what Mt. Airy has to offer.



Housing

Mt. Airy should support existing and future residents of all income levels and lifestyles by providing a variety of quality, well-cared for housing options with incentives and assistance for property owners to maintain housing units.



Parks and Recreation

Capitalizing on Mt. Airy's current recreational resources, from the vast and beautiful Mt. Airy Forest to the Colerain and Shepherd Recreation Area, the future of Mt. Airy Parks and Recreation relies on improving existing facilities and providing greater access for all residents and visitors.

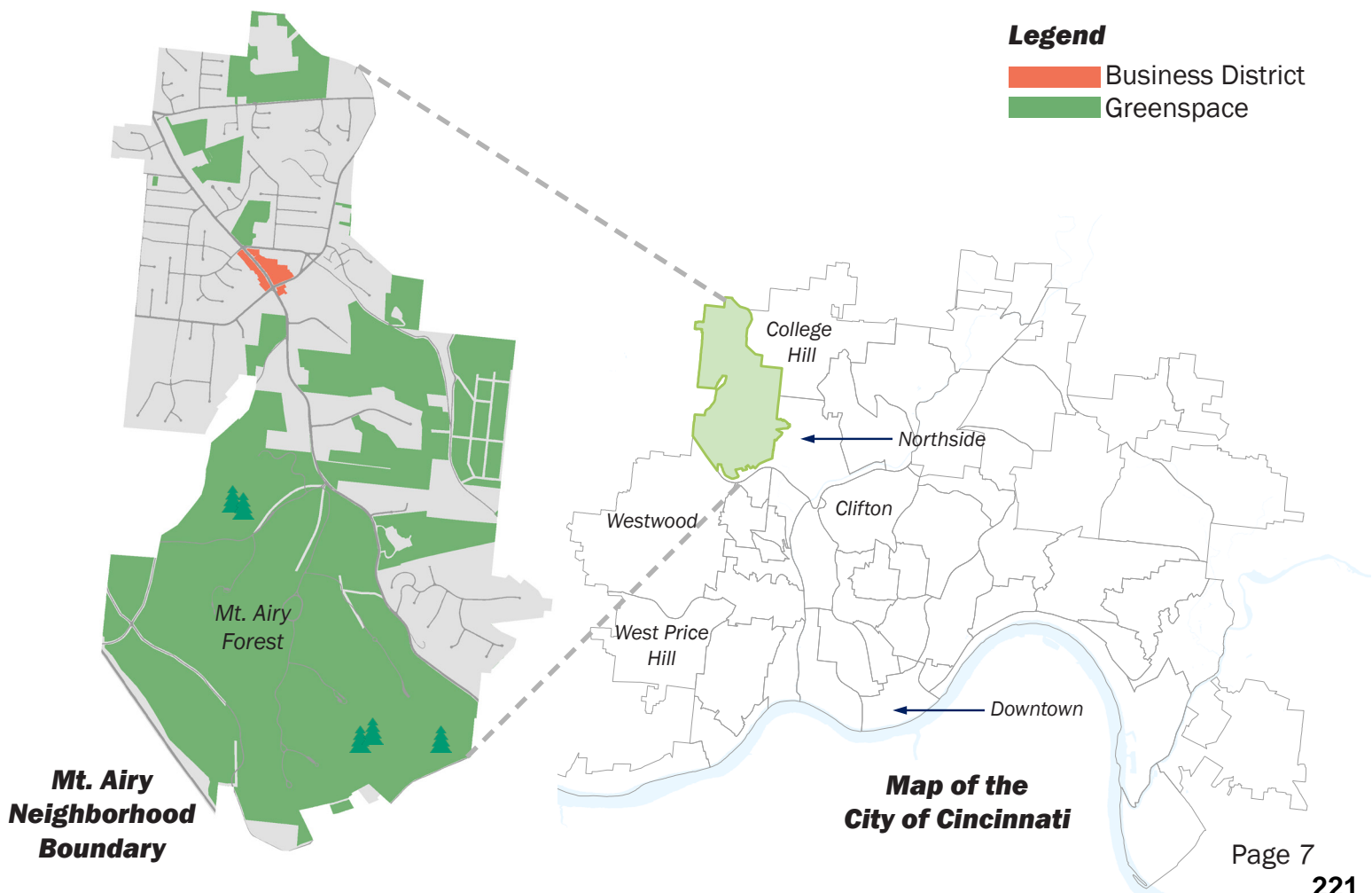
INTRODUCTION

TO MT. AIRY AND THE PLAN

Situated against the neighborhoods of College Hill, Northside, Westwood, and more, Mt. Airy is one of Cincinnati's northernmost neighborhoods. The neighborhood sits on the northern edge of the City's boundary, also bordering Colerain Township, Springfield Township, and Green Township. Known for its famous, castle-like water tower and Mt. Airy Forest, Mt. Airy is home to 9,210 residents and sits at around 2,314 acres (3.16 square miles).

As Cincinnati's largest park at 1,459 acres, Mt. Airy Forest makes up most of that acreage, taking up nearly half of the entire neighborhood. The man-made forest is home to miles of hiking trails, several picnic areas, a world-class disc golf course, and a multi-use mountain biking trail. The Forest additionally contains Ohio's only wheelchair accessible public tree house, an enclosed dog park, and a beautiful arboretum.

For the first time since 1980, Mount Airy community members and residents have partnered directly with the City to establish an innovative and progressive comprehensive plan document to continue guiding Mt. Airy for the upcoming decades. *The Mount Airy Plan: Our Future*, is the plan the neighborhood has been building for the past four decades. Neighborhood plans are vital for helping communities pinpoint development efforts as well as providing a stronger case for funding from both the City and other grants. *MAP: Our Future* builds upon previous community planning efforts and incorporates a robust community engagement process, instrumental in creating the unified vision of development.



Mt. Airy residents, in collaboration with Mt. Airy CURE (a 501(c)3 non-profit), business associations, and the Department of City Planning and Engagement, passionately and dedicatedly led the efforts to create the final draft of this document after two years of work, all during the Covid-19 global pandemic. Planning during the Covid-19 Pandemic made everyone think outside the box. Over a dozen of virtual meetings, virtual happy hours, surveys, and engagement sessions occurred to prioritize the health and safety of the community.

The Mount Airy CDC, known as CURE or Community Urban Redevelopment Enterprise, has been active in the past decade to promote the business district, apply for grants and funding, attempted to engage the business owners and identify opportunities to increase the business services and facilitate occupancy in vacant storefronts or free-standing structures.

Mt. Airy CURE has been dedicated to improving the neighborhood, specifically focusing on improving the Business District along Colerain Avenue and, along with revitalizing the key assets of the neighborhood, showcasing opportunities for growth, and organizing placemaking events. A partnership between Mt. Airy Council, Mt. Airy Civic Association, and Mt. Airy CURE led these efforts to beneficial results and create the main topics of the plan: Transportation, Public Safety, Community and Marketing, Housing, Parks and Recreation, with a focus on revitalizing the Colerain Avenue Business District.

Lastly, this plan will **map** the future of Mount Airy.

This plan charts a course beginning with the planning process, before backtracking and exploring Mt. Airy's **past** and previous planning efforts. Moving forward on the timeline to the **present** day, Mt. Airy's existing conditions and current land use and zoning are examined. Looking to the **future**, the plan navigates through Mt. Airy's focus areas and future development opportunities identified by the community.



CONSISTENCY WITH ***PLAN CINCINNATI*** (2012)

MAP: Our Future is based upon and consistent with the Comprehensive Plan for the City of Cincinnati, *Plan Cincinnati*, that was adopted by City Council in 2012. As the goals of *MAP: Our Future* are implemented, they will be assessed with *Plan Cincinnati* to ensure consistency with the City's comprehensive goals.

Specifically, *MAP: Our Future* is consistent with all five Initiative Areas of *Plan Cincinnati* - Compete, Connect, Live, Sustain, and Collaborate. These Initiative Areas align with the Guiding Policy Principles by increasing our population, building on our assets, becoming recognized, being aggressive and strategic in future growth and development, and to develop a culture of health embodied by thriving residents.

Compete | Be the pivotal economic force of the region.

Goal to “**Foster a climate conducive to growth, investment, stability, and opportunity**” (page 102) and the Strategy to “Pursue new growth and business recruitment efforts in target industries” (page 108). This plan is additionally consistent with the Goal to “Become nationally and internationally recognized as a vibrant and unique city” (page 121) through the Strategy to “Promote Cincinnati's lifestyle” (page 122).

As it states in *Plan Cincinnati*, “Cincinnati is a special place...our distinctive housing, unique and walkable neighborhoods...**Cincinnati can begin to grow into a large city while maintaining the benefits of a smaller community**” (page 122).

Connect | Bring people and places together.

Goal to “**Develop an efficient multi-modal transportation system that supports neighborhood vitality**” (page 129) and the Strategy to “Support regional and intercity transportation initiatives” (page 144).

Live | Strengthen our magnetic City with energized people.

Goals to “**Build a robust public life**” (page 149) and “Create a more liveable community” (page 156) and the Strategies to “Develop and maintain inviting and engaging public spaces to encourage social interaction between different types of people” (page 150), to “**Become more walkable**” (page 157), to “Support and stabilize our neighborhoods” (page 160).

Sustain | Steward resources and ensure long-term vitality.

Goals to “**Become a healthier Cincinnati**” (page 181) and to “Preserve our natural and built environment” (page 193) with the Strategies to “Protect our natural resources” (page 194) and “Preserve our built history” (page 197).

Collaborate | Partner to reach our common goals.

Goal to “Work in Synergy with the Cincinnati Community” through the Strategy to “**Unite our communities**” (page 210).

PLANNING PROCESS

This section outlines the planning process undertaken by Mt. Airy to create this neighborhood plan. The planning process began in **mid-2020** and ended in **September 2022**.

Steering Committee

The planning process was championed by the Steering Committee, a group of five neighborhood residents and stakeholders, including representatives from Mt. Airy CURE, who met monthly with the Department of City Planning and Engagement to guide the planning structure and process. The Steering Committee was instrumental in preparing for plan events and engaging their neighbors.

Community Engagement

Plan Kick-Off (Mid 2020 to Early 2021)

The plan kicked-off in mid-2020. To maintain the health and safety of residents, the MAP Steering Committee held small group gatherings, some of them structured as happy hour gatherings, rather than large group meetings. Residents volunteered to host the meetings and distribute invitations to their neighbors. City staff and the MAP Steering Committee created the invitations and virtual meeting links, coordinated the meeting logistics, and facilitated the meetings. The following meetings were held:

- *July 28, 2020: Kiplington Neighborhood*
- *August 17 and 19, 2020: Business District*
- *October 20, 2020: Kiplingwood and Willowcove Drives*
- *October 26, 2020: NW Mt. Airy*
- *October 29, 2020: Mt. Airy School*
- *November 9, 2020: Raeburn Neighborhood*
- *November 10, 2020: Mt. Airy School*
- *November 17, 2020: SW Mt. Airy*
- *January 11, 2021: NE Mt. Airy*
- *May 2, 2021: In-Person Meeting at Mt. Airy School*

Besides being great opportunities to gather with neighbors safely during the height of the COVID-19 pandemic, the gatherings collected important information in the initial kick-off and brainstorming stage. Community members were asked to provide insight on assets, opportunities, and challenges in the neighborhood. The maps with community feedback from these meets are included in the Appendix at the end of this document.

In addition to the virtual gatherings, there were two online opportunities for input, including a survey and interactive map. All the feedback from the gatherings, survey, and interactive map was compiled into feedback summaries that are included in Appendix B. These feedback summaries informed the first draft of the goals, strategies, and action steps, as well as the future development opportunity sites.

Draft Goals and Future Development Opportunities Review

Draft goals, strategies, and action steps were created in the later half of 2021 and shared with the community

via an online feedback form and an in-person open house event. The community event was originally scheduled for January 2022; however, due to health and safety concerns associated with the COVID-19 pandemic, it was postponed to April 7, 2022.

The open house event was held at Little Brothers-Friends of the Elderly, a social service organization, in the neighborhood's Business District. The event was from 3 – 8 p.m. which allowed community members to attend at their convenience. During the event, community members reviewed the draft goals and future development opportunity sites, provided feedback, and enjoyed refreshments with their neighbors. Approximately 25 people attended the event.

In addition to the open house event, there was an online feedback survey that was open from December 2021 – May 2022. This survey was distributed to the Mt. Airy CURE contact list and shared during Mt. Airy Town Council meetings.

Prioritization and Draft Plan Review

After all the meetings were held with an enormous amount of input received, goals and strategies were prioritized and the draft plan came to fruition. This plan was guided by the *Essential Elements of a Plan*, a guide used by the Department of City Planning and Engagement for the neighborhood plan process.

Approval Process

Community Council Approval

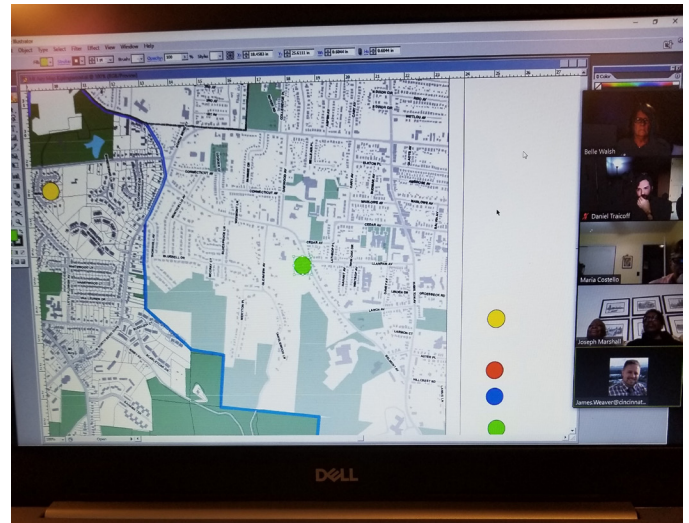
The Mt. Airy Town Council voted to approve the *MAP: Our Future Plan* on January 19, 2023. Multiple community members were in attendance and Mt. Airy Town Council voted to approve the plan following a presentation by the Steering Committee and City staff.

Departmental Review

City of Cincinnati departments, offices, and agencies reviewed this plan on February 13, 2023. Many of the departments were involved throughout the planning process while working groups were drafting and refining the goals, strategies, and action steps. Departments provided comments and thoughts on the plan.

City Planning Commission and City Council Review

The Steering Committee and members of the working groups presented this plan, along with City Planning & Engagement staff, to City Planning Commission on March 3, 2023 and to City Council in **[insert month]** 2022. The City Planning Commission recommended **[insert action]** and the City Council **[insert action]** the plan as Resolution No. **[insert number]**.



Virtual Working Group meeting during the Pandemic
(photo by Belle Walsh)



Scotty Johnson with the Steering Committee
(photo by Samantha McLean)

HISTORY

This plan acknowledges that the neighborhood is the native homeland of the Osage, Shawnee, Myaamia, Kaskaskia, Hopewell, and Adena peoples. Following the Battles of Wabash and Fallen Timbers in the late 1700s and decades of violent land disputes, these tribes signed the Treaty of Greenville and were forced to relinquish their land. This history summary of Mt. Airy begins in the mid-1800s. Until the mid-nineteenth century, Mt. Airy was known as Brown's Grove, a small rural hamlet. Even though it was incorporated as the Village of Mt. Airy in 1865 with land given by Mill Creek and Green Townships, it was sparsely populated with only 162 residents by 1880. Most of the residents of Mt. Airy worked in the farming industry or farm-related activities with some businesses scattered along Colerain Pike such as a grocery store, wagonmaker's shop, and several saloons or inns.

In the late 1880s and early 1890s, Mt. Airy experienced a burst of growth with new residents moving in, increasing the population of between 500-600 by 1893. A significant number of residents in Mt. Airy by this time had jobs located outside of the village or had businesses not related to the agricultural industry. In the late 1890s and early 1900s, both residential development and agricultural activity slowed down. In 1911, Mt. Airy was annexed by the City of Cincinnati. In the 1910s and 1920s, the agricultural industry slowly disappeared as development was revived. By the early 1930s, there were ten businesses clustered around the intersection of Colerain Avenue and North Bend Road alone, a sharp contrast from the state of the business district in the 1880s.

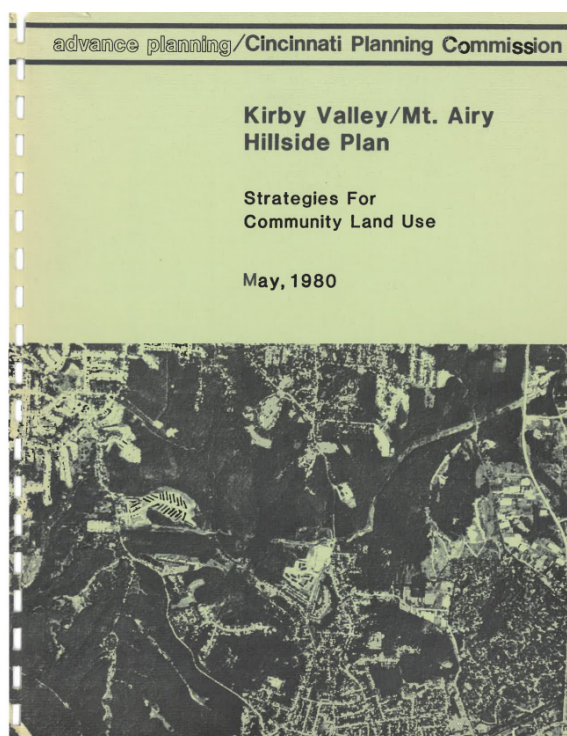
The Mt Airy neighborhood is a post war (WW II) community. Though the bulk of housing was built from 1950 to 1975, much of the single-unit construction occurred since 1980. With the City's population expanding to "suburban" City neighborhoods after WW II, the community became a strong demand destination for families desiring newer construction and larger yards. Housing styles and lot sizes reflect market demand from family households formed by the baby boomers and later generations. Ranch and 1.5 story homes with three to four bedrooms are evident as built during the decades of the 1950s through the 1970s, constructed on lots twice the size of the older urban neighborhoods of the City. Strong housing demand continued into the 1980s through to the millennium, with the housing stock increasing by 400 homes within eight subdivisions built from 1985 through 2006. These later subdivisions offered a range in settings and provided amenities and styles at affordable pricing for households looking to upgrade or to initiate their home ownership status. A drive through of the housing pockets illustrates pride in ownership for all the various price points of the community with homes and yards well maintained, complimented with tree lined streets.

As the community developed, the one block business district offered a variety of walk-up or drive to businesses with a diversity of services commencing and stabilizing during the decade of the 1960s and 1970s. The history of the commercial district along Colerain from North Bend to Kirby offered a range of consumer services including at various or concurrent times the following: one IGA grocery, a United Dairy Farmers, three sit-down restaurants, multiple fast food restaurants, one household appliance store, one hardware store, one bookstore, one pharmacy, three dry cleaners, two banks, one bakery, one auto parts store, and more.

Currently the business district provides in part, wireless retail operators, a carwash, beauty product and clothing services, hair care operations, salons and barber shops, convenient stores with gas sales, an independent food mart, the Cincinnati Chapter of Little Brothers and Friends of the Elderly, a carryout restaurant and a property maintenance office.

PAST PLANS

Mt. Airy has had a variety of past plans: one comprehensive neighborhood plan (1980), *Neighborhood Business District Urban Design Plan* (1996), and two area specific plans, the *Kirby Valley Hillside Study* (1980) and the *Colerain Corridor Study* (1983). These plans were considered in the creation of this plan. This section provides an overview of the past plans for the neighborhood.



Kirby Valley Hillside Study (1980)

After Cincinnati City Council amended the City's Zoning Code in 1976 to include Environment Quality (EQ) District Regulations, establishing Hillside Areas under the designation of Environmental Quality Hillside (EQ-HS) type became a high priority for many neighborhoods. The 1980 Kirby Valley Hillside Study reflects the neighborhood support for defining EQ-HS districts and proposes the establishment of the Kirby Valley/Mt. Airy EQ-HS 7. The land use recommendations follow the 1980 Mt. Airy Community Plan, recommending that future residential development should primarily be low-density and cluster, although the plan allows for medium density residential in hillside properties with insufficient lot sizes. Most of the recommended zoning changes are from current medium density residential sites to low density. The plan also proposes low-density residential as an alternative land use around the proposed Colerain Modified Freeway area, recognizing the appropriateness of alternative general land uses in case the freeway project should be abandoned in the future. The plan recognizes the important role of the

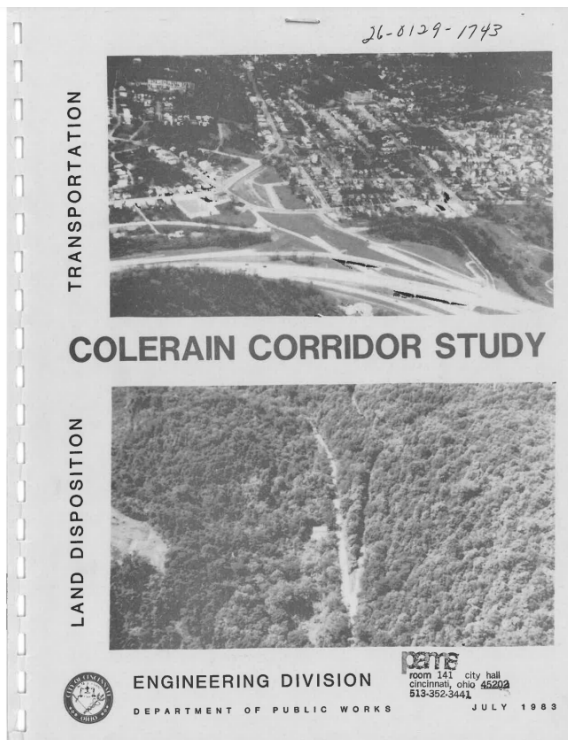
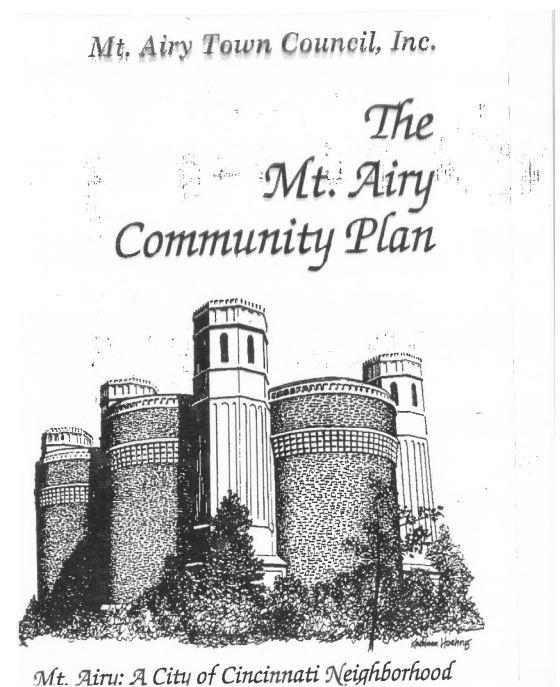
hillsides in the Mt. Airy neighborhood, where hillsides form a natural green edge delineating the College Hill, Mt. Airy, and Northside communities. The Mt. Airy Forest hillside planning boundary identified in the report stretches from 1-74 and the West Fork Valley north to North Bend Road and east to Virginia Avenue and Kirby Road. The hillside area is still an important neighborhood green space today and a touchstone of neighborhood identity.

Mt. Airy Community Plan (1980)

After a 1975 comprehensive plan for Mt. Airy failed to be adopted by the City Planning Commission due to insufficient community input, the Mt. Airy Town Council (MATC) spent the next few years surveying residents to develop the more community-based 1980 Mt. Airy Community Plan, which was amended in 1996. The plan was broken down into the following areas: land use and zoning; economic development; hillsides, parks, and open spaces; transportation; housing; recreation; public safety; health; social services; historic preservation; and education.

The overarching goals included eliminating blight in Mt. Airy's Neighborhood Business District (NBD) and encouraging revitalization of the NBD, preserving the beauty of Mt. Airy's hillsides, improving traffic safety and public transportation, developing a plan for bicycles, encouraging homeownership, providing housing for aging population, providing recreational opportunities for residents of all ages, reducing crime, improving and maintaining the health of all residents, providing support for a wide range of social services, raising community awareness of the history of Mt. Airy, ensuring that all students have a quality education, and providing opportunities for youth to be involved in the community.

The future land use plan focuses on the primarily residential character of Mt. Airy. As of the writing of the plan, about 33% of land was zoned as multi-family residential under the R-4 designation. However, due to the many hillsides present in Mt. Airy, much of the land zoned for multi-family could not be developed to that intensity with the available technology. To further protect the hillsides, the plan recommends pursuing an Environmental Quality overlay that would regulate development, which was proposed in the 1980 Kirby Valley Hillside Study.



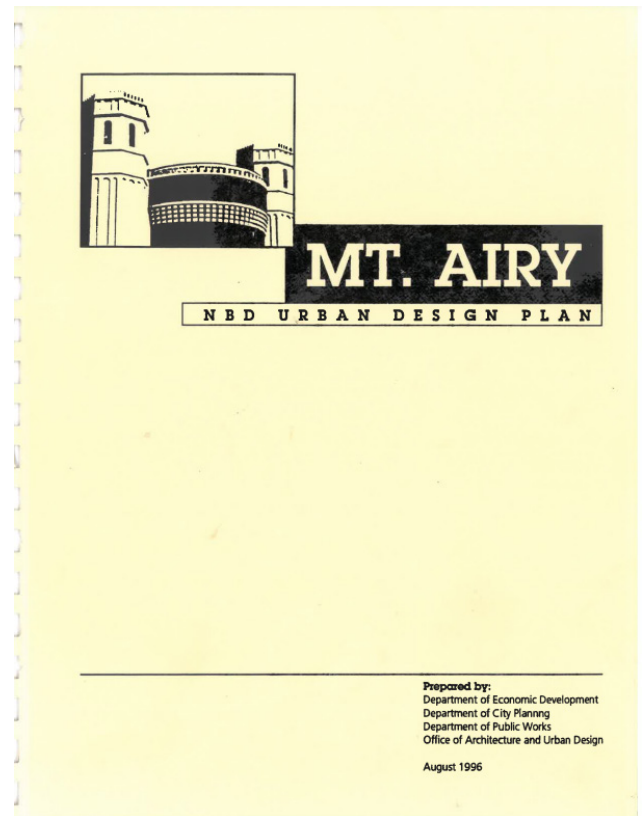
Colerain Corridor Study (1983)

The 1983 Colerain Corridor Study was created to respond to uncertainties about transportation and land use issues in the corridor. The uncertainty stemmed from changing philosophies about transportation improvement since the interchange was conceived, resulting in several iterations of the Colerain Corridor plan. The 1983 study represented a significant shift from the previously proposed expressway to identifying a group of improvements along the transportation corridor. The study also expanded on concerns mentioned in the 1980 Mt. Airy Community Plan about current residential streets, namely North Bend Road and Colerain Avenue, being treated as highways, stating that unless either the attitude changes or the city finds a way to substantially decrease traffic from those two roads. Four alternative plans for the Colerain Corridor were proposed: 1) an on-grade minimal improvement; 2) elevated connections between I-74 and Colerain; 3) adding a Virginia bypass directly connected to I-74; and 4) extending the Virginia Bypass to Hamilton and Springlawn. The four major alternatives also

included nine common roadway improvements. As of the publishment of the study, a final decision had not been made on the form of improvement. Public transportation was also considered in this study, with recommendations including increased usage of route 16 buses and increasing bus service in several designated areas. The land use recommendations outlined in the study also agree with the previous Mt. Airy plans adopted by the City Planning Commission.

Mt. Airy Neighborhood Business District Urban Design Plan (1996)

The goal of this urban design plan was to direct the future of Mt. Airy's Neighborhood Business District (NBD). The impetus for the plan was a lack of adequate parking and the need to provide physical continuity within the district. The NBD encompasses properties along Colerain Avenue from south of North Bend Road north to Kirby Avenue and is near other economic centers. The goals and objectives of the design plan were grouped into six functional areas and ranked in order of performance: cleanliness; safety; marketing and promotions; parking and circulation; design and infrastructure; and business development. The ranking was determined through a collaboration with businesses, property owners, neighborhood residents, investors, leaders, and City staff. In addition to Urban Design implementation guidelines, an Environmental Quality-Urban District (EQ-UD) was proposed to complement the Urban Design plan by protecting and enhancing the NBD's environmental features, including signs, facades, site amenities, paving, landscaping, lighting, and parking.



EXISTING CONDITIONS

POPULATION

Total Population

9,210

Source: 2020 Census

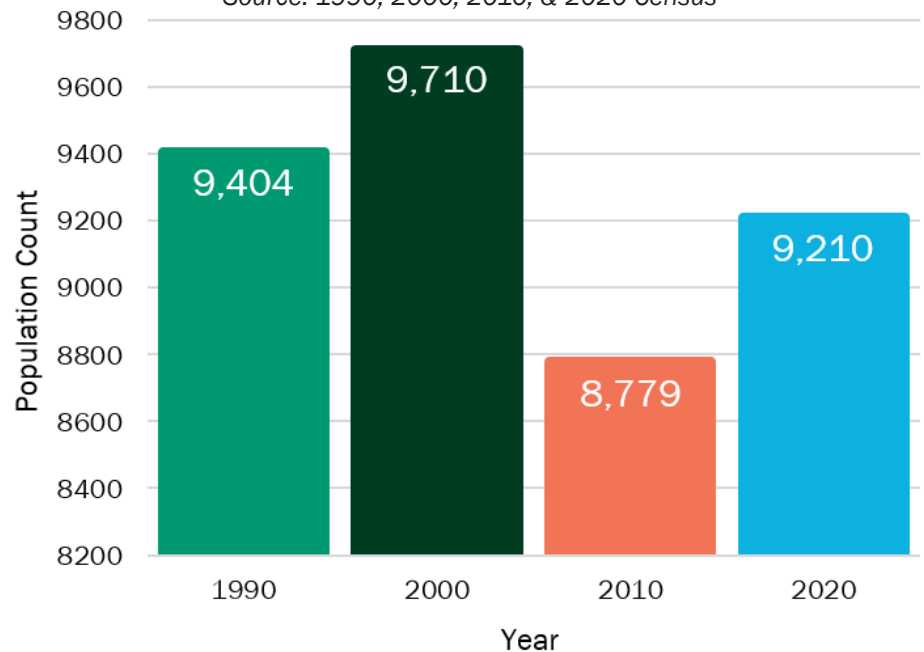
62%

moved to Mt.
Airy **after 2010**

Source: 2016-2020 ACS

Population Change from 1990 to 2020

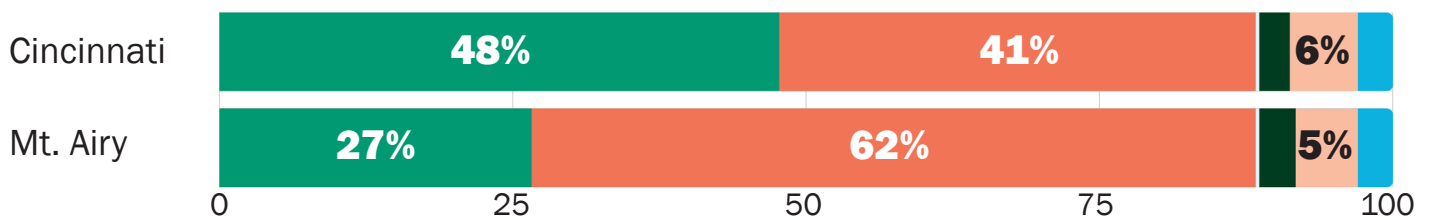
Source: 1990, 2000, 2010, & 2020 Census



The total Mt. Airy population in 2020 was 9,210, a 5% increase from 2010, although still lower than 1990 and 2000 population levels. The increase in population was accompanied by an influx of new residents, with 62% of current Mt. Airy residents moving to the neighborhood after 2010. Mt. Airy is also a majority-minority neighborhood, with a higher percentage of Black or African American residents compared to Cincinnati as a whole, 62% and 41% respectively.

Race Breakdown in Mt. Airy compared to Cincinnati

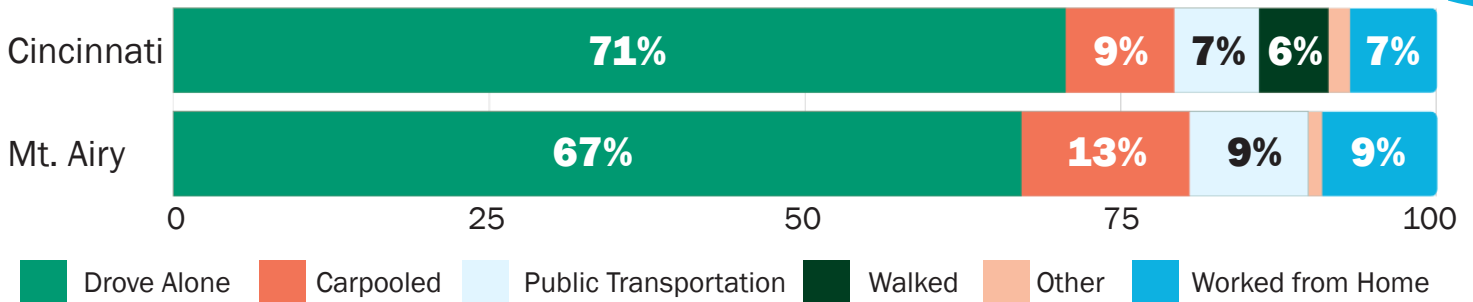
Source: 2020 Census



White Black American Indian/Alaska Native Asian/Pacific Islander Mixed Race Other

Commute Methods in Mt. Airy compared to Cincinnati

Source: 2020 Census



23%
of residents
**do not own a
vehicle**

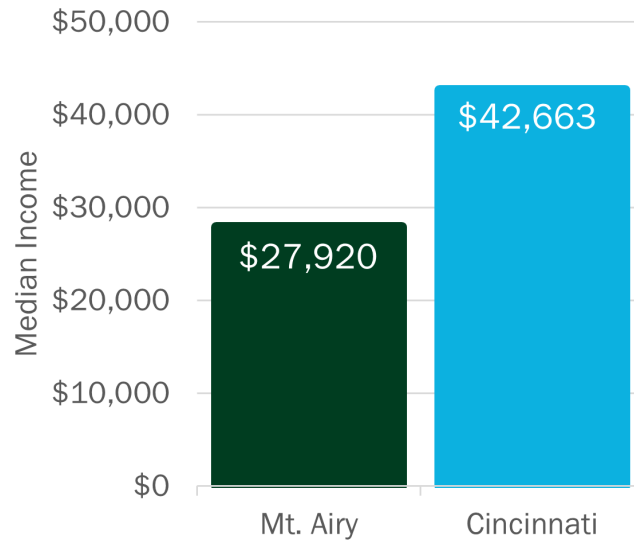
Source: 2016-2020 ACS

28%
of residents
**below the
poverty level**

Source: 2016-2020 ACS

2020 Mt. Airy Median Household Income compared to Cincinnati

Source: 2016-2020 ACS



Mt. Airy
and
Cincinnati
have a
42%
**difference
in median
income**

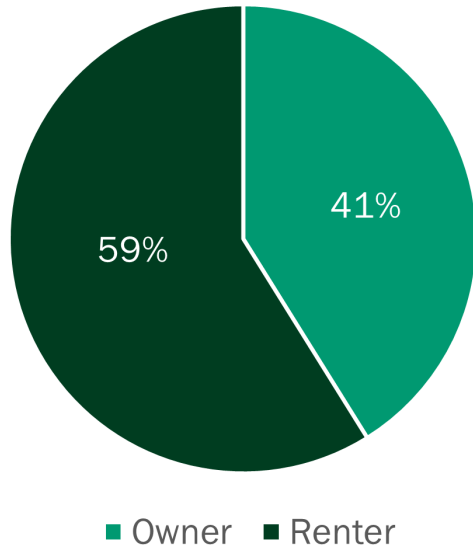
At 67%, the primary method Mt. Airy residents use to commute is driving alone in a personal vehicle, although carpooling is a distant second at 13%. The percentage of carpooling residents is four percentage points higher than in Cincinnati overall, which could be linked to 23% of Mt. Airy residents not owning a vehicle, compared to 19% of Cincinnati residents who do not own a vehicle. The largest category difference was the number of residents who commute by walking, with almost zero percent of residents in Mt. Airy walking to work.

The median household income in Mt. Airy is lower than the City as a whole, with a difference of 42% and lower by about \$14,743. Additionally, the poverty rate among Mt. Airy residents is 28%, four percentage points higher than the City of Cincinnati.

HOUSING

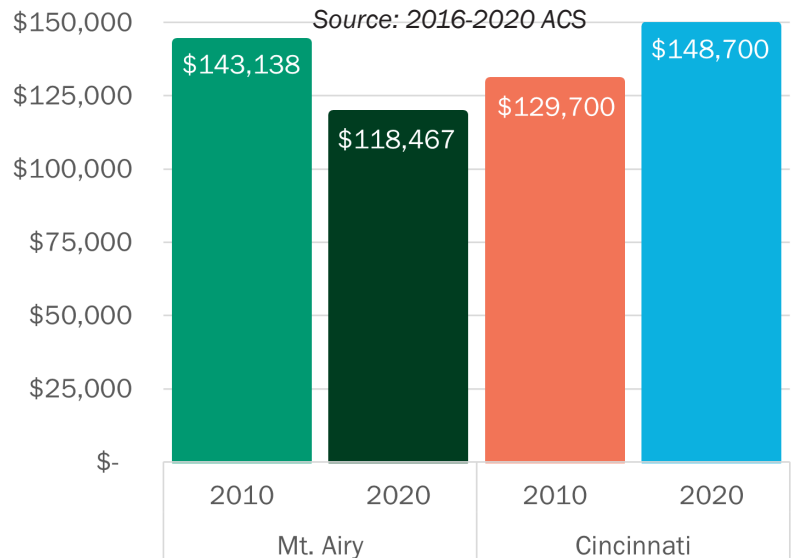
Percent of Renters and Owners in Mt. Airy

Source: 2016-2020 ACS



Comparison of Median Home Value in 2010 and 2020 between Mt. Airy and Cincinnati

Source: 2016-2020 ACS

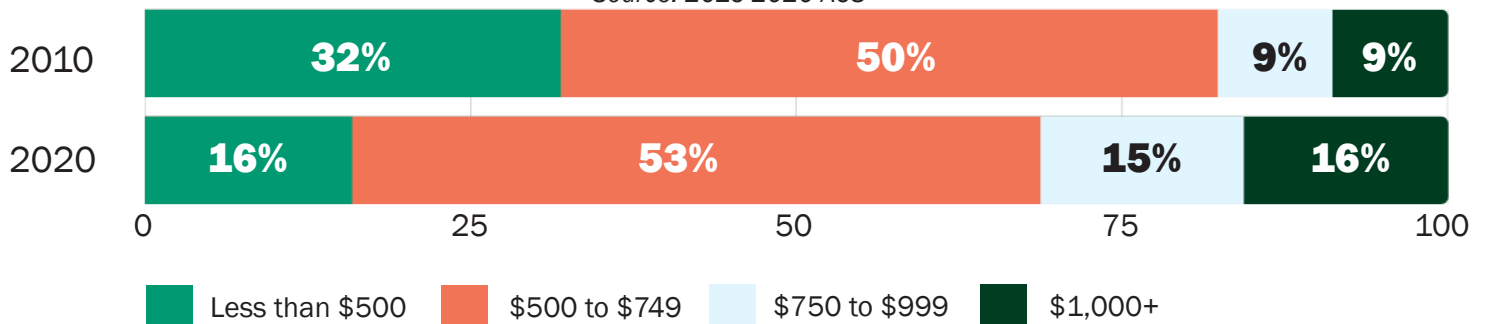


65% of housing built before **1970**
Source: 2016-2020 ACS

465 Vacant Units in Mt. Airy
Source: 2020 Census

Comparison of Mt. Airy Gross Rents between 2010 and 2020

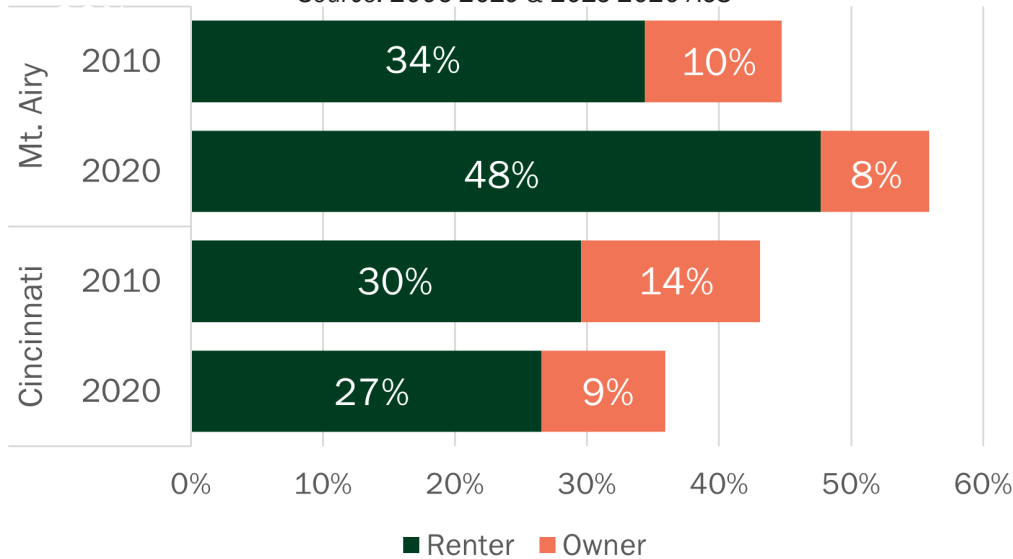
Source: 2016-2020 ACS



Median
Gross Rent
\$672
Source: 2016-2020 ACS

Percentage of Housing Burdened Residents in 2010 and 2020

Source: 2006-2010 & 2016-2020 ACS



38%
of housing
stock is
**detached
single-family**

Source: 2016-2020 ACS

A majority of Mt. Airy residents rent their homes instead of owning them, 59% to 41%, respectively. Almost 50% of residents who are renting are considered housing burdened by HUD's definition, meaning nearly half of Mt. Airy renters spend 30% or more of their income on housing.

The overall percentage of housing burdened residents in Mt. Airy is around 20 percentage points higher than Cincinnati as a whole.

The **median rent in Mt. Airy increased since 2010**, going from \$583 to \$672 per month, with the percentage of units renting at \$750 per month or more increasing from 18% to 31%.

CURRENT LAND USE



53% PUBLICLY OWNED

21% SINGLE FAMILY

6% VACANT

6% APARTMENTS - 20+ UNITS

3% COMMERCIAL

3% PARK / RECREATIONAL

The other **8%** include other uses not listed above. **234**

CURRENT ZONING

PARKS & RECREATION **51%**

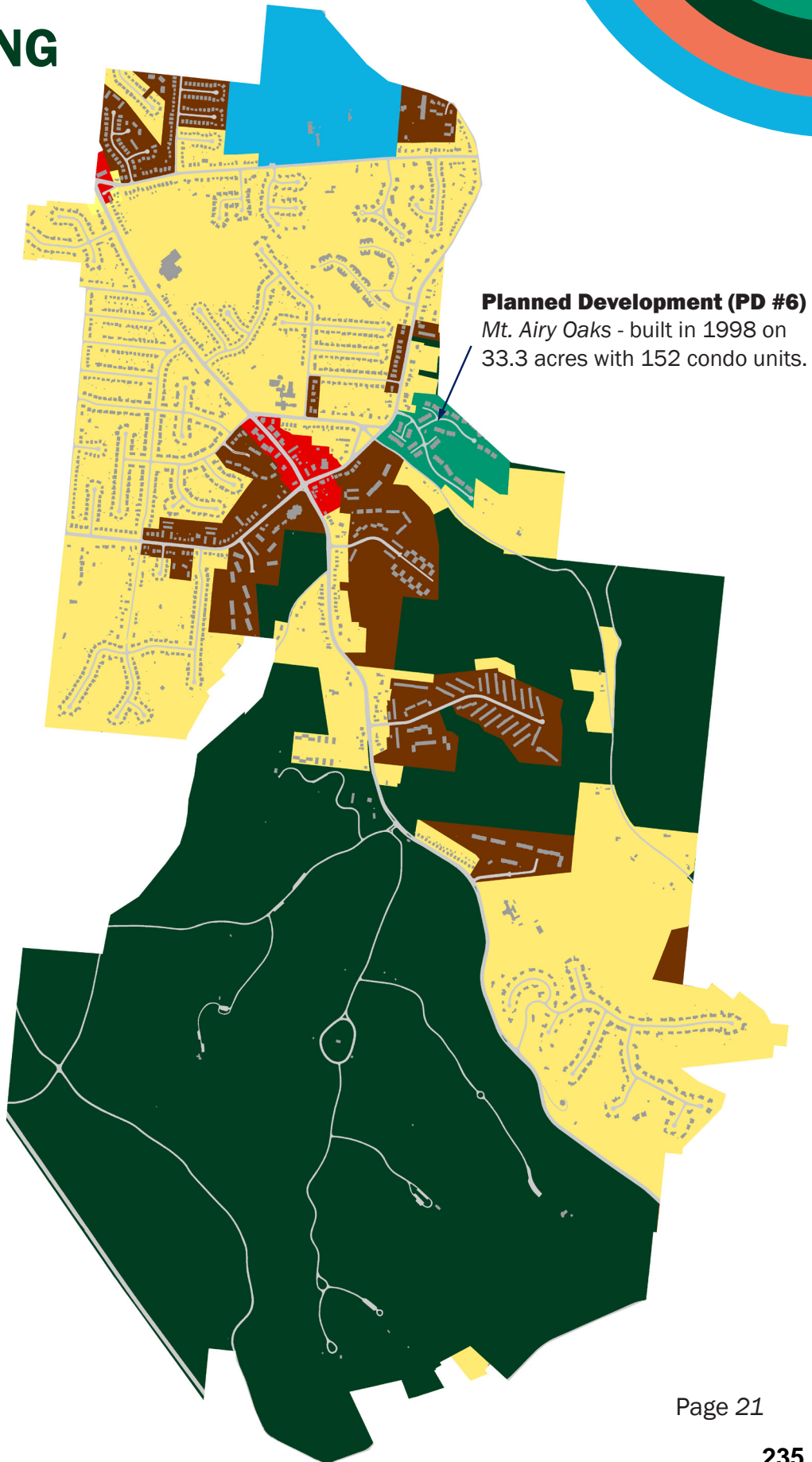
SINGLE FAMILY **35%**

RESIDENTIAL MULTI-FAMILY **9%**

INSTITUTIONAL RESIDENTIAL **3%**

PLANNED DEVELOPMENT **1%**

COMMERCIAL **1%**



THE GUIDING **VISION**

Mount Airy is a **gateway** neighborhood, with access points to three townships and other Cincinnati neighborhoods, that strives to create an *inviting, appealing, safe, and **revitalized*** environment, highlighting famous *landmarks* and **welcoming** new neighbors who will work collaboratively with one another to **map** the future of Mount Airy.

The six Theme Areas for Mount Airy: Map our Future are found on the next page (page 23).

Each of these theme areas have detailed goals, strategies, and action steps that prioritize the ideas of the community. Each of these may be found in the Implementation Tables in the Appendix located at the end of the document. These Implementation Tables will help the community prioritize each goal and strategy, while identifying appropriate resources and timelines.





TRANSPORTATION



PUBLIC SAFETY



**BUSINESS
DISTRICT**



**COMMUNITY &
MARKETING**



HOUSING



**PARKS &
RECREATION**

TRANSPORTATION

GOALS, STRATEGIES, & ACTION STEPS



Safe and comfortable connections between hubs of activity are the focus of Mt. Airy's transportation future. Whether a person is traveling by car, foot, bike, or bus, the overarching goal is to foster a transportation environment that allows people to easily get where they want to go while strengthening Mt. Airy's business district.

GOAL 1

Implement traffic calming on major thoroughfares to reduce accidents and speeding

Strategy 1.1: Increase on-street parking

Strategy 1.2: Consider a roundabout at Kirby Road and the W. North Bend Road intersection

Strategy 1.3: Consolidate or eliminate left hand turns in the business district

Action Step 1.3.1: Review crash data for left hand turns, specifically at Thornton's, Taco Bell, and the southern portion of the Business District where appropriate

Action Step 1.3.2: Work with businesses to combine access points to eliminate excessive curb cuts

Action Step 1.3.3: Reference and coordinate goals from Colerain Township's Colerain Corridor Study

GOAL 2

Enhance multi-modal transportation options and increase pedestrian safety

Strategy 2.1: Improve crosswalks with enhanced lighting or traffic lights

Strategy 2.2: Build sidewalks where needed and repair existing sidewalks to City standards

Strategy 2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District

Mt. Airy CURE Colerain Avenue Corridor Study (June 2021)

In pursuit of creating a consistent, appealing, and safe public environment along the Colerain Avenue Corridor, Mt. Airy CURE, in partnership with KZF Design, generated goals and recommendations that will foster a safer transportation experience. The recommendations from the study are:

- Construct new 8' minimum sidewalks with 2' collector strip, curbs, and rebuild driveways along both sides of Colerain Avenue
- Incorporate street trees along the Corridor where possible
- Buffer areas between street, sidewalk, and parking lots
- Utilize service/access roads
- Enforce uniform signage and consolidation
- Implement pedestrian-scale lighting along the Corridor

The **proposed improvements** to Colerain Avenue were explored in the graphic below.



Source: Mt. Airy CURE Colerain Avenue Study

PUBLIC SAFETY

GOALS, STRATEGIES, & ACTION STEPS



Getting more eyes on the street is a core component of Mt. Airy's public safety goals. The more residents and businesses are invested in creating a community that watches out for each other, the safer the neighborhood as a whole will be.

GOAL 1

Reduce speeding on Colerain Avenue and North Bend Road

Strategy 1.1: Install raised crosswalks, bump outs, speed cushions where appropriate and make crosswalks more visible

Action Step 1.1.1: Prioritize these improvements along Colerain Avenue and W. North Bend Road and areas with higher pedestrian traffic

Strategy 1.2: Work with Police District 5 to increase targeted speeding enforcement

GOAL 2

Work with Police District 5 to improve community/police relations

Strategy 2.1: Work with District 5 to assign a Community Police Officer specifically for Mt. Airy who is involved in the community

Strategy 2.2: Identify resources and social capital to restart Citizens on Patrol

Action Step 2.2.1: Partner with local businesses for sponsorships of forest amenities

Strategy 2.3: Partner with Police with National Night Out or bus students to Police Station for tours/touch a truck

GOAL 3

Implement a neighborhood wide Neighborhood (Block) Watch program

Strategy 3.1: Create a neighborhood safety plan with the Police advising

Action Step 3.1.1: Work with institutions to run safety/ outreach campaigns in neighborhood

Action Step 3.1.2: Lights on front porches, lock doors, design standards to reduce crime

Strategy 3.2: Collaborate with Recreation for amenities and programming and the Colerain and Shepherd Recreation Area

Action Step 3.2.1: Connect youth who sell water on corners with the established programming

GOAL 4

Increase safety on Hawaiian Terrace and Bahama Terrace

Strategy 4.1: Work with property owners to improve buildings, playgrounds and common spaces

Action Step 4.1.1: Apply for the City's rental inspection program

Strategy 4.2: Encourage landlords neighborhood wide to accept a mix of market rate and housing vouchers with the aim to deconcentrate poverty

Strategy 4.3: Create plan for purchasing the property if owners decide to sell



BUSINESS DISTRICT

GOALS, STRATEGIES, & ACTION STEPS



The vision for Mt. Airy's business district hinges on revitalization of both through the physical built environment and the social atmosphere, transforming the district into the welcoming gateway it was meant to be.

GOAL 1

Develop the Business District into an attractive environment for both Mt. Airy residents and visitors

Strategy 1.1: Develop attractive gateways at both entrances to the Business District

Strategy 1.2: Make the Business District more pedestrian friendly

Action Step 1.2.1: Design and implement a well-lit, aesthetically pleasing, safe, and uniform streetscape

Action Step 1.2.2: Study the feasibility of landscape medians, bump outs, raised crosswalks, etc.

Action Step 1.2.3: Create more public gathering spaces that are programmed year-round

Strategy 1.3: Hold more events within the Business District

Action Step 1.3.1: Build partnerships with local businesses to host these events

Strategy 1.4: Address litter challenges in the Business District

GOAL 2

Improve the built environment of the Business District

Strategy 2.1: Strategically acquire and redevelop property according to the Urban Design Overlay District standards

Strategy 2.2: Work with the Department of Transportation & Engineering to implement the KZF study recommendations

GOAL 2

Improve the built environment of the Business District (cont.)

Action Step 2.2.1: Study the feasibility of an access road behind the eastern businesses to help eliminate lefthand turns onto Colerain Avenue

Strategy 2.3: Focus on maintaining and creating building facades that contribute to the streetscape of the Business District

Action Step 2.3.1: Help current businesses freshen up their storefronts

Strategy 2.4: Prioritize future redevelopment efforts for one-to-two single story commercial uses where appropriate for the corner of Colerain Avenue and W. North Bend Road

Action Step 2.4.1: Reassess potential opportunities (if any come to fruition) in 2-3 years and rethink efforts to include 3-4 story mixed-use development(s)

Action Step 2.4.2: Continue outreach to potential developers or investors to highlight corner property

Action 2.4.3: Ensure all developments meet the Urban Design Overlay District guidelines and continue to update the guidelines to meet the community's wishes

Action 2.4.4: The existing buildings on this corner are recommended for demolition by this Plan (see map on page 39)

Strategy 2.5: Expand the existing Neighborhood Business District north along Colerain to include Little Flower Future Development Opportunity (FDO):

Action 2.5.1: Explore the option of 'splitting' the Little Flower FDO to allow for the possibility of mixed-use development along the eastern side of Colerain Avenue allowing the western half of the site to continue with future single-family development or mixed-use efforts.

COMMUNITY & MARKETING

GOALS, STRATEGIES, & ACTION STEPS



Communicating important neighborhood meetings, issues, and opportunities to Mt. Airy residents and encouraging participation in community matters is paramount to the future development of the neighborhood. In addition to internal marketing and communication, Mt. Airy is also looking to its neighbors and the City to collaborate and share what Mt. Airy has to offer.

GOAL 1

**Develop programs/
incentives for more
people to attend Mt.
Airy Town Council
meetings**

Strategy 1.1: Partner with Mt. Airy institutions to raise awareness of meetings and issues affecting the neighborhood

GOAL 2

**Strengthen the
Quality-of-Life
Committee under Mt.
Airy Town Council**

Strategy 2.1: Recruit volunteers to attend meetings and get organized

Strategy 2.2: Lobby the City for the Neighborhood Enhancement Program (NEP)

Strategy 2.3: Increase access to resources for housing, job centers, events and social service programming

Action Step 2.3.1: Recruit social services into the neighborhood during neighborhood events, etc.

Action Step 2.3.2: If demand is there, recruit job and social service providers to open an office in the neighborhood

GOAL 3

Develop a community meeting space for Mt. Airy residents to gather

Strategy 3.1: Host pop-up community events to create temporary gathering spaces

Action Step 3.1.1: Have a mobile circus event in Business District and Church parking lot

Action Step 3.1.2: Partner with Little Flower Parish to host events on their property

Strategy 3.2: Create a designated indoor/outdoor public space at Mt. Airy School or within the Business District

GOAL 4

Create a neighborhood roundtable with other neighborhoods to discuss similar problems/solutions

Strategy 4.1: Reach out to College Hill, Northside, Villages at Roll Hill, Westwood, and Colerain and Green Township to discuss common issues and developments that may affect both areas

Action Step 4.1.1: Develop contacts with each neighborhood and share information when needed

GOAL 5

Market Mt. Airy's assets to existing and future residents, business owners, and visitors

Strategy 5.1: Develop a marketing program for Mt. Airy Community Learning Center, Mt. Airy School-Based Health Center, Mt. Airy Forest, Mt. Airy Commons, etc.

Action Step 5.1.1: Research existing Mt. Airy businesses that could help, or utilize UC students, as part of a design studio



HOUSING

GOALS, STRATEGIES, & ACTION STEPS



Mt. Airy should support existing and future residents of all income levels and lifestyles by providing a variety of quality, well-cared for housing options with incentives and assistance for property owners to maintain housing units.

GOAL 1

Maintain and enhance the single-family housing stock

Strategy 1.1: Conduct outreach and connect property owners with financial and technical assistance to help them maintain their property

Action Step 1.1.1: Identify and connect property owners with programs, such as the Homestead Exemption, that can assist them with rapidly increasing property taxes and other financial assistance programs, such as utility assistance

Action Step 1.1.2: Partner with landlords of single-family properties to address property maintenance concerns

Action 1.1.3: Continue to report and be proactive with reporting code violations

Strategy 1.2: Create an incentive program for well-maintained properties

Action Step 1.2.1: Start a “Home of the Month” program with yard signs

GOAL 2

Identify blighted and problem properties and work with property owners to improve them

Strategy 2.1: Create a landlord partnership with larger multi-family properties to help better understand landlords and what services could be provided to assist them

Action Step 2.1.1: Build a database of existing multi-family properties and contact information and keep it updated

Action Step 2.1.2: Hold quarterly meetings with landlords to discuss common issues/problems and brainstorm ideas for solutions and incentives to help

Strategy 2.2: Encourage a mix of market-rate and subsidized rental units in large apartment complexes

Strategy 2.3: Improve the quality of rental units

Action Step 2.3.1: Apply for the City rental inspection pilot program to inspect all units in Mt. Airy

GOAL 3

Support existing residents who want to stay in Mt. Airy

Strategy 3.1: Develop tenant support programs to help families address substandard living conditions without fear of retaliation from their landlord

Strategy 3.2: Develop more senior housing so seniors can stay in Mt. Airy

Strategy 3.3: Develop support/toolkits to assist low-moderate income homeowners and increase homeownership opportunities

PARKS & RECREATION

GOALS, STRATEGIES, & ACTION STEPS



Capitalizing on Mt. Airy's current recreational resources, from the vast and beautiful Mt. Airy Forest to the Colerain and Shepherd Recreation Area, the future of Mt. Airy Parks and Recreation relies on improving existing facilities and providing greater access for all residents and visitors.

GOAL 1

Hold more events in Mt. Airy Forest to bring people into the neighborhood

Strategy 1.1: Partner with Cincinnati nature groups to bring events to Mt. Airy Forest

Strategy 1.2: Improve perception of safety in Mt. Airy Forest

Action Step 1.2.1: Add more security lighting in Park

Action Step 1.2.2: Add functioning and regularly maintained cameras to the Forest

GOAL 2

Work with the Park Board to implement the recommendations of the Mt. Airy Forest Plan

Strategy 2.1: Continue to market and attend Mt. Airy Forest Advisory Committee meetings to maintain and improve the forest

Strategy 2.2: Improve identification and wayfinding signage for the forest

Action Step 2.2.1: Partner with local businesses for sponsorship of forest amenities

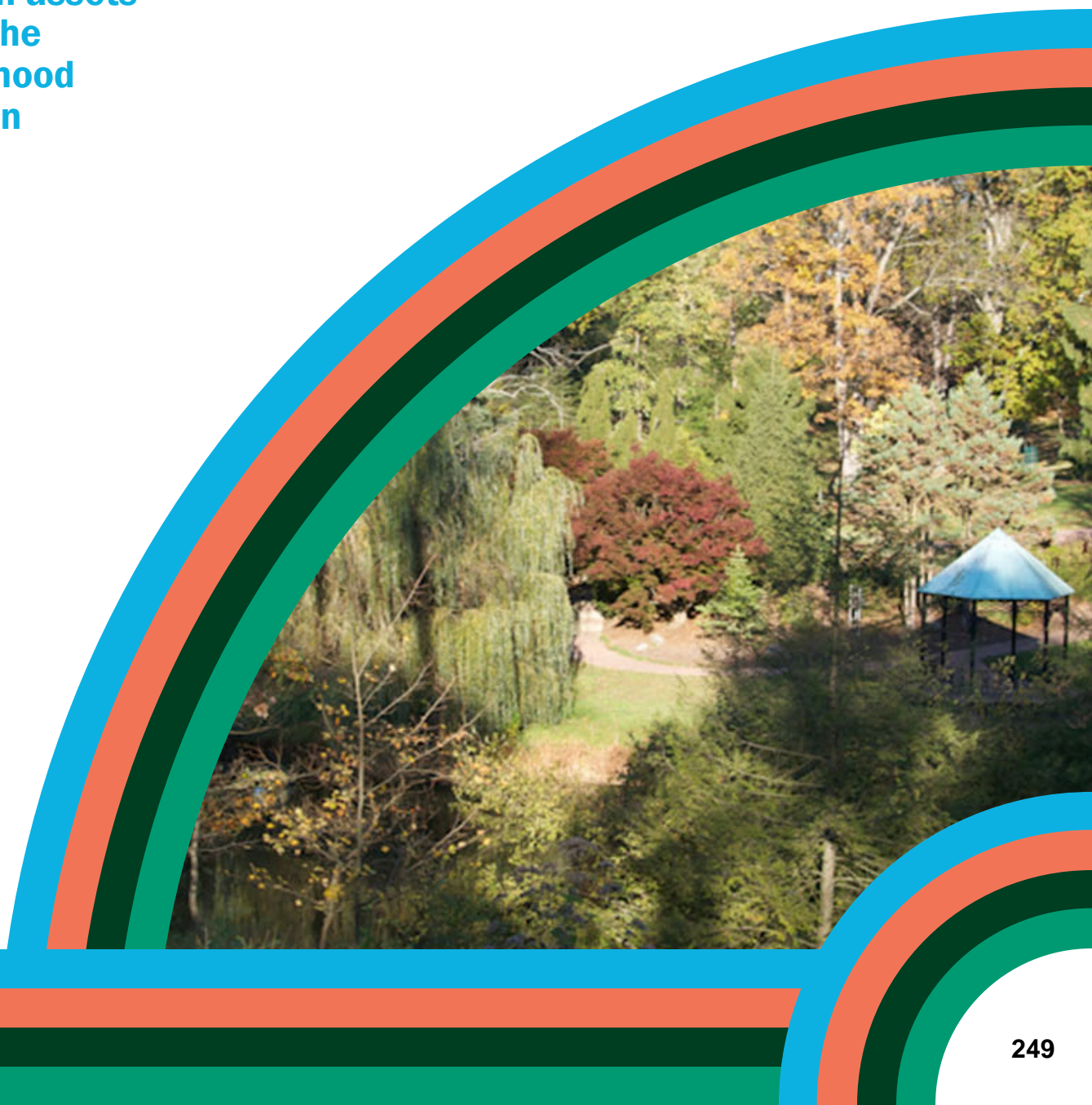
Strategy 2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District

GOAL 3

**Increase awareness/
utilization of
existing recreational
amenities and
enhance existing
recreation assets
to serve the
neighborhood
population**

Strategy 3.1: Utilize Mt. Airy School for community events, potentially partnering with Cincinnati Recreation Commission


Strategy 3.2: Collaborate with Cincinnati Recreation Commission and local nature clubs for amenities and programming, including the Colerain and Shepherd Recreation Area





thefuture

FUTURE DEVELOPMENT OPPORTUNITIES



Based on the many goals and strategies that were outlined in the previous section, the following six future development opportunities (FDOs) were identified on page 37. These areas were identified solely as **potential** development opportunities in the future, in case there would be possibilities of redevelopment or sales.

1

ACADIA

2

BUSINESS DISTRICT

3

**HAWAIIAN &
BAHAMA**

4

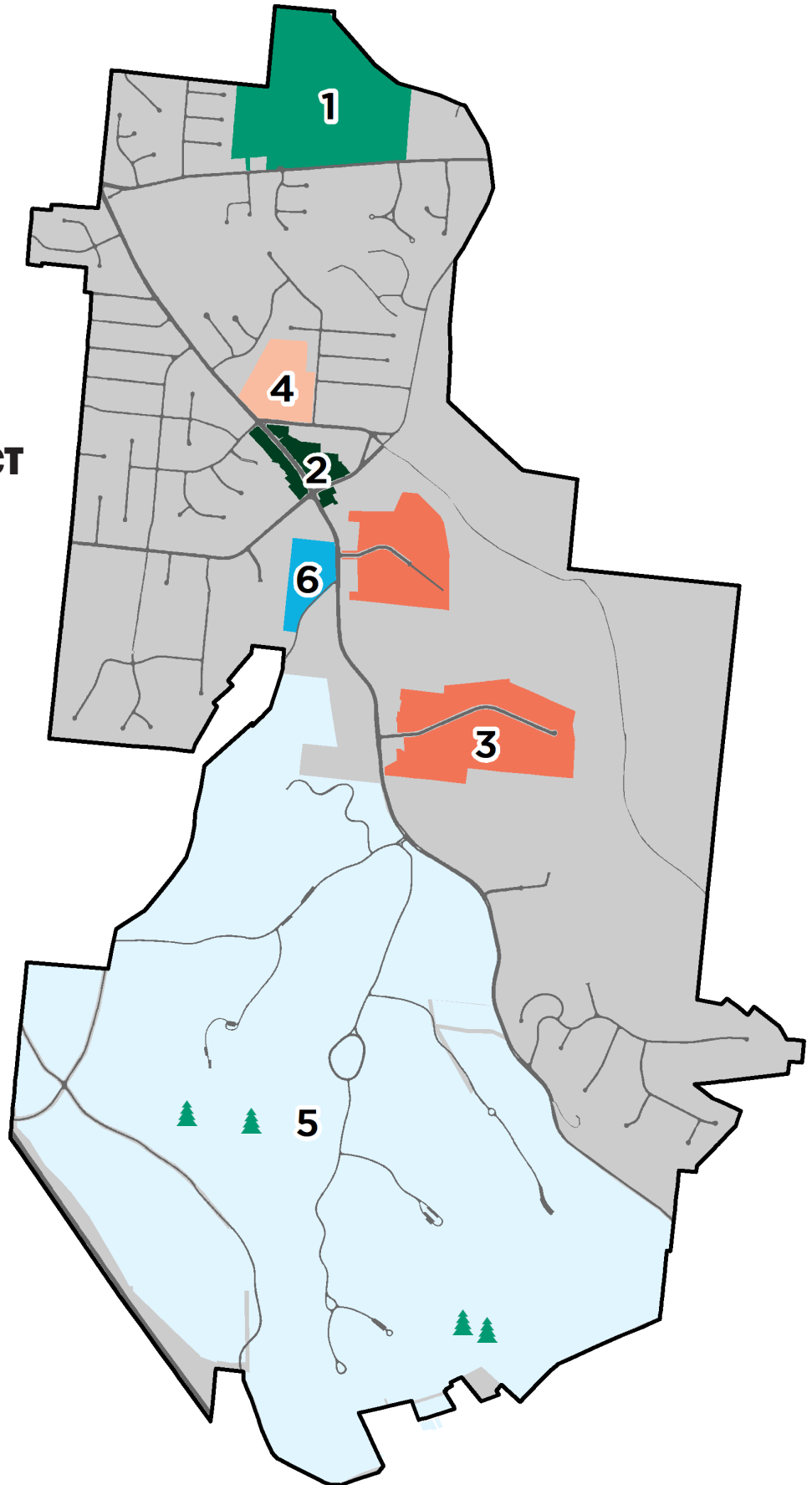
LITTLE FLOWER

5

MT. AIRY FOREST

6

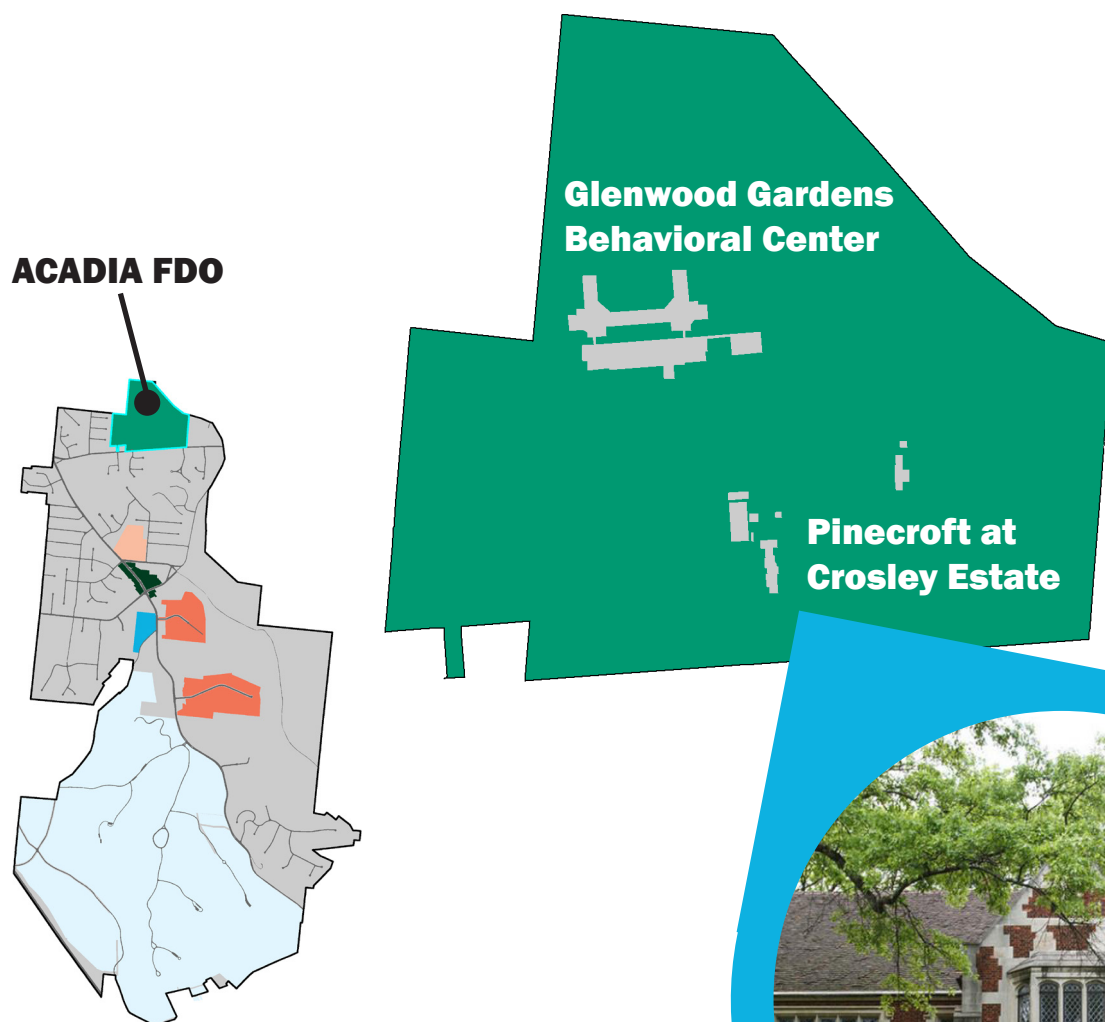
SHEPHERD



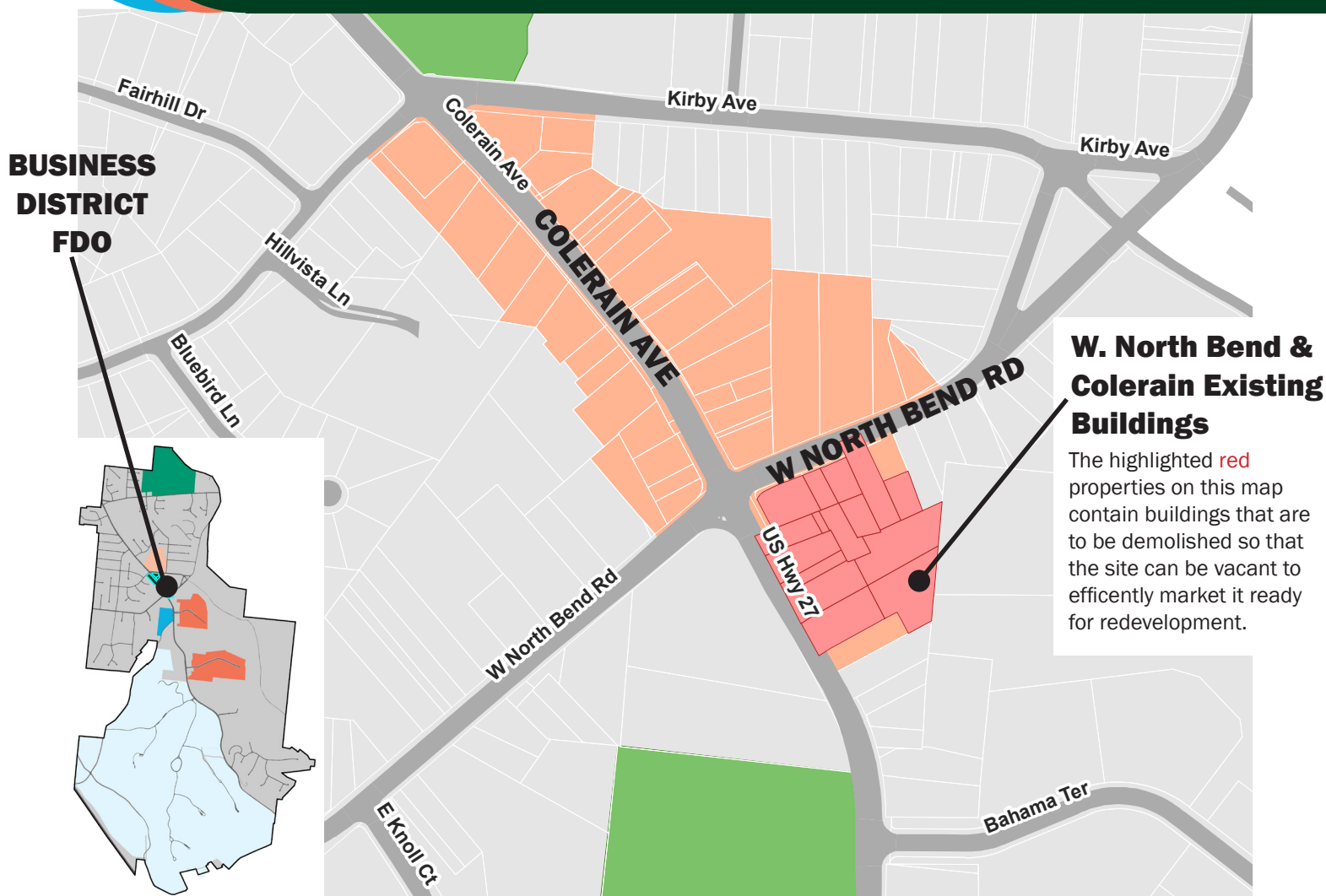
ACADIA

Future development opportunities for the **excess land surrounding the Pinecroft at Crosley Estate** and the Glenwood Gardens Behavioral Center focus on bringing more recreational opportunities to Mt. Airy residents. Recreational concepts proposed include an outdoor or drive-in movie theater, a park with a walking loop connecting to Pinecroft, and a fishing lake.

The goal of the development would be to attract more people to the area and add to Mt. Airy's portfolio of recreational activities. Another potential development option is to construct more single-family homes on the excess land, contributing to the neighborhood's residential character.



BUSINESS DISTRICT



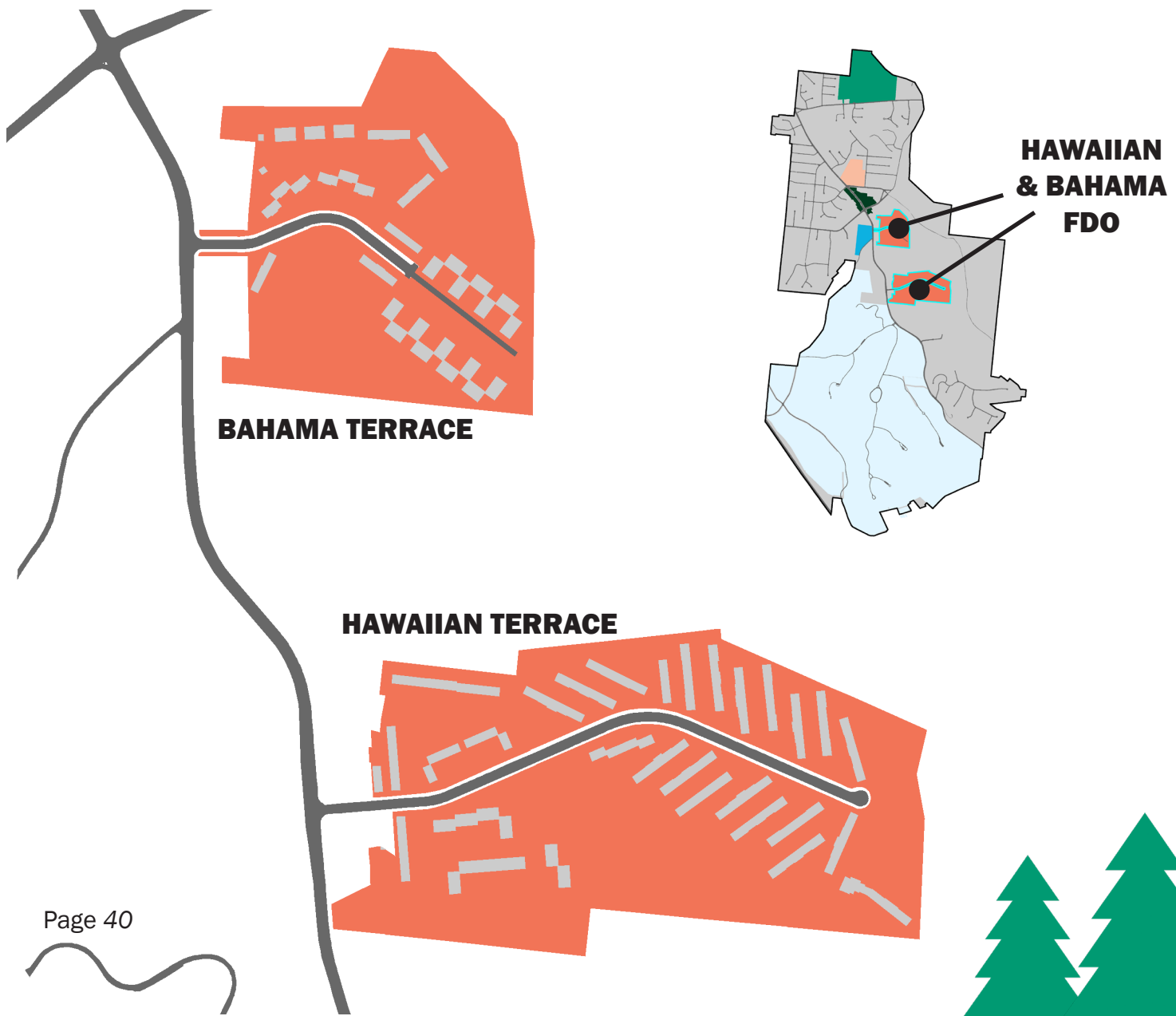
While Mt. Airy's current **Neighborhood Business District** is a little lackluster, a partnership with KZF Design produced a plan to make the district a focal point for the community. A major factor impacting accessibility in the district is traffic safety. Between excessive speeding on Colerain Avenue and dangerous intersections, particularly at crossroads North Bend and Colerain, implementing traffic calming measures is a priority to make the street safer. Some ideas for future development that could slow traffic and create a safer pedestrian experience are adding a roundabout or square at the intersection of Colerain and North Bend, making the intersection a gateway into the district, constructing medians on the stretch of Colerain Avenue that runs through the business district, widening sidewalks to eight feet, and improving crosswalks.

Other development opportunities identified in the business district are using the Impact Worship Center and Little Flower Church parking lots for big events, engaging Speedway and Thornton's to become more integrated into the community, bringing a wider variety of businesses to the district and creating job opportunities for Mt. Airy residents, more extensive marketing of Mt. Airy restaurants, and exploring the potential for rooftop gardens in the district. The corner of North Bend and Colerain is ideal for redevelopment efforts. Page 39

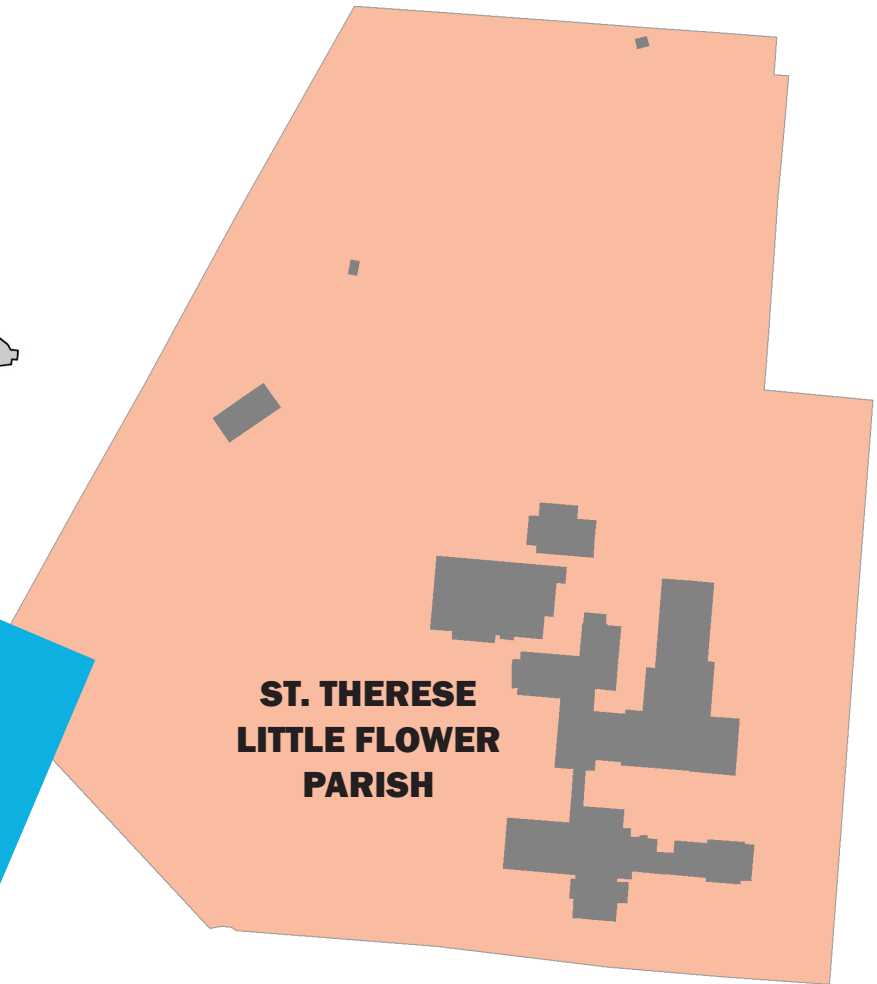
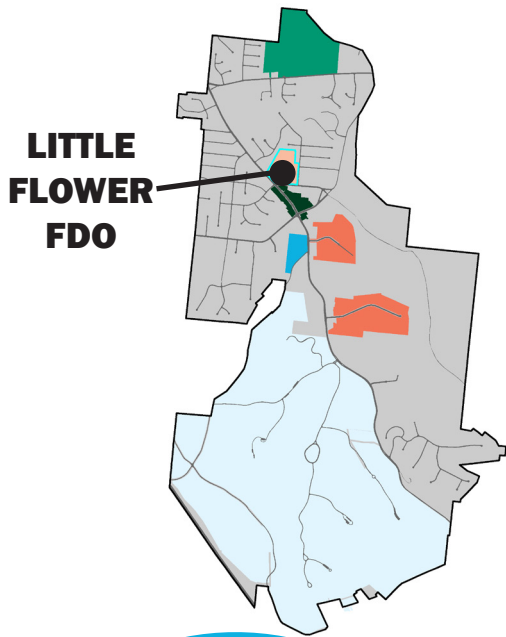
HAWAIIAN & BAHAMA

Redevelopment along **Hawaiian Terrace and Bahama Terrace** presents several opportunities to improve the lives of residents on those streets. According to feedback, current living conditions are poor, with reports of broken playground equipment, absentee landlords, neighborhood isolation, lack of amenities, and long distances to bus stops, with some apartments being up to a mile away.

The proposed future development of these streets includes creating a mixed-income community with different types of housing by maintaining the current number of low-income units and adding additional mixed-income units. Existing buildings and landscape should be improved, and initiatives to get more residents involved with the Mt. Airy Town Council would help current residents guide the development of their communities.



LITTLE FLOWER



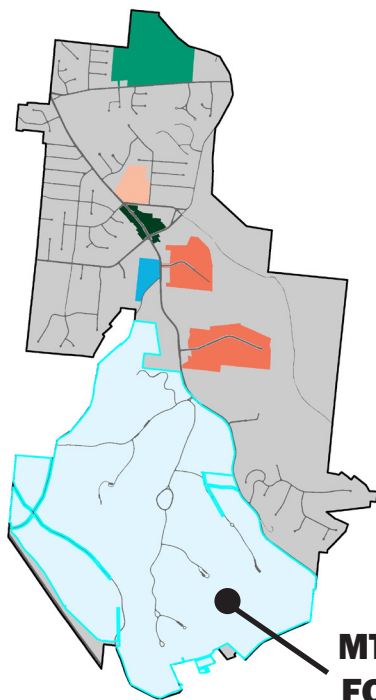
St. Therese Little Flower Parish is a Catholic Church on the corner of Kirby Avenue and Little Flower Avenue, just north of Mt. Airy's business district. While the church will ideally stay in operation, potential redevelopment options were considered in case they decide to relocate. The existing buildings could be used by future institutions, although other options include creating a public park with programming as a community gathering space, starting a community garden, adding walking paths to connect surrounding neighborhoods to the business district, bringing more commercial development along Colerain Avenue, and using the land for more single-family homes with some park space. While all the options described are potential redevelopment opportunities, if the site is ever sold, it will be imperative to involve the community early on in any redevelopment plans. Across the street from Little Flower Parish, south of Kirby Avenue, another development opportunity was identified: building a playground behind the Little Brothers - Friends of the Elderly building. The playground addition would benefit the nearby Constance Constant Care daycare center.

MT. AIRY FOREST

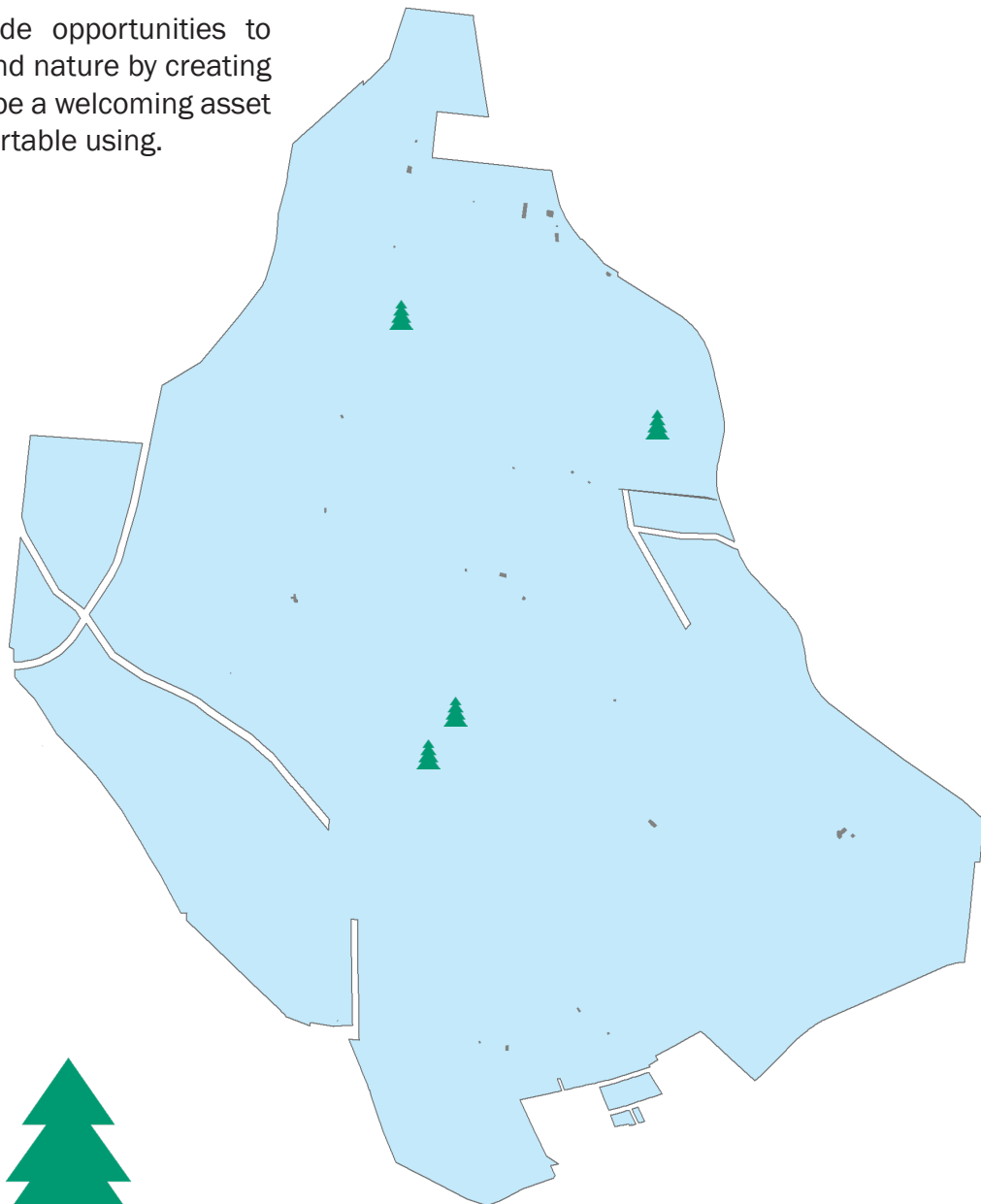
The **Mt. Airy Forest** is a recreational highlight of the neighborhood, although feedback recognized that the sites existing assets and events, including disc golf, walking groups, arboretum, and amphitheater, could benefit from better advertising. In addition to supporting existing facilities, more mountain bike trails would benefit visitors, since people are currently mountain biking on hiking trails when they are muddy, which tears them up and makes hiking on the trails less pleasant. The horse trail along Shepherd Creek should also be improved to make it more navigable by foot.

To expand the forest, the City should purchase the property northwest of Shepherd Creek Road and Diehl Road between I-74 and West Fork Road. Another focus in the Mt. Airy Forest is increasing investments in safety measures and litter reduction, including more frequent security patrols and removing graffiti at Trail Ridge.

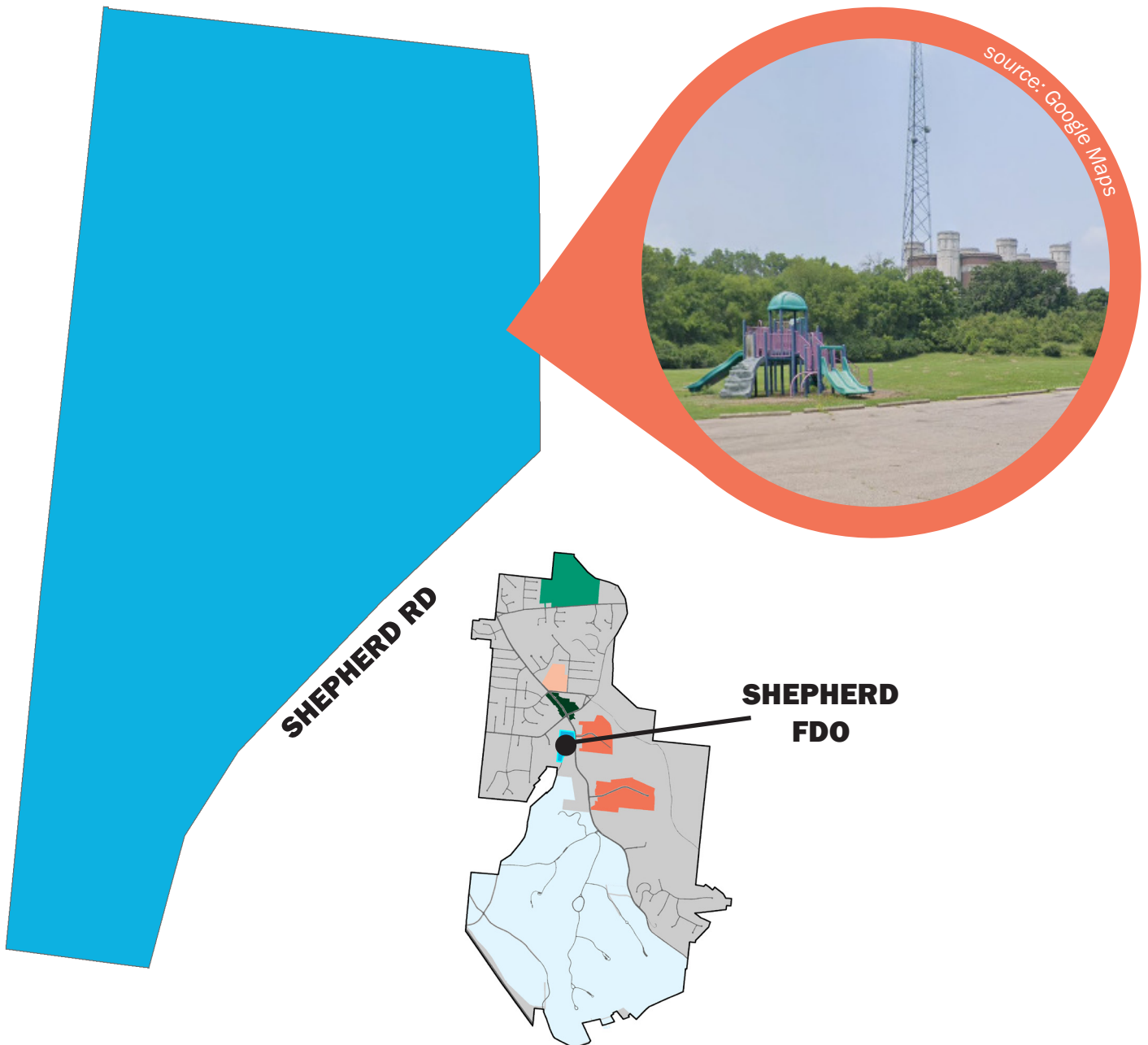
Maintaining the forest could provide opportunities to involve young people with the park and nature by creating paid jobs. The Mt. Airy Forest should be a welcoming asset that all residents feel safe and comfortable using.



**MT AIRY
FOREST
FDO**



SHEPHERD



The current **Shepherd Recreation Area** is underutilized; more activities are needed for children and youth. Activities could include a winter park, flag football leagues, a splash pad, and more active programming, such as a fitness trail. The recreation space has tremendous potential to connect the business district to Mt. Airy Forest and surrounding neighborhoods and includes a great view of the water towers.

The developed amenities, including more seating and lighting, would also serve the nearby area as a safety measure, putting more eyes on the street. Traffic calming elements should also be explored, particularly adding a sheltered bus stop in front of the water towers and installing traffic lights at Bahama Terrace and south of Bahama Terrace.

APPENDICES

IMPLEMENTATION TABLES

ABBREVIATIONS

Each goal, strategy and action step may be found outlined in each of the appropriate tables on the next few pages. These are highlighted in addition to the priority level, approximate time frames, and suggested partners that could assist or can collaborate with in the implementation of the vision. Abbreviations of suggested partners may be found below.

Abbreviations:

B&I – Department of Buildings and Inspections
CCA - Citizen Complain Authority
CPD – Cincinnati Police Department
CP - Cincinnati Parks
CPS - Cincinnati Public Schools
CRC - Cincinnati Recreation Commission
DCED - Department of Community and Economic Development
DCPE - Department of City Planning and Engagement
DPS - Department of Public Services
DOTE - Department of Transportation and Engineering
INN - Invest in Neighborhoods
ODOT - Ohio Department of Transportation
OKI - Ohio Kentucky Indiana Regional Council of Governments
MACLC - Mt. Airy Community Learning Center
MAFAC - Mt. Airy Forest Advisory Committee
MAS - Mt. Airy School
MATC - Mt. Airy Town Council
NBW - Neighborhood Block Watch
TST - Tri-State Trails



TRANSPORTATION

GOALS, STRATEGIES, & ACTION STEPS



<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Transportation					
Goal 1: Implement traffic calming on major thoroughfares to reduce accidents and speeding.	1.1 Increase street parking		Ongoing	Medium	DOT
	1.2: Consider a roundabout at Kirby Road and the W. North Bend Road intersection		2-5 Years	Low	DOT, ODOT, MATC
	1.3: Consolidate or eliminate left hand turns in the business district	1.3.1: Review crash data for left hand turns, specifically at Thorton's, Taco Bell, and the southern portion of the Business District where appropriate	2-5 Years	Medium	OKI, DOT, ODOT
		1.3.2: Work with businesses to combine access points to eliminate excessive curb cuts	Ongoing	Medium	Businesses, MATC, DOT
		1.3.3: Reference and coordinate goals from Colerain Township's Colerain Corridor Study	Ongoing	Medium	Colerain Township, DOT, ODOT
Goal 2: Enhance multi-modal transportation options and increase pedestrian safety.	2.1: Improve crosswalks with enhanced lighting or traffic lights		Ongoing	High	ODOT, DOT
	2.2: Build sidewalks where needed and repair existing sidewalks to City standards		Ongoing	High	ODOT, DOT
	2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District		5-10 Years	Low	Parks, Businesses, TST

PUBLIC SAFETY

GOALS, STRATEGIES, & ACTION STEPS



Public Safety					
Goals	Strategies	Action Steps	Time Frame	Priority Level	Potential Partners
Goal 1: Reduce speeding on Colerain Avenue and North Bend Road.	1.1: Install raised crosswalks, bump outs, speed cushions where appropriate and make crosswalks more visible	1.1.1: Prioritize these improvements along Colerain Avenue and W. North Bend Road and areas with higher pedestrian traffic	Ongoing	High	ODOT, DOTE
	1.2: Work with Police District 5 to increase targeted speeding enforcement		Ongoing	High	CPD
Goal 2: Work with Police District 5 to improve community/police relations.	2.1: Work with District 5 to assign a Community Police Officer specifically to Mt. Airy who is involved in the community		Ongoing	High	CPD
	2.2: Identify resources and social capital to restart Citizens on Patrol	2.2.1: Partner with local businesses for sponsorships of forest amenities	Ongoing	Medium	Local Businesses, City Departments
	2.3: Partner with Police with National Night Out or bus students to Police Station for tours/touch a truck		Ongoing	Low	CPD
Goal 3: Implement a neighborhood wide Neighborhood (Block) Watch program.	3.1: Create a neighborhood safety plan with the Police advising	3.1.1: Work with institutions to run safety/outreach campaigns in neighborhood	Ongoing	Low	CPD
		3.1.2: Lights on front porches, lock doors, design standards to reduce crime	Ongoing	Medium	CPD
	3.2: Collaborate with Recreation for amenities and programming and the Colerain and Shepherd Recreation Area	3.2.1: Connect with youth who sell water on corners with the established programming	1-2 Years	Low	Youth, Schools, MATC

PUBLIC SAFETY

GOALS, STRATEGIES, & ACTION STEPS



Goal 4: Increase safety on Hawaiian Terrace and Bahama Terrace.	4.1: Work with property owners to improve buildings, playgrounds and common spaces	4.1.1: Apply for the City's rental inspection program	1-2 Years	Low	B&I
	4.2: Encourage landlords neighborhood wide to accept a mix of market rate and housing vouchers with the aim to deconcentrate poverty		Ongoing	Medium	DCED, City Departments
	4.3: Create plan for purchasing the property if owners decide to sell		2-5 Years	Medium	DCED, City Departments

BUSINESS DISTRICT

GOALS, STRATEGIES, & ACTION STEPS



Business District					
<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Develop the Business District into an attractive environment for both Mt. Airy residents and visitors.	1.1: Develop attractive gateways at both entrances to the Business District		5-10 Years	High	
	1.2: Make the Business District more pedestrian friendly	1.2.1: Design and implement a well-lit aesthetically pleasing, safe, and uniform streetscape	2-5 Years	High	
		1.2.2: Study the feasibility of landscape medians, bump outs, raised crosswalks, etc.	2-3 Years	High	ODOT, DOTE
		1.2.3: Create more public gathering spaces that are programmed year-round	Ongoing	Medium	Parks, Businesses
	1.3: Hold more events within the Business District		Ongoing	Low	Businesses, MATC
	1.4: Address litter challenges in the Business District		Ongoing	Medium	DPS
Goal 2: Improve the built environment of the Business District.	2.1: Strategically acquire and redevelop property according to the Urban Design Overlay District standards		5-10 Years	Medium	The Port, DCED, City Depts.
	2.2: Work with the Department of Transportation and Engineering (DOTE) to implement the KZF study recommendations	2.2.1: Study the feasibility of an access road behind the eastern businesses to help eliminate lefthand turns onto Colerain Avenue	2-5 Years	High	DOTE
	2.3: Focus on maintaining and creating building facades that contribute to the streetscape of the Business District	2.3.1: Help current businesses freshen up their storefronts	Ongoing	High	Businesses

	2.4: Prioritize future redevelopment efforts for one-to-two single story commercial uses where appropriate for the corner of Colerain Avenue and W. North Bend Road	2.4.1: Reassess potential opportunities in 2-3 years and rethink efforts to include 3-4 story mixed-used development(s)	2-3 Years	Medium	DCED
		2.4.2: Continue outreach to potential developers or investors to highlight corner property	Ongoing	Medium	DCED, City Depts.
		2.4.3: Ensure all developments meet the Urban Design Overlay District guidelines and continue to update guidelines to meet the community's wishes	Ongoing	Medium	DCPE, City Depts.
		2.4.4: The existing buildings on this corner are recommended for demolition by this Plan	1-2 Years	High	Buildings, City Depts.
	2.5: Expand the existing NBD north along Colerain to include Little Flower FDO	2.5.1: Explore the option of 'splitting' the Little Flower FDO to allow for the possibility of mixed-use development along the eastern side of Colerain Ave, allowing the western half of the site to continue with future development efforts	2-5 Years	Low	MATC, DCED

COMMUNITY & MARKETING

GOALS, STRATEGIES, & ACTION STEPS



Community & Marketing					
<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Develop programs/incentives for more people to attend Mt. Airy Town Council Meetings.	1.1: Partner with Mt. Airy institutions to raise awareness of meetings and issues affecting the neighborhood.		Ongoing	Medium	Businesses, MATC
Goal 2: Strengthen the Quality-of-Life Committee under Mt. Airy Town Council.	2.1: Recruit volunteers to attend meetings and get organized		Ongoing	Medium	MATC
	2.2: Lobby the City for the Neighborhood Enhancement Program (NEP)		Ongoing	High	City Departments
	2.3: Increase access to resources for housing, job centers, events and social service programming	2.3.1: Recruit social services into the neighborhood during neighborhood events, etc.	Ongoing	High	Businesses, City Departments
		2.3.2: If demand is there, recruit job and social service providers to open an office in the neighborhood	Ongoing	Medium	
Goal 3: Develop a community meeting space for Mt. Airy residents to gather.	3.1: Host pop-up community events to create temporary gathering spaces	3.1.1: Have a mobile circus event in Business District and Church parking lot	1-2 Years	Low	Businesses, Church
		3.1.2: Partner with Little Flower Parish to host events on their property	Ongoing	Low	Little Flower
	3.2: Create a designated indoor/outdoor public space at Mt. Airy School or within the Business District		2-3 Years	Medium	DCED, City Departments

Goal 4: Create a neighborhood roundtable with other neighborhoods to discuss similar problems/solutions.	4.1: Reach out to College Hill, Northside, Villages at Roll Hill, Westwood, and Colerain and Green Township to discuss common issues and developments that may affect both areas	4.1.1: Develop contracts with each neighborhood and share information when needed	Ongoing	Medium	DCED, City Departments
Goal 5: Market Mt. Airy's assets to existing and future residents, business owners, and visitors.	5.1: Develop a marketing program for Mt. Airy Community Learning Center, Mt. Airy School-based Health Center, Mt. Airy Forest and Mt. Airy Commons	5.1.1: Research existing Mt. Airy businesses that could help, or utilize UC students, as part of a design studio.	2-5 Years	Low	UC, Schools, Businesses

HOUSING

GOALS, STRATEGIES, & ACTION STEPS



Housing

<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Maintain and enhance then single-family housing stock.	1.1: Conduct outreach and connect property owners with financial and technical assistance to help them maintain their property	1.1.1: Identify and connect property owners with programs, such as the Homestead Exemption, that can assist them with rapidly increasing property taxes and other financial assistance programs, such as utility assistance	2-5 Years	High	City Depts.
		1.1.2: Partner with landlords of single-family properties to address property maintenance concerns	Ongoing	High	Landlords, MATC
		1.1.3: Continue to report and be proactive with reporting code violations	Ongoing	High	CPD
	1.2: Create an incentive program for well-maintained properties	1.2.1: Start a "Home of the Month" program with yard signs	6 Months - 1 Year	Low	MATC
Goal 2: Identify blighted and problem properties and work with property owners to improve them.	2.1: Create a landlord partnership with larger multi-family properties to help better understand landlords and what services could be provided to	2.1.1: Build a database of existing multi-family properties and contact information and keep it updated	Ongoing	Low	City Depts.
		2.1.2: Hold quarterly meetings with landlords to discuss common issues/problems and brainstorm ideas for solutions and incentives	Ongoing	Medium	Landlords, MATC
		2.2: Encourage a mix of market-rate and subsidized rental units in large apartment complexes	Ongoing	High	City Depts.

	2.3: Improve the quality of rental units	2.3.1: Apply for the City rental inspect pilot program to inspect all units in Mt. Airy	2-3 Years	Low	B&I, City Depts.
Goal 3: Support existing residents who want to stay in Mt. Airy.	3.1: Develop tenant support programs to help families to address substandard living conditions without fear of retaliation from their landlord		Ongoing	Medium	Landlords, MATC, City Depts.
	3.2: Develop more senior housing so seniors can stay in Mt. Airy		Ongoing	High	City Depts.
	3.3: Develop support/toolkits to increase low-moderate income homeowners and homeownership opportunities		Ongoing	Medium	CMHA, City Depts.

PARKS & RECREATION

GOALS, STRATEGIES, & ACTION STEPS



Parks & Recreation					
<u>Goals</u>	<u>Strategies</u>	<u>Action Steps</u>	<u>Time Frame</u>	<u>Priority Level</u>	<u>Potential Partners</u>
Goal 1: Hold more events in Mt. Airy Forest to bring people into the neighborhood.	1.1: Partner with Cincinnati nature groups to bring events to Mt. Airy Forest		Ongoing	Medium	MATC
	1.2: Improve perception of safety in Mt. Airy Forest	1.2.1: Add more security lighting in Park	2-5 Years	High	CPD
Goal 2: Work with the Park Board to implement the recommendations of the Mt. Airy Forest Plan.	2.1: Continue to market and attend Mt. Airy Forest Advisory Committee meetings to maintain and improve the forest		Ongoing	High	MAFAC
	2.2: Improve identification and wayfinding for the forest	2.2.1: Partner with local businesses for sponsorships of forest amenities	Ongoing	High	Businesses
	2.3: Develop a bike/walking trail from Mt. Airy Forest to the Business District		5-10 Years	Medium	Businesses, MAFAC
Goal 3: Increase awareness/utilization of existing recreational amenities and enhance existing recreation assets to serve the neighborhood population.	3.1: Utilize Mt. Airy School for community events, potentially partnering with Cincinnati Recreation Commission		Ongoing	Low	Schools
	3.2: Collaborate with Cincinnati Recreation Commission (CRC) and local nature clubs for amenities and programming, including the Colerain and Shepherd Recreation Area		Ongoing	Medium	CRC

**MT. AIRY
COLERAIN AVENUE
CORRIDOR STUDY**

KZF Design & Mt. Airy Cure

Mt. Airy Colerain Avenue Corridor Study

June 2021



www.mtairycure.com

Acknowledgements



Mount Airy Community Urban Redevelopment Enterprise (CURE)

Daniel Traicoff, Former Executive Director, Mt. Airy CURE

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Executive Summary

Mount Airy Community Redevelopment Enterprise (CURE) has been working to create a consistent, appealing, safe public environment along the Colerain Avenue Corridor that will be impactful for quality of life and property values in Mt. Airy.

As part of this process, Mt. Airy CURE and KZF Design partnered to perform a study for strategic enhancements to the neighborhood's section of Colerain Avenue.

As a gateway neighborhood to three Townships, Mt. Airy is a diverse area with a suburban feel that is very much part of the urban community of the City of Cincinnati. With significant landmarks such as Mt. Airy Forest and the iconic, castle-like Mt. Airy Towers, there are many unique features to this charming neighborhood that can benefit from improving conditions along Colerain Avenue.

Process of the Study

The Colerain Avenue Corridor Study began with evaluating existing conditions supported by base mapping, crash and traffic data, and driving and walking the Corridor followed by analyzing said existing conditions through a series of maps that combined conditions and feedback from meetings with Mt. Airy CURE.

After meeting with Mt. Airy CURE, recommendations made prioritized safety and consistent design along the Corridor. Some items discussed focused on landscaping, such as street trees and greenspace, and access, such as providing continuous and adequate sidewalks along Colerain Avenue and connecting businesses through new access points while exploring methods to reduce vehicle speed.

After these discussions, the design was

digitally tested and illustrative mapping was developed that would demonstrate how improvements could be implemented.

The design team held two Working Committee Meetings consisting of CURE members and representatives from KZF Design and the City of Cincinnati throughout the duration of this study.

Meetings that occurred during the duration of the Study are included below:

- 07/21/20 - Project Kickoff Meeting
- 07/28/20 - Existing Conditions Discussion
- 10/01/20 - City Planning Meeting
- 12/04/20 - Preliminary Recommendations
- 03/10/21 - Final Plan & Renderings Review
- 05/20/21 - DOTE Review

Mt. Airy CURE's Goals

- Relate the Mt. Airy segment of Colerain Avenue to the Colerain Township and Green Township sections
- Look at key Mt. Airy intersections and stretches of road for potential road improvements to improve the walkability, safety, traffic calming, and transit options for Colerain Avenue
- Identify estimated costs that CURE and DOTE could use to apply for grants to implement the proposed changes
- Develop a plan that is feasible and can be collaboratively implemented by CURE and the City of Cincinnati

Colerain Avenue Corridor Study's Goals, Strategies, and Design Standards

Safety

- Consolidate number of driveways
- Create safe pedestrian spaces
- Provide continuous and accessible sidewalks along Colerain Avenue

Beautification

- Incorporate gateways and signage
- Install street trees, landscape buffers, and pedestrian-scale lighting
- Create buffer between vehicles and pedestrians

Access Management

- Efficient traffic flow throughout the Corridor
- Access improvements and developing service/access roads
- Design bus-stop pull-offs to alleviate congestion along Colerain Avenue

Cleanliness

- Reduce visual clutter along the roadway
- Utilize trash receptacles and recycling bins at bus-stops
- Consolidate signage and enforce sign code

Redevelopment

- Provide opportunity for catalytic development and redevelopment
- Break up and connect fields of parking
- Update and enhance buildings

Project Implementation

Implementation of this study will take a coordinated effort between CURE, the City of Cincinnati, Hamilton County, and the businesses and residents in Mt. Airy. This study is an essential step in a multi-year process to create a safe public environment along Colerain Avenue and offer a series of public improvements that will further the growth and development of private investment for decades to come spanning multiple jurisdictions.

The work laid out in this study is broken out in to short- and long-term improvements. Short term improvements should be implemented within three years of adopting this study. A three-year time-frame is critical because these improvements are at the forefront with residents. Long term improvements are much broader and include projects that will need to be scaled based on funding opportunities, will, and capacity.

Project	Estimated Cost	Possible Funding Sources
Traffic Analysis:		
Signal Timing, Midblock Crossing, Unrestricted Parking	\$30,000	STP, SCIP, LTIP
Signage Standards/Guidelines	\$30,000	TA, TID
Mt. Airy NBD Streetscape Improvements:		
Landscaped Medians, Landscaping, etc.	\$1,500,000	STP, TA, TID
Sidewalk Improvements*:		
*Factored at \$190/LF (\$1M/mile) - 3.1 Miles Studied	\$3,100,000	STP, TID, CMAQ
Crosswalk Improvements*:		
*Considered at \$5,000/intersection - 4 Studied	\$20,000	OPWC
Safety, Median, and Streetscape Engineering Fees	\$468,000	FHWA
Total	\$4,680,000	

Funding Source		Funding Agency	Type	Award	Min. Match	Categories
Surface Transportation Program OKI						
Application Deadline - June (Annually)	STP	OKI	Grant	Varies	20%	Roads, Safety, Economic Development
Transportation Alternatives OKI						
Application Deadline - June (Annually)	TA	OKI	Grant	Varies	20%	Bikepaths, Streetscape, Economic Development
Hamilton County TID						
Application Deadline - June (Annually)	TID	COUNTY	Grant	Varies	75%	Roads, Bridges, Bikepaths, Trails, Streetscape, Economic Development
State Capital Improvement Program Dist. 2						
Application Deadline - September (Annually)	SCIP	OPWC	Grant/Loan	\$ SCIP: \$10,738,100	10%	Roads, Bridges, Safety
Local Transportation Improv. Program Dist. 2						
Application Deadline - September (Annually)	LTIP	OPWC	Grant/Loan	\$ LTIP: \$4,410,000	10%	Safety, Economic Development
Congestion Mitigation and Air Quality Improv.						
Application Deadline - February (Annually)	CMAQ	FHWA	Grant	\$ FEDERAL \$ 2.499 B	n/a	Roads, Transportation

Design Standards

The following design standards were used as strategies and guidelines for development of the conceptual planning within this report.

Safety Principles

Continuous and Accessible Sidewalks

Mt. Airy must construct 8' wide (minimum) accessible sidewalks along the entire Colerain Avenue Corridor.

Sidewalks are essential in providing safe facilities to pedestrians, bicyclists, and transit users. Current facilities are adequate along some areas of Colerain Avenue and absent entirely in others.

Additional safety principles that could be considered for traffic calming efforts and pedestrian safety could include, but are not limited to, raised crosswalks, and flashing signage at pedestrian crossings.

There are many segments of roadway along this Corridor that do not have any sidewalks or those that have fallen into disrepair.

*At the time this report was published, seven (7) foot wide sidewalks meet ODOT's minimum design standards. Sidewalk benefits include improved safety, mobility, and healthier communities. Inadequate sidewalks can lead to vehicle-pedestrian conflicts and accidents. Providing walkways separated from travel lanes could help to prevent up to 88 percent of "walking along roadway crashes," as noted in FHWA's *An Analysis of Factors Contributing to "Walking Along Roadway" Crashes: Research Study and Guidelines for Sidewalks and Walkways*. By providing facilities that are more comfortable, Mt. Airy can encourage walking, particularly in areas with mixed land uses.*

High Visibility Crosswalks

Mt. Airy must work with the City of Cincinnati to provide clear and boldly-marked crosswalks at all intersections.

Intersection crossings are the places where the potential for conflict is increased.

Creating an environment where pedestrians feel safe to cross is critical to the success and overall connectivity of Colerain Avenue. The signalized intersections of Colerain Avenue and W. North Bend Road and Colerain Avenue and Kilby Avenue should have compliant pedestrian crossing signals with countdown beacons and proper crosswalk markings.

Buffer Between Vehicles and Pedestrians

Mt. Airy should work with private property owners to encourage landscaping and knee walls to better define the pedestrian "safe zone" along the roadway.



Example of the buffer between vehicles and pedestrians

Many private parking lots along the Corridor encroach on the public right-of-way and/or sidewalks, creating an unpleasant environment for pedestrians and bicyclists. With little or no distinction between private property and the sidewalk, and sidewalk

and the roadway, there is a prominent safety issue for pedestrians, as well as a cramped and chaotic feeling to the Corridor.

Landscape buffers between sidewalk and parking lots must be created, where applicable, as many areas have the sidewalk directly abutting the parking areas which creates safety issues. By constructing wider sidewalks, redefining continuous curb cuts, and “right-sizing” existing driveways, Mt. Airy can calm traffic and provide safer pedestrian spaces.

ODOT must replace missing or inadequate curbs throughout the Corridor. In many areas along the Corridor, curbs are 1” to 2” in height where they exist, and many areas have no curbs to adequately protect pedestrians from vehicular traffic.

Access Roads at Rear of Properties

Mt. Airy must work with the City of Cincinnati, as well as individual property owners, to develop service and access roads at the rear of properties.

As indicated on the Proposed Site Plan maps, there are opportunities to create cross-access between properties along Colerain Avenue. Service/access roads can be public or private in ownership and allow access to properties from side streets at the rear of the property. Service/access roads make it safer to access signals, and when accompanied with consolidated signage, make finding businesses easier.

Cross-Access Between Parking Lots

Mt. Airy must work with property owners to reduce barriers between parcels and connect abutting parking lots.

Cross-access points connect adjacent parcels, allowing circulation between parking lots and relieving traffic on Colerain Avenue. Parking lot connections make it easier for drivers to move from one business to another without having to enter Colerain Avenue.



Creating cross-access between parking lots and providing access to service roads at the rear of businesses/properties.

Cross-access between parking lots can also make it easier for drivers to access nearby signals, providing safe options for turning onto Colerain Avenue. A right-turn only situation exists with most driveways, and increasing cross-access options/locations can relieve current traffic.

Street Connectivity

Mt. Airy must plan for future connections between existing properties and roadways and future developments.

Street network connectivity can help reduce the volume of traffic and traffic delays on Colerain Avenue. Street network connectivity is achieved by providing connections within individual developments, between developments, and having a well-planned collector road network to complement the existing roadway network.

Shared Parking Lots

Mt. Airy must encourage the development of shared parking, allowing multiple businesses to utilize a single lot.

Shared parking allows for more efficient use of parking facilities. Parking can be shared among different buildings and facilities in an area to take advantage of different peak periods. For example, an office complex can efficiently share parking facilities with a restaurant or theaters, since offices require maximum parking during weekdays, while restaurants and theaters require maximum parking during evenings and weekends. As

Design Standards Continued

a result, the total amount of parking can be reduced 40-60% compared with standard off-street parking requirements for each destination. Shared parking facilities allow for additional “greenspace” throughout the corridor, create new opportunities for development, and increase development density throughout the Corridor.

Many private parking lots along the Corridor encroach on the public right-of-way and/or sidewalks, creating an unpleasant business district.

Beautification

Streetscape/Landscaping Buffer Zone

Mt. Airy should consider zoning/land use updates to require a streetscape/landscape buffer zone outside of the City of Cincinnati's right of way that is solely dedicated to lighting and landscape improvements.



Example of Streetscape improvements within the buffer zone

To create a consistent aesthetic, more appealing streetscape experience, and beautify the corridor, Mt. Airy should collaborate with the City of Cincinnati to develop a legislative mechanism to encourage landscaping, gateway, signage,

and lighting improvements between the sidewalk and parking areas/buildings that face Colerain Avenue. Since the City of Cincinnati's right-of-way is dedicated to roadway, sidewalks and other infrastructure, Mt. Airy should look to establish a formal streetscape/landscape buffer zone area. This area will be dedicated to the streetscape improvements laid out in this study.

Streetscape, Landscape, and Aesthetic Improvements

Street Trees:

Mt. Airy should encourage street trees spaced a maximum of 30' on center, located between the sidewalk and parking areas/buildings.

Street trees should be utilized to create a continuous “green” element throughout the Corridor. Trees can make the pedestrian environment more appealing by defining the boundaries between the road and pedestrian areas, screening parking lots and utility poles, encouraging more appropriate traffic speeds, and creating visual “walls” that frame streets. Street trees also allow features, that should be dominant, to be seen, such as traffic, regulatory, and business signage. Tree locations should take into consideration overhead utilities.

For areas of concentrated development or catalytic development projects, Mt. Airy should implement concentrated street tree elements in 1,500 linear foot increments, where trees are spaced 10' to 20' on center.

Site Landscaping:

Mt. Airy should encourage additional site landscaping on private property.

Updating zoning regulations to require additional site landscaping will help soften

the harsh aesthetics and sharp lines of concrete and asphalt throughout the Corridor. Specific site landscaping improvements include:

- *Additional landscaping between the sidewalk and parking areas/buildings*
- *Tree lines perpendicular to Colerain Avenue along property lines*
- *Landscaped islands in parking lots*
- *Evergreen screening of buildings*
- *Tree-lined private drives*

Bus Stops:

Mt. Airy and SORTA/Metro should work to improve the design of bus stops to improve aesthetics.

Transit organizations have been moving toward transit “hubs” that offer amenities and design improvements to make the transit experience more appealing. Hubs can include custom shelters highlighting Mt. Airy community icons, plazas, lighting/vertical elements for pedestrian and vehicular identification, stop markers, kiosks featuring routes and neighborhood information and ticketing vending machine technology for convenient bus pass purchases.

Pedestrian-Scale Lighting:

Implementation of pedestrian-scale lighting spaced a maximum of 60’ on center located between the sidewalk and parking areas/buildings throughout the corridor.



Visionaire Lighting New Orleans II High-Top Lighting which is being incorporated along the Colerain Avenue Corridor

Pedestrian-scale lighting should continue to be installed in the streetscape/landscape buffer zone. For areas of concentrated development or catalytic development projects, concentrated lighting lights are recommended spaced 40’ on center.

Gateways and Signage

Mt. Airy should implement strategic gateway elements to create a more consistent look, enhance wayfinding and establish a visual identity for the corridor.

A hierarchy of gateway elements is recommended, adding walls and signage using materials that utilize Mt. Airy’s monument signage. Color could be coordinated to ease in wayfinding and should be implemented in the form of banners on light poles, color of lettering on gateway elements and color of LED lighting in towers.

Gateway elements should follow a hierarchy, with the largest elements focused on neighborhood boundaries, then key intersections throughout the corridor, with smaller intersection improvements at all other locations.

Neighborhood Gateways

Improvements occur at intersection corners within the right-of-way and include 6’ high walls, 8’ to 12’ high internally-illuminated towers and 2’ to 3’ high knee walls, with landscaping and signage identifying the two entries into Mt. Airy.



Newly installed Neighborhood Gateway monument sign located at the corner of W. North Bend Road and Colerain Avenue

Design Standards Continued

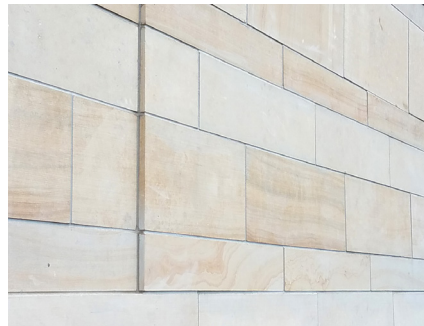
Hardscape Palette

To soften the harshness of the existing streetscape along Colerain Avenue, streetscape features such as street trees, planters, benches, pedestrian lighting, and others should be implemented into the Corridor. The goal is to introduce more natural materials such as wood, stone, and light colors, in addition to screening landscaping and walls along Colerain Avenue.

Below are several examples of collector strip materials and other various hardscape elements such as stone screening walls, planters and bus stop benches.



Collector Strip Material (Example 1)



Collector Strip Material (Example 2)



Collector Strip Material (Example 3)



Trash Receptacles



Pedestrian Lighting



Black Intersection Mast Arms



Black and Metal Bus Stop Benches



Landscape Planters at Corners

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Design Recommendations and Goals

Mt. Airy CURE's Mission

- Relate the Mt. Airy segment of Colerain Avenue to the Colerain Township and Green Township sections
- Look at key Mt. Airy intersections and stretches of road for potential road improvements to improve the walkability, safety, traffic calming, and transit options for Colerain Avenue.
- Identify estimated costs that CURE and DOTE could use to apply for grants to implement the proposed changes
- Develop a plan that is feasible and can be collaboratively implemented by CURE and the City of Cincinnati

Recommendations

- Construct new 8' minimum sidewalks with 2' collector strip, curbs, and rebuild driveways along both sides of Colerain Avenue
- Incorporate street trees along the Corridor where possible
- Buffer areas between street sidewalk and parking lots
- Utilize service/access roads
- Enforce uniform signage and consolidation
- Implement pedestrian-scale lighting along the Corridor

Colerain Avenue from Virginia Avenue to Highforest Lane:

- Where possible, widen sidewalks to a minimum of 8' to meet current standards
- Explore options of reducing lane widths from 12' and 11' lanes, to a 10' inside lane and 11' outside lane with a possible 3-4' striped median with a center line rumble strips incorporated
- Study the possibility of extending traffic calming measures, such as medians

Colerain Avenue from Highforest Lane to Blue Spruce Road:

- Where possible, widen sidewalks to a minimum of 8' to meet current standards

Colerain Avenue from Blue Spruce Road to W. North Bend Road:

- Where possible, widen sidewalks to a minimum of 8' to meet current standards
- Construct a grass median at Bahama Terrace
- Explore options of adding a climbing bike lane and possible center median along this portion of Colerain Avenue
- Explore options of reducing speed limit to 25 MPH and introduce speed limit pavement striping

Colerain Avenue from W. North Bend Road to Kirby Avenue:

- Repair and construct new sidewalks along both sides of Colerain Avenue to meet current standards
- Incorporate grass medians with street trees in targeted areas along the Corridor
- Incorporate street trees and bike racks as part of a streetscape project
- Construct curb bump outs and introduce striped crosswalks to improve pedestrian safety
- Introduce painted sharrows for bikers
- Explore options of acquiring Thorntons Gas Station and developing a Mt. Airy Square
- Coordinate with the City to study a possible signal mid-block and raised crosswalk
- Study options of converting rush-hour restricted outside lanes into 24-hour parking, narrowing this section to one lane both Northbound and Southbound

Colerain Avenue from Kirby Avenue to Kipling Avenue:

- Where possible, widen sidewalks to a minimum of 8' to meet current standards



Current sidewalk conditions between Virginia Avenue and Highforest Lane along Colerain Avenue



Current sidewalk conditions between Hawaiian Terrace and Shepherd Creek Road along Colerain Avenue



Current sidewalk conditions in the Mt. Airy NBD in the 5500 Block of Colerain Avenue



Current road conditions of Colerain Avenue through the Mt. Airy Neighborhood Business District

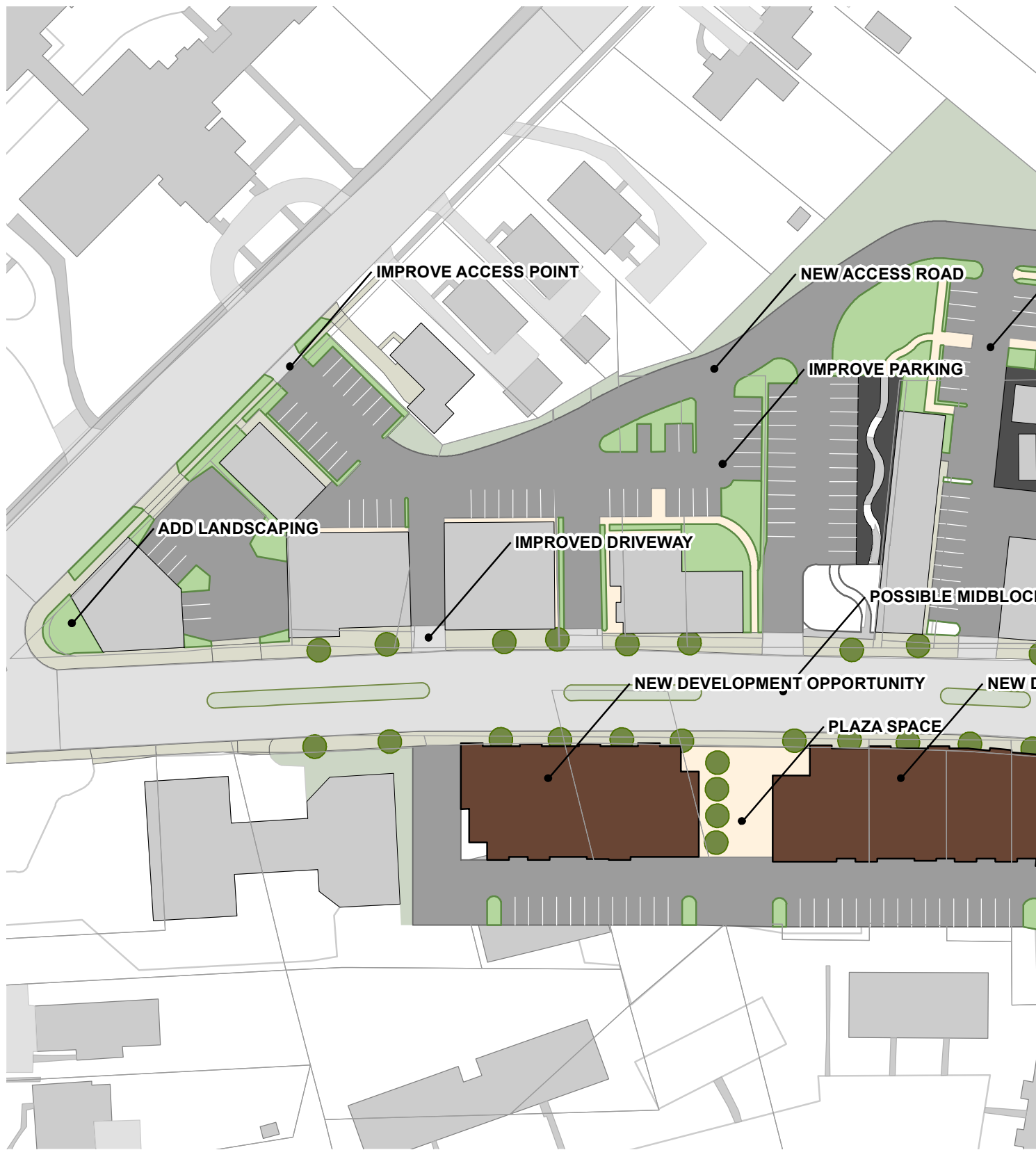


Redevelopment opportunity at the corner of W. North Bend and Colerain Avenue (5400 Block)



Additional redevelopment opportunity in the 5500 Block of Colerain Avenue

Renderings are for illustrative purposes only and are intended to convey a concept and vision. They are for guidance only and may alter as design and engineering work progresses. They do not represent a true and accurate depiction of a final design.





Renderings are for illustrative purposes only and are intended to convey a concept and vision. They are for guidance only and may alter as design and engineering work progresses. They do not represent a true and accurate depiction of a final design.



Conceptual Development Information*:

- 17,000 Square Feet of Potential Commercial Space, Underground Parking located on site
- 51 Total Units - 27 One-Bedroom / 24 Two-Bedroom Units

**Square footage and unit counts are approximations and are derived from conceptual renderings. They do not represent a true and accurate depiction of a final design.*

NOT FOR CONSTRUCTION



Southeast Intersection of W. North Bend Road and Colerain Avenue

Renderings are for illustrative purposes only and are intended to convey a concept and vision. They are for guidance only and may alter as design and engineering work progresses. They do not represent a true and accurate depiction of a final design.



Conceptual Development Information*:

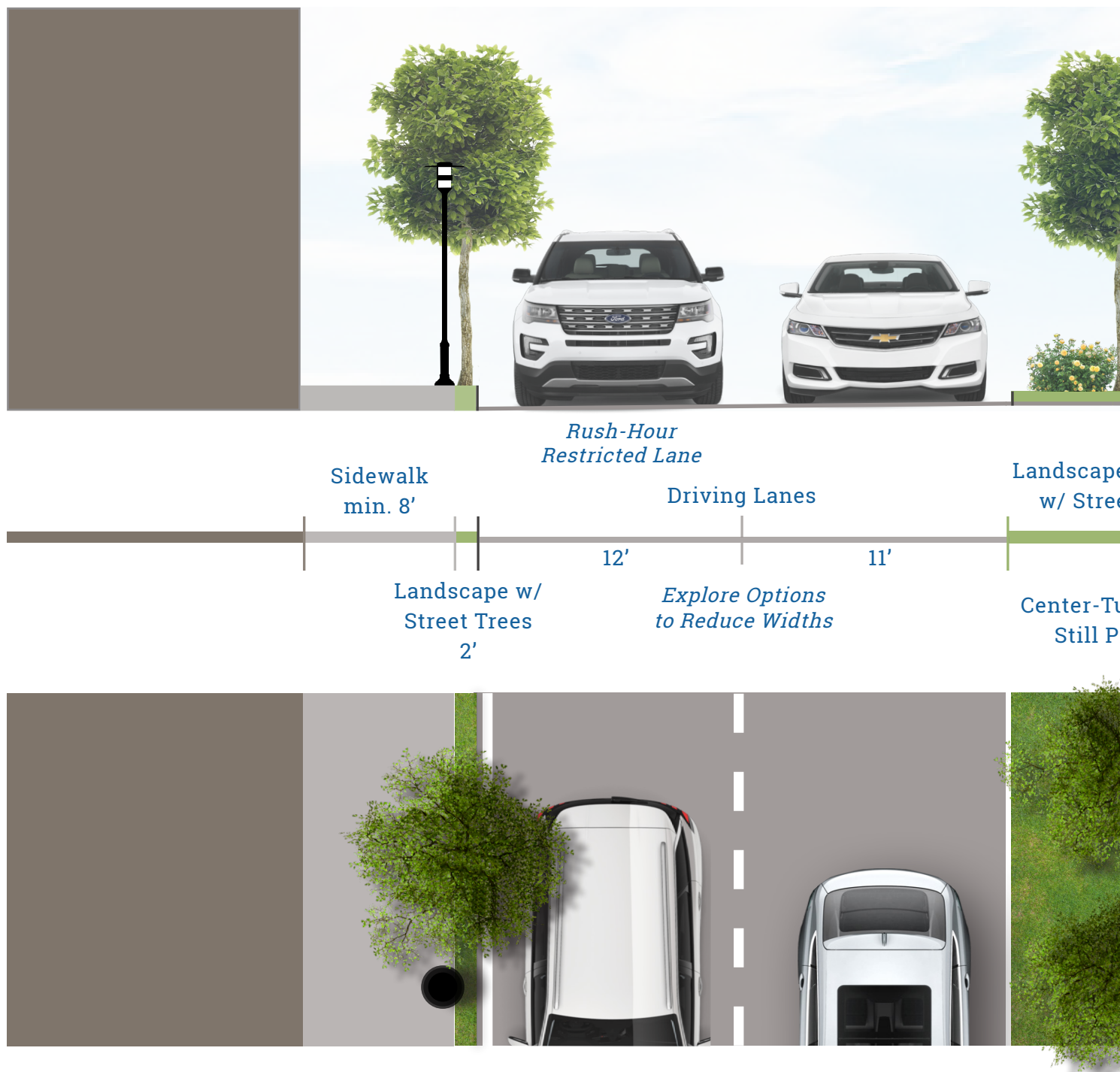
- 22,000 Square Feet of Potential Commercial Space, Underground Parking located on site
- 60 Total Units - 36 One-Bedroom / 24 Two-Bedroom Units

**Square footage and unit counts are approximations and are derived from conceptual renderings. They do not represent a true and accurate depiction of a final design.*

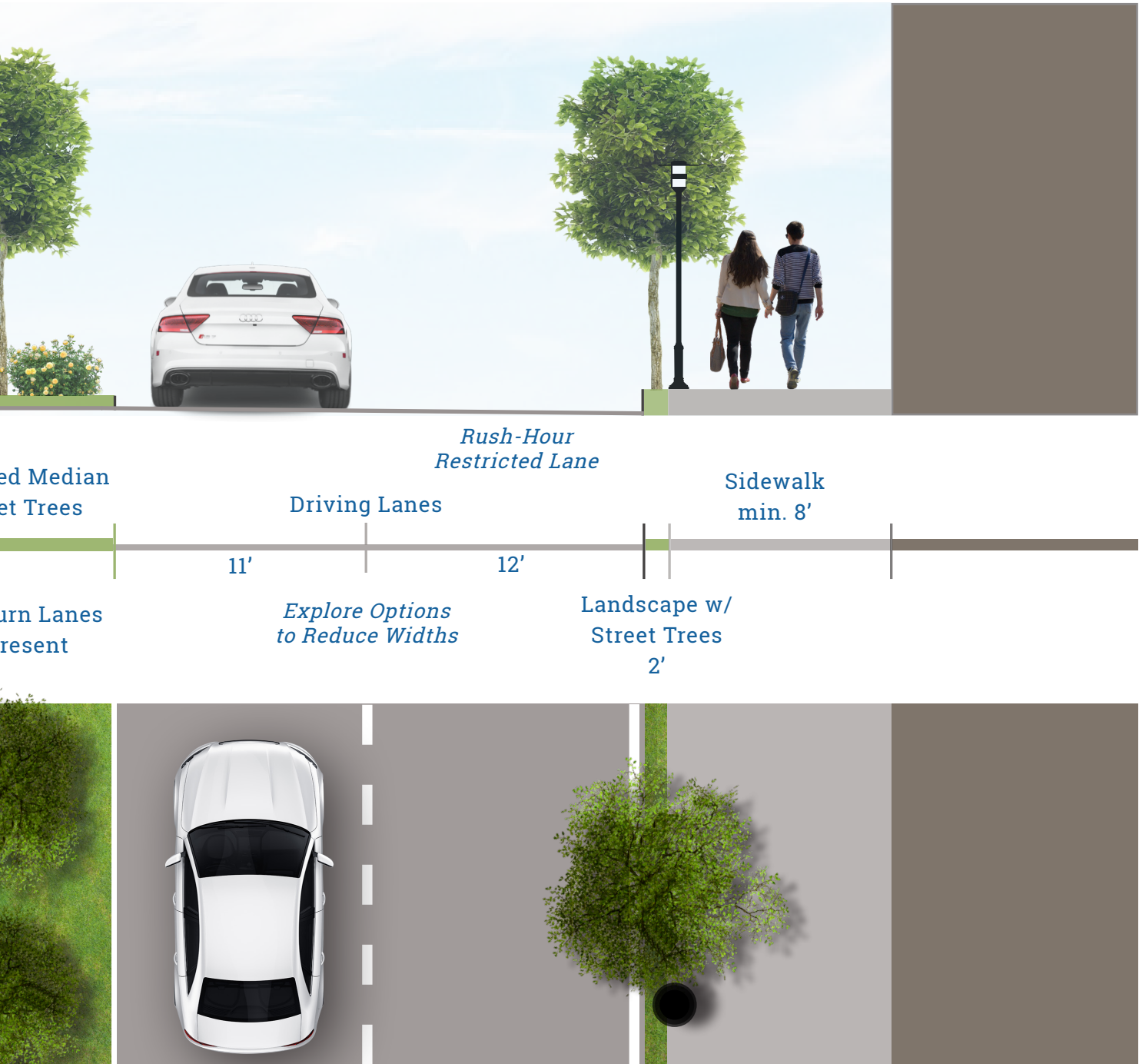


5500-5549 Block of Colerain Avenue

Proposed Road Improvements



NOT DRAWN TO SCALE



Typical Section of Colerain Avenue in Mt. Airy

Contact Us:

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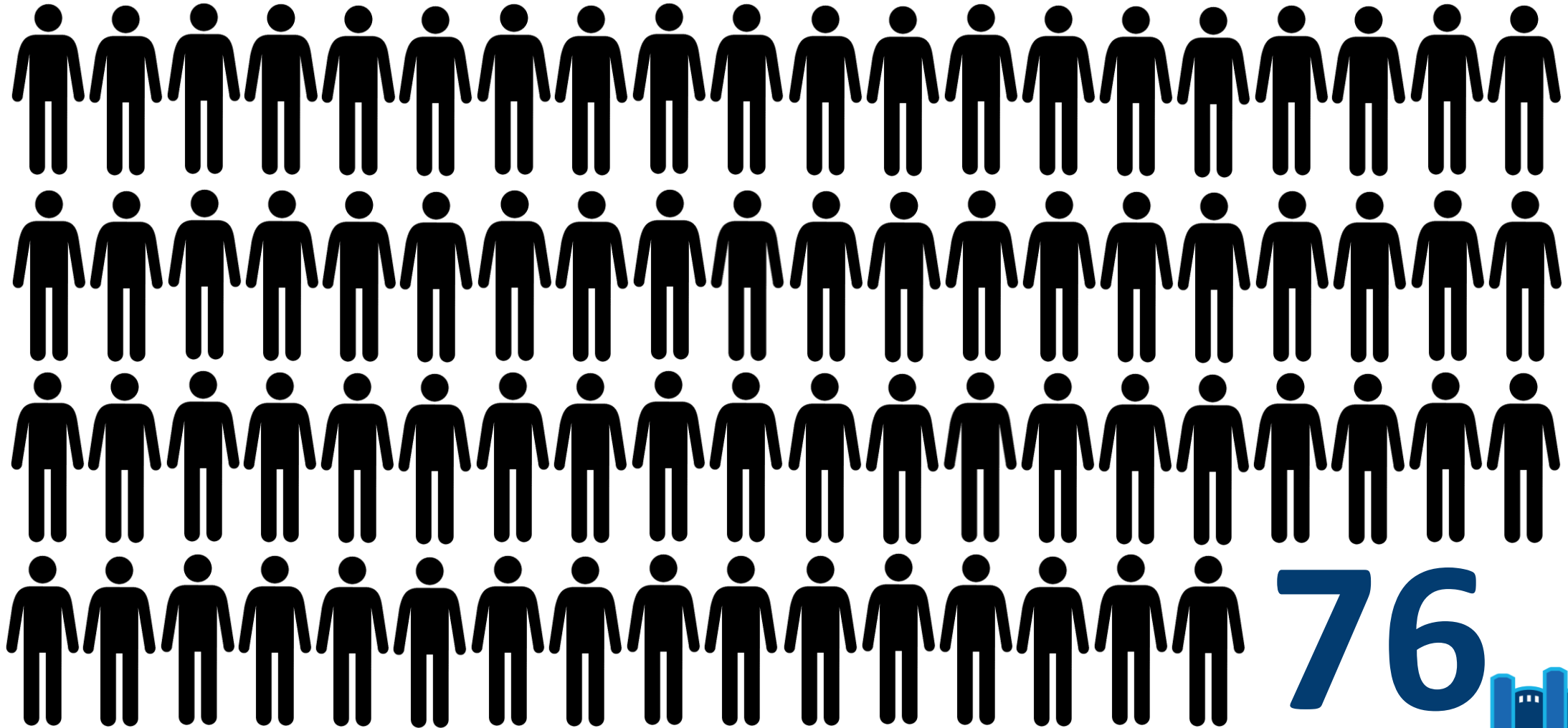


www.mtairycure.com

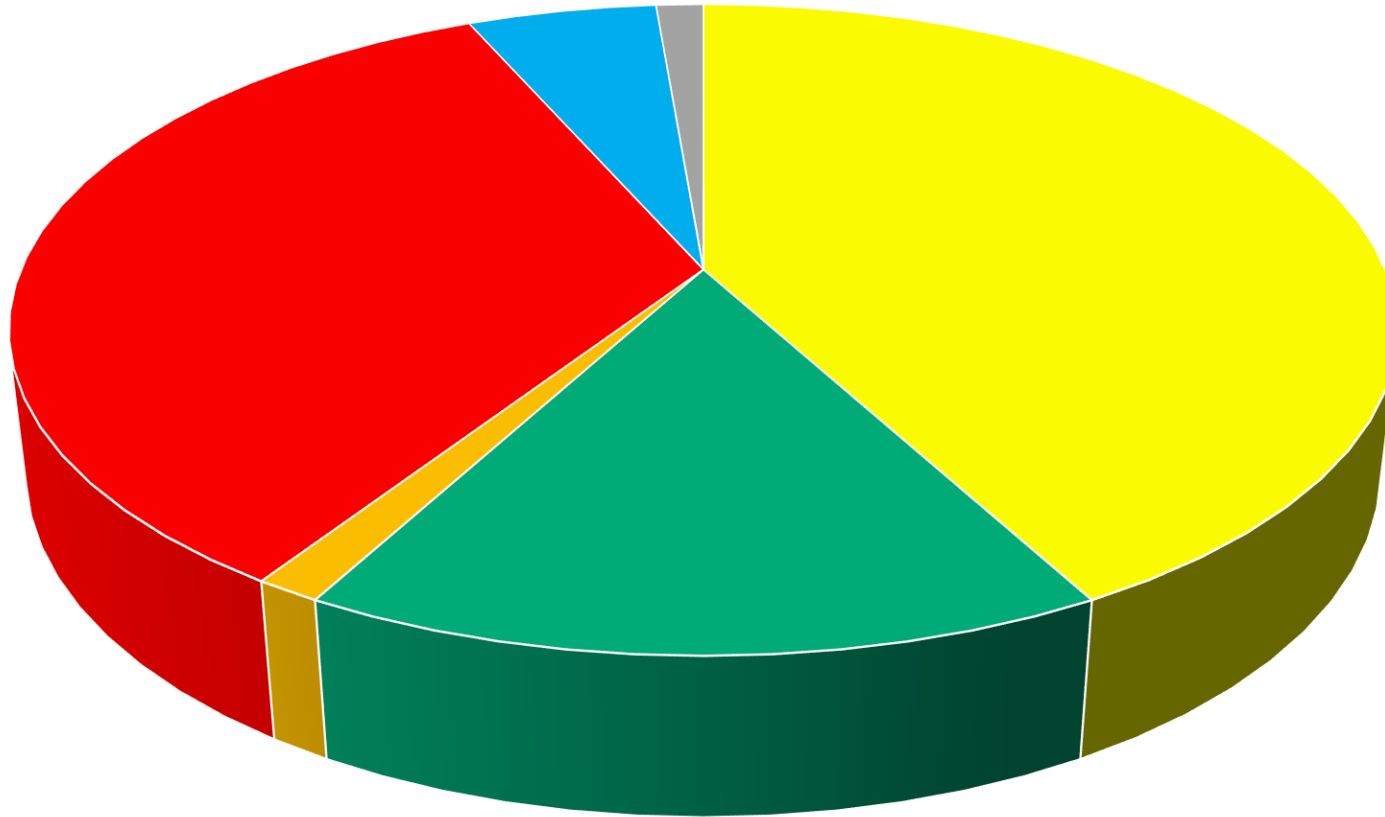
MOUNT AIRY PLAN: OUR FUTURE

MOUNT AIRY SCHOOL: SURVEY RESULTS

SURVEYS COLLECTED:



CONNECTION TO MT. AIRY



■ I live in Mt. Airy (32)

■ I live in and own property in Mt. Airy (1)

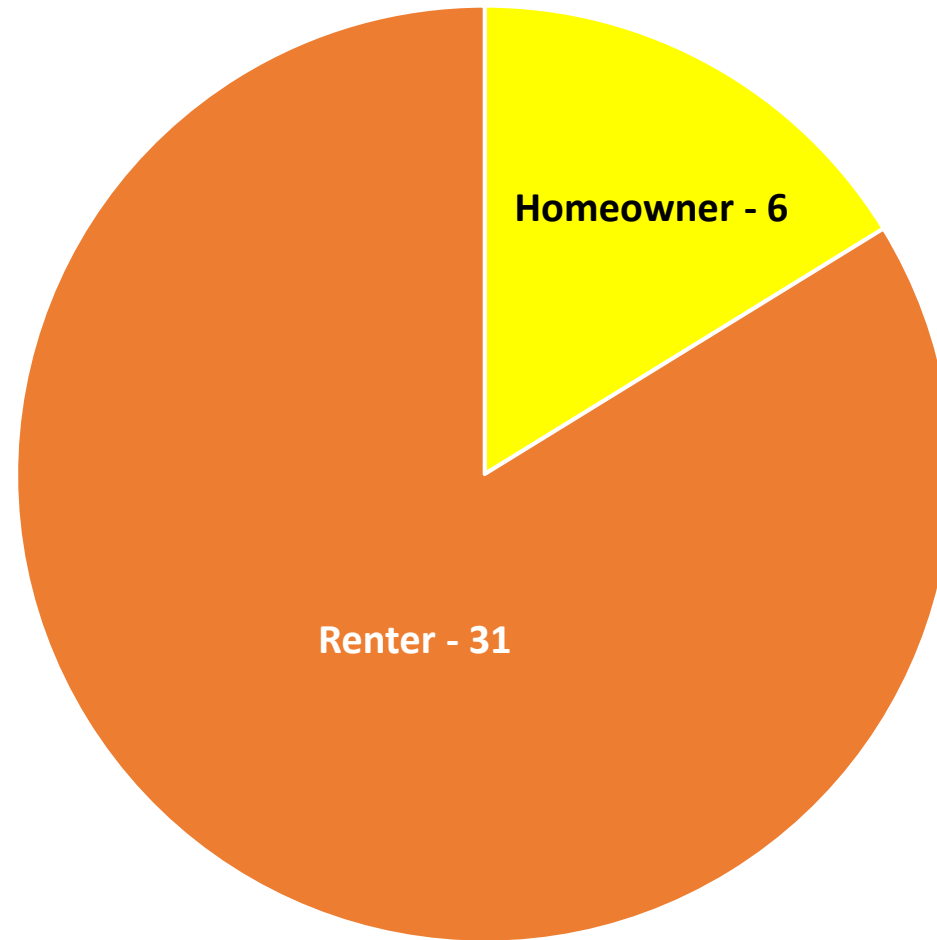
■ I work in and visit Mt. Airy (4)

■ I visit Mt. Airy (12)

■ I work in Mt. Airy (26)

■ I live in North College Hill (1)

HOUSING STATUS



I CHOOSE MT. AIRY BECAUSE:

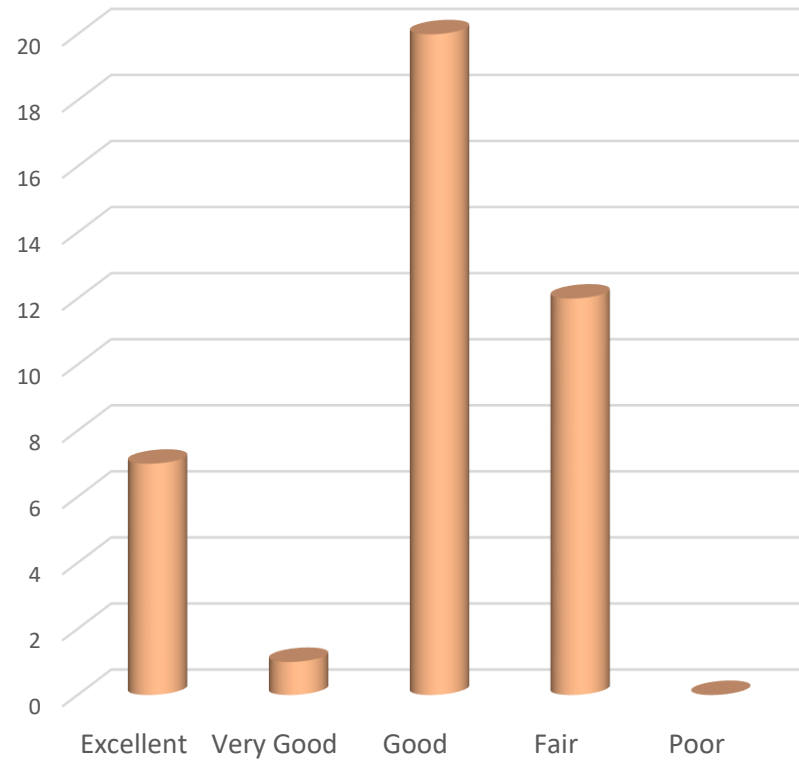
- “It is quiet and everything that my family needs is within a 5-10 minute distance from our home.”
- “I have family here.”
- “Very peaceful place to raise my children.”
- “Mt. Airy Elementary - CLC and Mt. Airy Forest.”
- “The surrounding businesses & restaurants and how close it is to other neighborhoods.”
- “Very clean neighborhood, good stores available.”
- “I believe the community has a lot to offer if provided enough support and resources.”
- “I love where I live. Its quiet, close to everything and just perfect.”
- “I live in Bahama most unsafe place to live.”
- “School.”
- “It was the perfect community when we were looking for a house.”
- “We have a great school family!”
- “Love the school! One of the best schools I have ever worked at. Love hiking in Mt. Airy Forest.”
- “I have lived in Mt. Airy in the past and still attend church here.”

LEVELS OF SATISFACTION

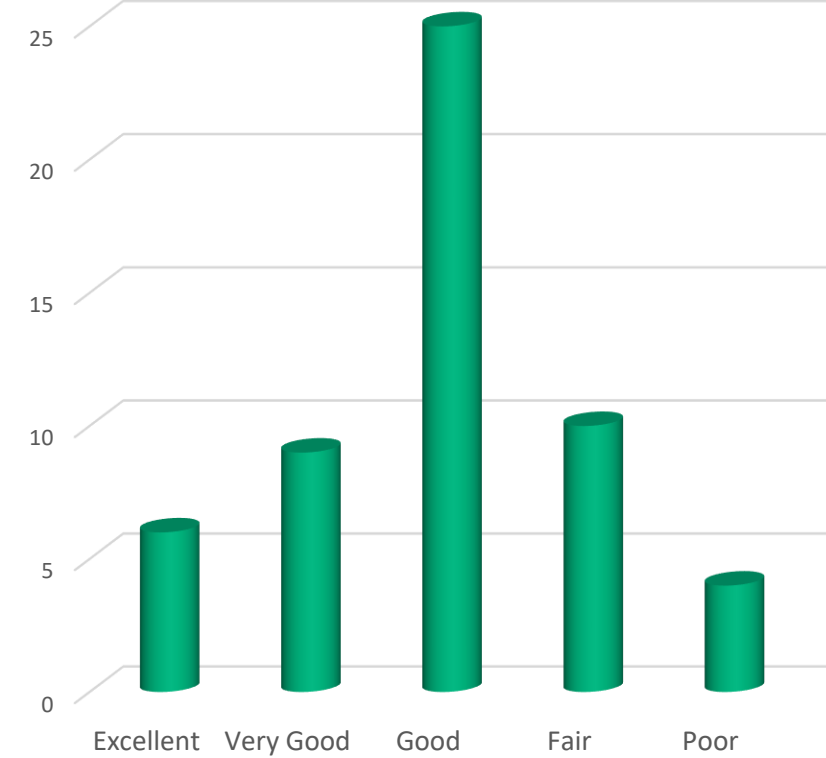
Level of Satisfaction: Living in Mt. Airy



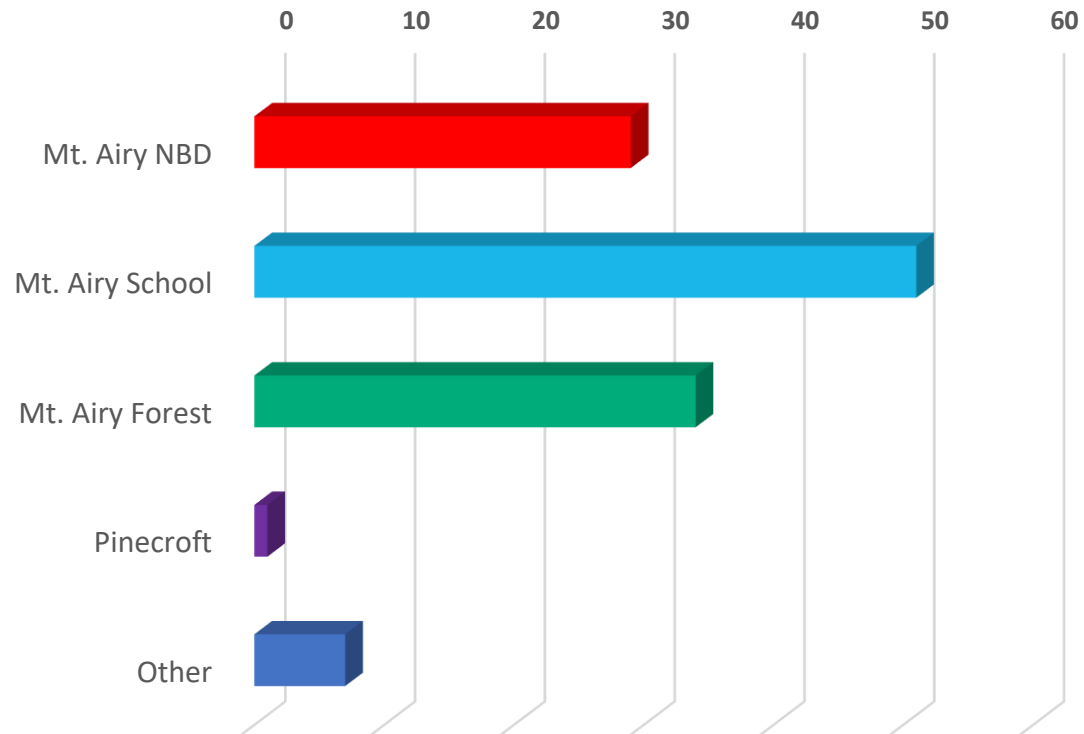
Level of Satisfaction: Working in Mt. Airy



Level of Satisfaction: Visiting Mt. Airy



PLACES VISITED



“Impact Worship Center Church”

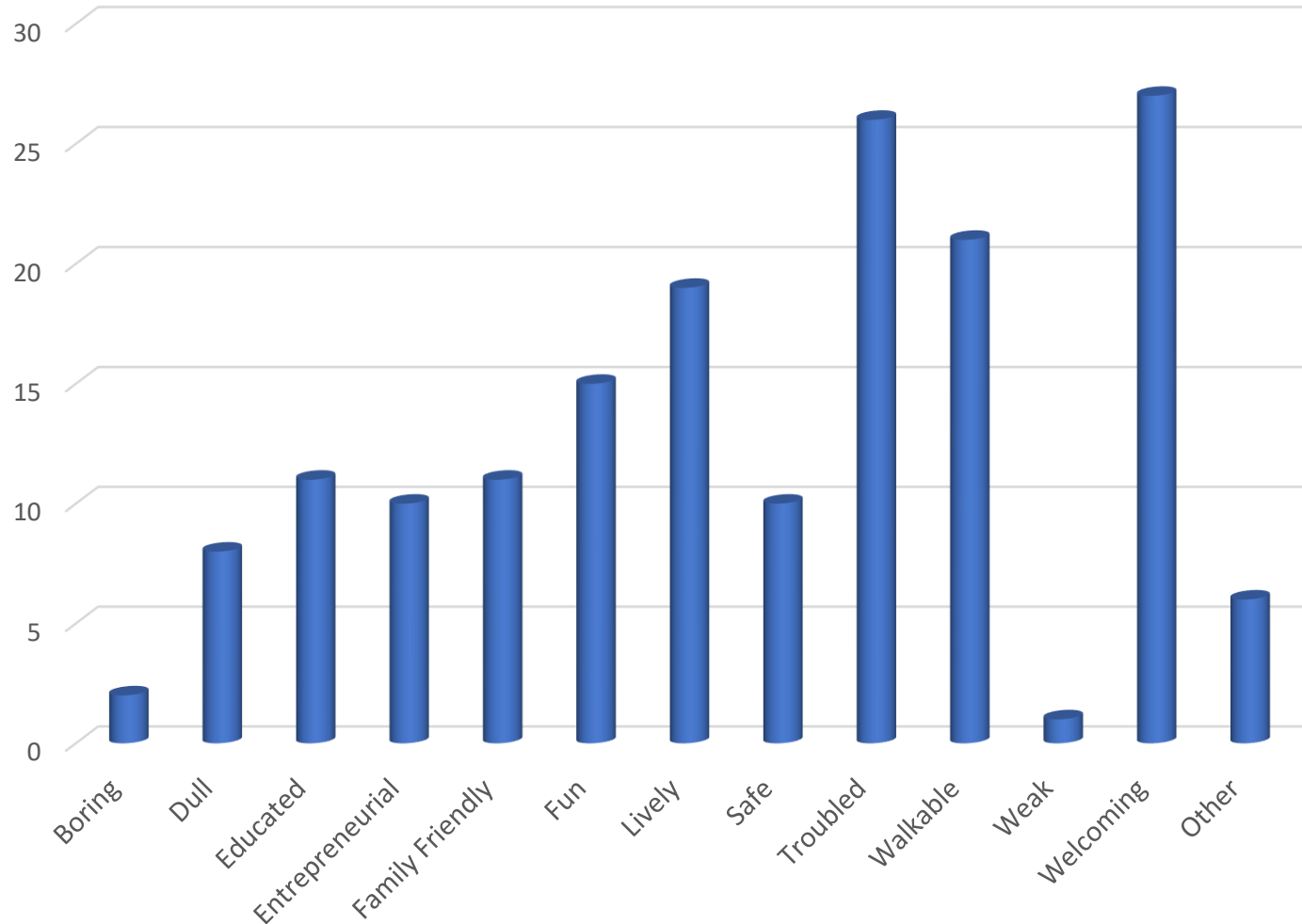
“Friends and family members houses”

“Grandparents live here”

“Apartments”

“Family”

I WOULD DESCRIBE MT. AIRY AS:



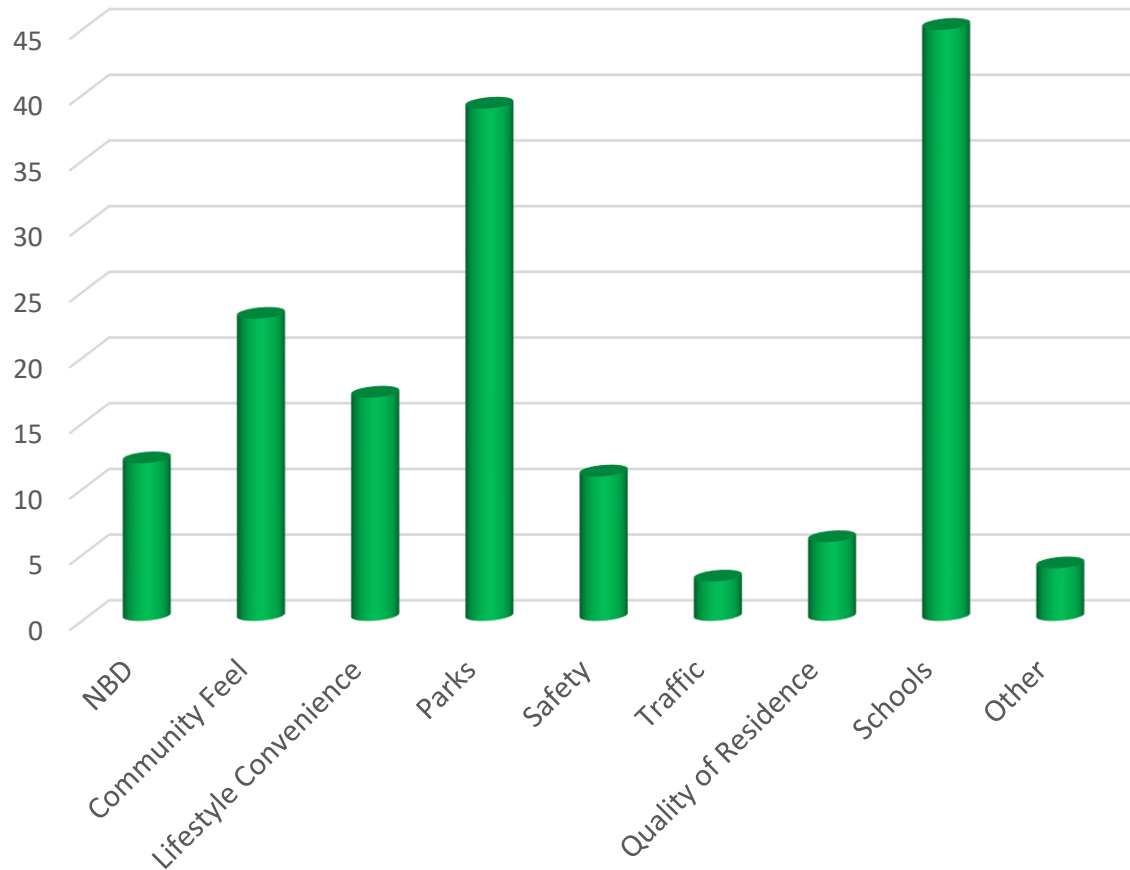
“Need more businesses to draw in visitors”

“Walkable”

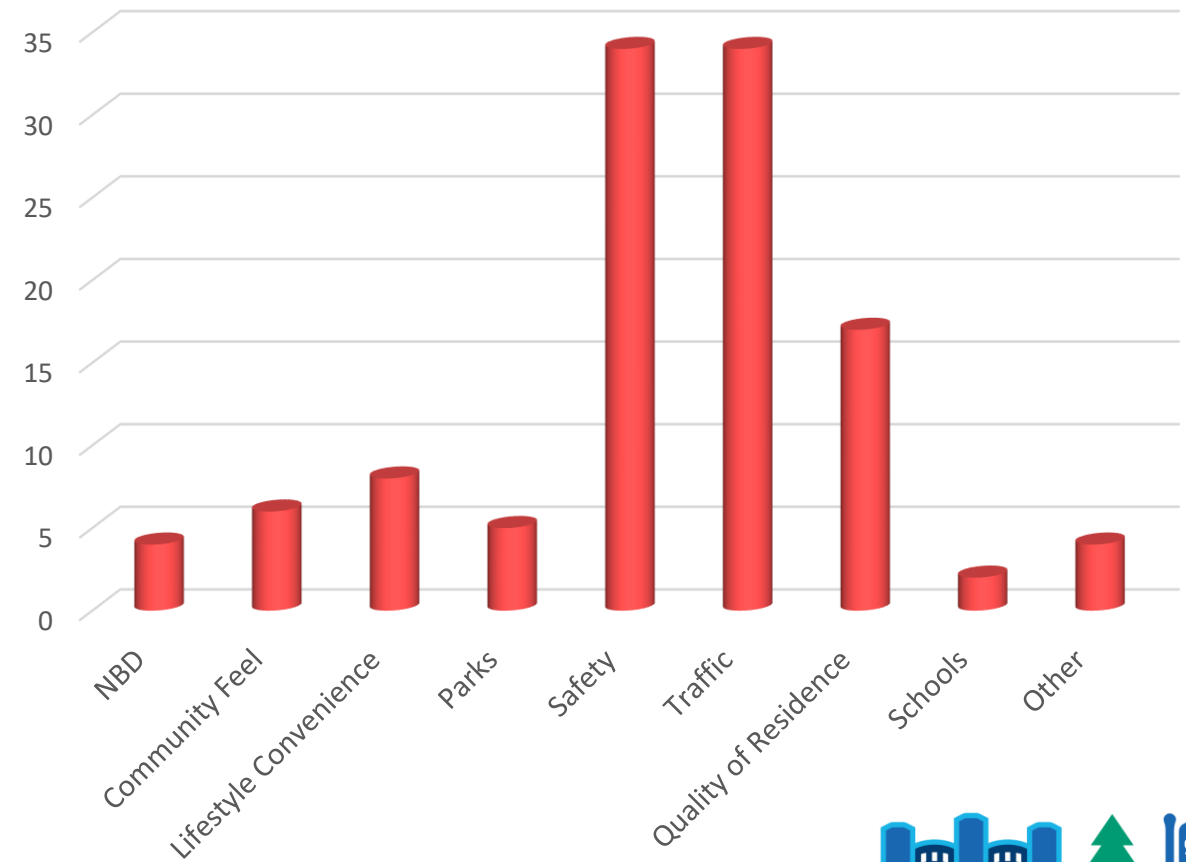
“Lots of potential”

LIKES AND DISLIKES

I like ____ the best



I like ____ the least



OPPORTUNITIES

- “Better housing. Grocery stores. Coffee place. Many more.”
- “Family-friendly businesses.”
- “Making low-income housing safer.”
- “Need a grocery store.”
- “Improve traffic (speeding) and crime.”
- “Hawaiian and Bahama Terrace need more attention, beautification, more than one entrance in and out.”
- “Business District (NBD) – plenty of street visibility”
- “Heavy traffic on Colerain is crazy. Need more crosswalks for teens crossing the street during school hours.”
- “Mt. Airy CLC as hub for community. More resources can be provided to entire neighborhood community”



MOUNT AIRY PLAN: OUR FUTURE

BUSINESS DISTRICT

ASSETS

- Plenty of street visibility
- Some great restaurants that need more publicity

NEEDED IMPROVEMENTS

- Loitering at Thornton's and Speedway
- Block off cut-through from apartments to NBD on east side
- **Nothing to do besides getting gas**, I didn't know there was a business district
 - No real anchor in NBD
- Lack of diversity in businesses
- Opportunities for minority owned businesses
- **Feels unsafe** – crime and **speeding on Colerain Avenue**
 - Sidewalks too close to street or missing completely – kids walking next to speeding cars
 - Hard to cross the street as a pedestrian
- **North Bend/Colerain Intersection is unsafe**
 - Turning left out of Thornton's is dangerous
- Too much litter

OPPORTUNITIES

- The Colerain/Northbend intersection needs to be a gateway
- Engage Speedway/Thornton's to become a part of the community
- Impact Worship Center and Little Flower have large parking lots that could be used for events
- **Create a bypass around business district, like Montgomery**
 - Mt. Airy Square
- **Tear down business district and start over**
- Streetscape improvements and landscaping
 - **Widen sidewalks/make sure they connect, better crosswalks**
- Attract a wider variety of businesses (grocery store, sit-down/quick service restaurants, coffee shop, hardware store, brewery/taproom, deli/bakery, arts and crafts, dry cleaner game room, etc.) and employ Mt. Airy residents
- Rooftop gardens in business district
- **Restaurant district – need more publicity**

OPPORTUNITY SITES

- **Mt. Airy Square**
 - Creating a roundabout or square at the intersection of Colerain and Northbend was brought up to help calm traffic
- **Little Flower Church and School**
 - The campus is ~15 acres just north of the business district. While ideally Little Flower will stay, there needs to be a redevelopment plan in place if they decide to leave Mt. Airy





MOUNT AIRY PLAN: OUR FUTURE

HOUSING & NEIGHBORHOOD

ASSETS

- High quality affordable housing stock
- Central location – close to everything
- Friendly and diverse
- Mt. Airy School
- Religious institutions

NEEDED IMPROVEMENTS

- **Hawaiian Terrace and Bahama Terrace**
 - Unsafe for kids/students, playground equipment is broken, poor living conditions, cut off from rest of neighborhood
 - Bus routes pick up at Colerain – over a mile from some apartments
- Poor living conditions at Shady Mist Apartments
- **Absentee landlords**
- **Need a way for people without a car to obtain fresh food (grocery store)**
- Vacant commercial properties in proximity to Mt. Airy
 - Kroger area in Green Township

OPPORTUNITIES

- **Hawaiian and Bahama Terrace**
 - Could be redeveloped into mixed-income community with different types of housing
- Getting more residents involved with Mt. Airy Town Council
 - Partner with churches
- Working together with surrounding neighborhoods/jurisdictions
- Have Business Association meetings before CURE to get more people involved
- Community housing for the elderly
- **Need for more neighborhood services**
 - Job center, health clinic, youth center

OPPORTUNITY SITES

- Acadia – Excess Land
 - Could be an outdoor theatre or drive-in, a park/walking loop that connects to Pinecroft, something to attract people
- Hawaiian and Bahama
 - Could be redeveloped into a mixed-income area with different types of housing
- Lot adjacent to Raeburn
 - Donate to Hillside Trust – park, trails to avoid walking next to Colerain Avenue





MOUNT AIRY PLAN: OUR FUTURE

RECREATION

ASSETS

- Mt. Airy Forest
 - Arboretum
- Pinecroft at Crosley Estate
- Water Tower
- Shepherd Recreation Area
- Mt. Airy Park
- Tanglewood

NEEDED IMPROVEMENTS

- Too few cultural events/activities
- No community pool, recreation center or sports complex
- Community needs a third space to go besides home and work
- **Shepherd Recreation Area underutilized**
- More events at schools and churches for kids
- **Very few activities for young people**
- Mt. Airy Forest
 - Crime/sexual activity in forest
 - Lots near Putz's are small, fill up quickly
 - Not enough programming/marketing
 - Poor access for walkers and bikers

OPPORTUNITIES

- Pinecroft Estate
- Excess land on Acadia site
 - Outdoor theatre/drive in
 - Park, walking trail loop – tie in to Pinecroft Estate
- Shepherd Recreation area – need more activities for children and youth
 - Winter park, flag football leagues, splash pad, more active space
- Mt. Airy Forest
 - More mountain bike trails
 - Focus on safety, litter reduction, and increase investment
 - Not properly advertised
 - Find a way for young people to work with nature (paying jobs)
 - Walking groups, disc golf leagues, beer garden, amphitheater, marketing
 - Large events have been successful – drive-thru circus sold out
 - Arboretum

OPPORTUNITY SITES

- **Shepherd Recreation Area**
 - This area below the water towers is a tremendous opportunity for a large recreation space to connect the business district to the neighborhood
- **Mt. Airy Forest**
 - The Park Board is going through a process for updates to the Forest Master Plan





MOUNT AIRY PLAN: OUR FUTURE

SAFETY

ASSETS

- Safety is improving in Mt. Airy the last few years
- Several institutions that can create programming to give young people something to do

NEEDED IMPROVEMENTS

- Loitering at gas stations (Thornton's and Speedway)
- **Drugs, crime, violence**
- Police
 - More presence in business district
 - Better community/police relations especially in high crime areas
- Some areas are safe, some areas aren't
 - Little Flower neighborhood
- Cleanliness and upkeep
- Families don't know each other in some areas

OPPORTUNITIES

- Business owners pooling resources for more cameras in the business district
- Few activities for young people – places to work or play
- Programs for youth and children – apprenticeships, after school programs
 - More activities from institutions (churches, school, etc.)
- Neighborhood watch groups/Citizens on Patrol



MOUNT AIRY PLAN: OUR FUTURE

TRANSPORTATION

ASSETS

- Easy access to downtown/highways
- Proximity to bus lines

NEEDED IMPROVEMENTS

- Traffic on Colerain Avenue

- Business district
- Speeding/accidents on the curve going down the hill to Northside

- **Sidewalks too close to street, missing or in poor condition**

- Business district, Kirby/North Bend triangle (redesign), Kipling and North Bend

- Hard for students to walk to school, catch a bus

- Hard to get out of Kiplington neighborhood

- Traffic on North Bend Road

- Accidents, hard to turn left onto Colerain Avenue

- Students in Hawaiian and Bahama have to walk up to a mile to catch a school bus

- Bus only picks up on Colerain Avenue

OPPORTUNITIES

- 24-hour street parking in business district
- Safer crosswalks
 - Signage, striping
- Widen sidewalks, add trees and grass
- Targeted traffic enforcement
- Traffic calming measures on Colerain Avenue and North Bend Road
 - Roundabout, Mt. Airy Square
- Enhancing the sidewalk/trail network to connect the business district with Mt. Airy Forest, neighborhoods and other amenities

March 08, 2023

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith a Resolution captioned as follows:

APPROVING the *Mount Airy Plan: Our Future* as the planning guide for the Mt. Airy neighborhood.

The City Planning Commission recommended approval of the neighborhood plan at its March 03, 2023 meeting.

Summary:

For the first time since 1980, Mt. Airy community members and residents have partnered directly with the City of Cincinnati to establish an innovative and progressive comprehensive plan document to continue guiding Mt. Airy for the upcoming decades. *Mount Airy Plan: Our Future (MAP: Our Future)* represents an extensive collaborative effort between the community and the City of Cincinnati. The plan encapsulates all the aspirations for the residents, business owners, property owners, and visitors of Mt. Airy who all collaborated over the past three years.

The planning process of *MAP: Our Future* was led by the Steering Committee which was comprised of residents and stakeholders from the neighborhood and was supported by members of the Department of City Planning and Engagement staff, Mt. Airy Town Council (MATC), Mt. Airy Community Urban Redevelopment Enterprise (CURE), and Community Learning Center Institute. These groups and the entire community created a new vision for the future of Mt. Airy that centers on creating a revitalized environment, particularly within the neighborhood business district (NBD), connecting residents to economic and social centers, highlighting famous landmarks, and welcoming new neighbors who will contribute to the bright future of the neighborhood.

The City Planning Commission recommended the following on March 03, 2023 to City Council:

Motion to Approve:	Ms. Kearney	Ayes:	Mr. Stallworth
			Mr. Samad
Seconded:	Mr. Weber		Ms. Kearney
			Ms. Sesler
			Mr. Eby
			Mr. Weber

THE CITY PLANNING COMMISSION



Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

March 8, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202300764

Subject: Emergency Ordinance – Authorizing a Property Sale and Development Agreement with 8K Development Company, LLC

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a *Property Sale and Development Agreement* with 8K Development Company, LLC for the sale of the upper levels of the City-owned building located at 129-131 W. Elder Street in the Over-the-Rhine neighborhood for residential redevelopment.

BACKGROUND/CURRENT CONDITIONS

The City owns two adjoining four-story buildings located at 129-131 W. Elder Street in Over-the-Rhine. The properties are currently subject to the City's lease and management agreement with the Corporation for Findlay Market, with the ground floor of both buildings being occupied by commercial tenants, *The Arepa Place*, and *Maverick Chocolate*. The upper floors of the two building currently sit vacant and are in need of substantial renovation. An appraisal of the upper floors of the properties conducted by the City's Real Estate Services Division determined their fair market value to be \$100,000.

The Department of Community and Economic Development (DCED) released a Request for Proposals (RFP) for the sale and redevelopment of the upper floors of the two buildings in February 2022. The RFP received three (3) responses from the following respondents: 8K Development Company, LLC, A.M. Titan Group, and True Blue Properties. A cross-departmental committee reviewed and evaluated the 3 proposals and recommended the sale of property be awarded to 8K Development Company, LLC in June 2022.

DEVELOPER INFORMATION

8K was founded in 2009. Starting with the gut renovation of one dilapidated house on Langland Street in Northside, 8K has grown into an integrated construction and property development company. The renaissance in Cincinnati's core neighborhoods has led to expertise across a broad spectrum of development and construction services such as comprehensive historic renovations, commercial buildouts, and ground up construction. In 2016, the organization was reconfigured into two companies, 8K Development Co. and 8K Construction Co. Since the reorganization, 8K has completed over 30,000 sf of residential renovation and over 15,000 sf of commercial build-out working primarily in Northside, Over-the-Rhine, and Walnut Hills.

RECOMMENDATION

DCED is recommending a sale of the upper floors of 129-131 W. Elder Street to 8K Development Company, LLC at the offer price of \$1.00, which is below the appraised fair market value of \$100,000. The City will retain ownership of the first floor of the two buildings and continue a leasing and management relationship with Corporation For Findlay Market for these spaces. DCED is also recommending a 15-year, net 67% Commercial CRA tax abatement on the improved value property with the potential for a 10-year historic extension, the ordinance for which has been introduced in tandem with this ordinance.

DCED's recommendation is based on the following reasons:

- 8K Development Company, LLC has presented the most advantageous proposal for the redevelopment of the upper portion of the property.
- The proposal made by the Developer will return the upper floors of the properties back into productive use by renovating the vacant space into residential units.
- The proposal will create ten (10) units, with six (6) units being affordable to households making between fifty (50%) and sixty (60%) percent of the area median income, and the remaining four (4) being market rate units.
- The proposal creates mixed income housing and will bring more residents and foot traffic to the Findlay Market area, which will help to support the Market and small businesses in the area.

The Administration recommends approval of this Emergency Ordinance so that the Developer can close on the properties, meet their historic tax credit application deadline, and begin construction on the project as soon as possible.

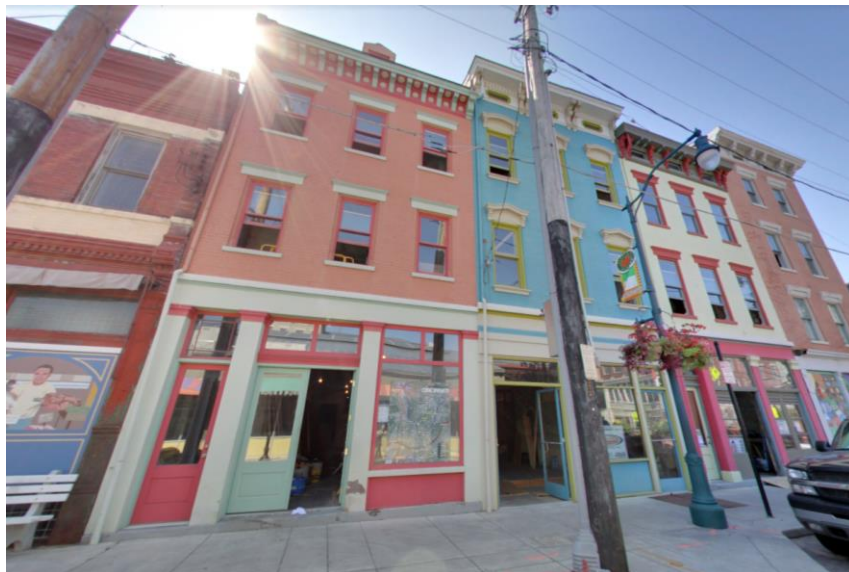
Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	129-131 W. Elder Street
Street Address	129-131 W. Elder Street
Property Condition	Two historic buildings that sit in Findlay Market; ground floor of 129 W. Elder St. is currently occupied by The Arepa Place and ground floor of 131 W. Elder St. is currently occupied by Maverick Chocolate; the upper floors are vacant and in disrepair
Neighborhood	Over-the-Rhine
Incentive Application Process	Request for Proposals and Commercial CRA – Downtown Streetcar Area
Recent or other projects by Developer	1714 Vine Street, KeyMark Phase I & II
Approval at Planning Commission/Neighborhood support	<ul style="list-style-type: none"> - Approval of sale by City Planning Commission on 9/16/2022 - Public engagement meeting held with OTR stakeholders, the Developer and City Planning on 9/6/2022 - Written letters of support from OTRCC and CFFM
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120), Live Area goal 3 by (pages 164-178), and Sustain Initiative Area Goal 2 (pages 193-198)

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Proposed Incentive	\$1.00 property sale to 8K Development Company, LLC
Additional Incentives	15-year, net 67% Commercial CRA tax abatement, with the possibility for 10-year historic extension (at the discretion of Council)
Construction Cost & Private investment committed	<p>Project Costs</p> <ul style="list-style-type: none"> - \$1,056,840 in total project costs (\$880,600 in hard construction costs) <p>Financing Commitments</p> <ul style="list-style-type: none"> - \$191,840 in Developer equity - \$650,000 permanent loan from North Side Bank - \$215,000 in State Historic Tax Credit Equity
Sq. Footage by Use	4,680 sf - residential
Number of units and rental ranges	<p>10 one-bedroom units</p> <ul style="list-style-type: none"> - 3 affordable to 50% AMI (\$650/month) - 3 affordable to 60% AMI (\$750/month) - 4 at market rate (\$900/month)
Jobs created/retained and payroll (living wage)	This project will not create any FTE positions
“But For”	The project, as presented with income restricted units, would not proceed without the proposed incentive package due to the Developer not receiving adequate returns until after Year 7.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	<p>Without Abatement (Year 5): 6%</p> <p>With Abatement (Year 5): 8%</p>
LEED or other environmental build	Non-LEED
Neighborhood VTICA	No VTICA contribution
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$2.56 of new CPS/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$6,750
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	The project is adjacent to Findlay Market-Elm, Findlay Market-Race, and Brewery District Streetcar stops; the project also sits along the 21, 64, 46, and 78 Metro bus routes

Geography	The project sits in an Opportunity Zone and the OTR-West End NRSA
Historic Preservation/Existing Building Renovation	This project will renovate the upper floors of two historic buildings, preserving and reactivating them for future use
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$650.00	\$26,000.00	Lifeguard, Laboratory Technician (Part-Time), Breast Feeding Peer Counselor (Part-Time), Parks/Recreation Program Leader (Part-Time)
\$900.00	\$36,000.00	Card Punch Operator, Custodian, Municipal Worker, Recreation Specialist (Part-Time)

AMI	1	2	3	4	5	6	7	8
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

EMERGENCY

CHM

- 2023

AUTHORIZING the City Manager to execute a *Property Sale and Development Agreement* with 8K Development Company, LLC for the sale of the upper levels of the City-owned building located at 129-131 W. Elder Street in the Over-the-Rhine neighborhood for residential redevelopment.

WHEREAS, the City owns the real property, including the building thereon, located at 129-131 W. Elder Street at Findlay Market in the Over-the-Rhine neighborhood, as more particularly depicted and described in the *Property Sale and Development Agreement* attached to this ordinance as Attachment A and incorporated herein by reference (“Property”), which Property is under the management of the City’s Department of Community and Economic Development (“DCED”); and

WHEREAS, the City currently leases the Property to the Corporation for Findlay Market of Cincinnati (“CFFM”), which manages the Property for the City; and

WHEREAS, two commercial tenants presently occupy the Property’s street-level commercial spaces, and the upper levels of the building are vacant and in need of redevelopment; and

WHEREAS, 8K Development Company, LLC, an Ohio limited liability company (“Developer”), submitted a development proposal to redevelop the upper floors of the Property into residential use, which proposal the City Manager, in consultation with DCED, determined to be the most advantageous to the City and involves the subdivision of the Property into two parcels: (i) a residential air lot primarily comprised of the upper floors of the building (“Residential Air Lot”) to be sold to Developer for the construction of 10 residential multi-family dwelling units at an estimated cost of approximately \$1,056,840 (“Project”); and (ii) a commercial air lot, including the basement and any and all residual space and land rights not part of the Residential Air Lot to be retained by the City (leased and managed by CFFM); and

WHEREAS, Developer estimates that the Project will create approximately 12 temporary construction jobs and no full-time permanent jobs; and

WHEREAS, the City Manager, in consultation with DCED, has determined that the Residential Air Lot is not needed for a municipal purpose and that the conveyance to Developer of the Residential Air Lot is not adverse to the City’s retained interest in the Property; and

WHEREAS, the City's Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Residential Air Lot is approximately \$100,000; however, the City desires to sell the Residential Air Lot for less than the fair market value, namely, for \$1.00 because the City will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Residential Air Lot because the City anticipates that the Project will create new jobs, stimulate economic growth in the Over-the-Rhine neighborhood, will create additional housing in Cincinnati, and will contribute to the social and economic viability and stability of the Findlay Market area by restoring the vacant upper levels of the building to productive use; and

WHEREAS, Section 13 of Article VIII of the Ohio Constitution provides that, to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research; and

WHEREAS, Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing; and

WHEREAS, the City has determined that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents and in accordance with the above-stated public purposes because the Project will restore the vacant upper levels of the building to productive use, create additional housing and employment opportunities, stimulate economic growth in the Findlay Market area, and help to revitalize the Over-the-Rhine neighborhood, all for the economic benefit of the City; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-5, Council may authorize the sale of City-owned real property without competitive bidding in those cases in which it determines that it is in the best interest of the City; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's sale of the Residential Air Lot to Developer at its meeting on September 16, 2022; 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 execute a *Property Sale and Development Agreement* with 8K Development Company, LLC, an Ohio limited liability company ("Developer"), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference ("Agreement"), pursuant to which the City will sell to

Developer an air lot located at 129-131 W. Elder Street in Over-the-Rhine, as more particularly detailed in the Agreement (“Residential Air Lot”).

Section 2. That the Residential Air Lot is not needed for a municipal purpose and that the conveyance to Developer of the Residential Air Lot is not adverse to the City’s retained interest in the building and property located at 129-131 W. Elder Street.

Section 3. That the City’s Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Residential Air Lot is approximately \$100,000; however, the City will sell the Residential Air Lot for less than the fair market value, namely, for \$1.00 because the City will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Residential Air Lot because the City anticipates that the Project will create new jobs, stimulate economic growth in the Over-the-Rhine neighborhood, will create additional housing in Cincinnati, and will contribute to the social and economic viability and stability of the Findlay Market area by restoring the vacant upper levels of the building to productive use.

Section 4. That it is in the best interest of the City to eliminate competitive bidding in connection with the City’s sale of the Residential Air Lot because the City Manager, in consultation with the Department of Community and Economic Development, determined Developer’s proposal to be the most suitable and advantageous to the City.

Section 5. That proceeds from the sale of the Residential Air Lot shall be deposited into Property Management Fund 209 to pay the fees for services provided by the City’s Real Estate Services Division in connection with the sale, and that the City’s Finance Director is hereby authorized to deposit amounts in excess thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City’s Finance Director is authorized to transfer and appropriate such excess funds from the unappropriated surplus of Miscellaneous Permanent Improvement Fund 757 to capital improvement program project account no. 980x162xYY1641, “DCED Property Improvements,” in which “YY” represents the last two digits of the fiscal year in which the closing occurs and the proceeds are received, referencing the latter fiscal year if the events occur in different fiscal years.

Section 7. That Council authorizes the proper City officials to take all necessary and proper actions to fulfill the terms of the Agreement and this ordinance, including without limitation executing any and all ancillary agreements, deeds, plats, and other documents to facilitate all transactions contemplated by the Agreement.

Section 8. 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 City to do all things necessary to create the Residential Air Lot without delay to allow this construction-ready project to move forward so that the City may receive the economic and noneconomic benefits from the sale and development of the Residential Air Lot at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Contract No. _____

PROPERTY SALE AND DEVELOPMENT AGREEMENT

between the

CITY OF CINCINNATI

and

8K Development Company, LLC
("Developer")

Project: 129 and 131 W. Elder Street

creation of 1st floor commercial lot at (to be retained by the City),
creation of residential air lot for upper floors for sale and redevelopment as residential
multifamily units

PROPERTY SALE AND DEVELOPMENT AGREEMENT

THIS PROPERTY SALE AND DEVELOPMENT AGREEMENT (“**Agreement**”) is made and entered into on the Effective Date (as defined on the signature page hereof) by and between the **CITY OF CINCINNATI**, an Ohio municipal corporation, having an address of 801 Plum Street, Cincinnati, Ohio 45202 (the “**City**”), and **8K Development Company, LLC**, an Ohio limited liability company, whose address for purposes of this Agreement is 60 E. McMicken Avenue, Cincinnati, Ohio 45202 (“**Developer**”).

Recitals:

A. The City owns the land and two adjoining 4-story buildings thereon located at 129 W. Elder Street (the “**129 Building**”) and 131 W. Elder Street (the “**131 Building**”), more particularly identified as Hamilton County, Ohio Auditor’s Parcel ID No. 094-0008-0145, in Over-the-Rhine in Cincinnati as shown on Exhibit A (*Site Survey*) hereto (the “**Buildings**”), which are under the management and control of the City’s Department of Community and Economic Development (“**DCED**”).

B. Pursuant to a *Lease and Management Agreement* between the City and the Corporation for Findlay Market of Cincinnati, an Ohio non-profit corporation (“**CFFM**”), dated April 12, 2022 (the “**CFFM Lease & Management Agreement**”), the City leases to CFFM various properties at Findlay Market, including the Buildings for the management and operation thereof.

D. A commercial restaurant known as *The Arepa Place* currently occupies the first-floor commercial space of the 129 Building, and a commercial tenant known as *Maverick Chocolate* currently occupies the first-floor commercial space of the 131 Building, each under a license agreement between CFFM and the tenant (the “**Commercial Tenant License Agreements**” and the “**Commercial Tenants**”, respectively). The upper floors of the Buildings are currently vacant and need substantial renovation.

E. Pursuant to a Request for Proposals solicited by DCED, the City determined that Developer’s proposed redevelopment plan for the Buildings is the most advantageous to the City. Developer’s proposal is as follows (the “**Project**”):

- (i) *Pre-Closing Title & Survey Work*: Following the Effective Date, Developer shall engage [a] a title company to conduct a title examination to determine whether there are any liens or other encumbrances that may impair the proposed redevelopment of the Buildings; and [b] a professional surveyor to prepare proposed subdivision plats and any and all other engineering drawings and other documents as may be required by the City’s Department of City Planning and Engagement, the Hamilton County, Ohio Engineer, the Hamilton County, Ohio Auditor, and the Hamilton County, Ohio Recorder to subdivide Hamilton County, Ohio Auditor’s Parcel ID No. 094-0008-0145 into two lots (the “**Lots**”); namely:

- [x] One upper-level residential air lot comprising the upper floors of the Buildings, including access from the ground floor (the “**Residential Air Lot**”, and also the “**Property**”), to be sold by the City to Developer under this Agreement for redevelopment into 10 residential multi-family units of which Developer will lease and make affordable six residential dwelling units for a period of 15 years (the “**Affordability Period**”) to families earning between 50% to 60% of the area median income (“**AMI**”) as established by United States Department of Housing and Urban Development (“**HUD**”) for the Cincinnati metropolitan area, adjusted for household size, and as may be updated from time to time (the “**Affordable Units**”); and

[y] one street-level commercial lot (including a basement and any and all residual space and land rights not part of the Residential Air Lot) of the Buildings (the “**Commercial Air Lots**”) which will remain under the City’s ownership and which the parties anticipate will remain occupied by the Commercial Tenants under the terms of the Commercial Tenant License Agreements.

- (ii) *Declaration of Covenants, Easements, and Restrictions:* Upon the parties’ approval of title, the proposed subdivision plats, engineering drawings, and other documents prepared under subparagraph (i) above, the City, Developer and CFFM shall work jointly to prepare and mutually approve a proposed *Declaration of Covenants, Easements and Restrictions* (the “**Declaration**”) that will set forth the respective rights and obligations of the owner of the Residential Air Lot and the Commercial Lot, including without limitation: [a] creating any necessary cross easements (including, if applicable, easements that may be necessary through the Commercial Lot in order for the owner of the Residential Air Lot to access mechanicals and utilities located in the basements of the Commercial Lots that provide service to the Residential Air Lot); and [b] self-help rights in favor of the owner of the Commercial Lot if the owner of the Residential Air Lot fails to fulfill their maintenance and repair obligations under the Declaration (e.g., roof or structural repairs) to the detriment of the Commercial Lot. (The parties acknowledge that the Declaration will not allocate off-street parking space between the Lots because there is no such off-site parking space behind the Buildings.);
- (iii) *Creation of Lots:* Upon the parties’ approval of the proposed Declaration, the parties shall take all steps necessary to [a] subdivide Hamilton County, Ohio Auditor’s Parcel ID No. 094-0008-0145 into the Lots as aforesaid, and [b] record the Declaration in the Hamilton County, Ohio Recorder’s office;
- (iv) *Closing:* Upon the creation of the Lots, the City shall transfer title to the Residential Air Lot to Developer (the “**Closing**”), and the City shall retain ownership of the Commercial Lot; and
- (v) *Construction:* Following the Closing, Developer shall [a] perform all work required to functionally separate the Residential Air Lot from the Commercial Lot (including, without limitation, performing all fire code separation work required by the City’s Department of Buildings and Inspections as a condition of receiving a certificate of occupancy for the Residential Air Lot), [b] construct the 10 residential multi-family dwelling units within the Residential Air Lot, and [c] make certain other improvements to the Buildings (collectively, the “**Improvements**”); with a target construction completion date (as evidenced by a certificate of occupancy for the residential improvements) no later than 24 months following the Effective Date.

F. Developer anticipates that the hard and soft costs associated with creating the Lots and constructing the Improvements (including the purchase price) will be approximately \$1,056,840 as shown on Exhibit B (*Scope of Work; Preliminary Budget; Source of Funds*) hereto.

G. Developer anticipates that the construction of the Improvements will create approximately 12 temporary construction jobs and 0 permanent jobs.

H. Section 13 of Article VIII of the Ohio Constitution provides that to create or preserve jobs and employment opportunities and to improve the economic welfare of the people of the State, it is a public interest and proper public purpose for the State or its political subdivisions to sell, lease, exchange, or otherwise dispose of property within the State of Ohio for industry, commerce, distribution, and research.

I. Section 16 of Article VIII of the Ohio Constitution provides that it is in the public interest and a proper public purpose for the City to enhance the availability of adequate housing and to improve the economic and general well-being of the people of the City by providing or assisting in providing housing.

J. The City believes that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements.

K. The City's Real Estate Services Division has determined that the fair market value of the Residential Air Lot, as determined by a professional appraisal, is \$100,000; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property because it is anticipated that the Project will create new jobs, stimulate economic growth in the Over-the-Rhine neighborhood, will create additional housing in Cincinnati and is consistent with the City's objective of creating good quality housing options within the Over-the-Rhine neighborhood, thereby contributing to the social and economic viability and stability of the neighborhood and restore the Property to productive use.

L. The City believes that the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents, and in accordance with the public purposes and provisions of applicable federal, state, and local laws and requirements. Accordingly, the City is cooperating to facilitate a real property tax abatement for the Project under a *Community Reinvestment Area Tax Exemption Agreement* (the "**CRA Agreement**"), subject to passage by City Council of a separate ordinance authorizing such abatement.

M. The City has determined that eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because the City issued a request for proposals to solicit offers to develop the Property, and the City finds that Developer's development proposal is the most suitable and advantageous to the City.

N. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's sale of the Property to Developer at its meeting on September 16, 2022.

O. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. ____-2023, passed by City Council on _____, 2023.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Due Diligence Period.

(A) Due Diligence Materials. Following the Effective Date, Developer shall prepare and deliver the following items to DCED for its review and approval (the "**Due Diligence Materials**"):

- (i) Title: a recent 40-year title exam for the Buildings, prepared by a reputable title company acceptable to the City;
- (ii) Subdivision Plat: a proposed subdivision plat and, if needed, engineering drawings, to create the Residential Air Lot and Commercial Lot, prepared by a reputable surveyor or engineering firm acceptable to the City;
- (iii) Plans and Specifications: plans and specifications for the Improvements;

- (iv) Construction Schedule: The proposed construction schedule for the Project;
- (v) Building Permit: evidence that Developer has obtained or is ready to obtain a building permit issued by the City's Department of Buildings and Inspections for the construction of the Improvements (including a Certificate of Appropriateness by the Historic Conservation Board and, if required, a Certificate of Compliance by the Urban Conservator);
- (vi) Financing, Tax Credits, and Incentives: Evidence of a satisfactory loan commitment or letter from Developer's lender evidencing that Developer has secured or will be able to secure all financing necessary to complete the Project. Developer having satisfied itself that it will qualify for and ultimately obtain tax credits, abatements, and/or other incentives and financing to support the Project, including but not limited to, the CRA Agreement;
- (vii) Appraisal: an appraisal showing the prospective "as built" fair market value of the Residential Air Lot following renovation; and
- (viii) Other Information: such other information and documents pertaining to Developer or the Project as the City may reasonably require.

The City may, in its sole and absolute discretion, waive the requirement for delivery of any of the Due Diligence Materials or may permit that any of the Due Diligence Materials be delivered following the Closing (as defined below).

(B) Right to Terminate Agreement Upon Expiration of Due Diligence Period (6 months). The parties acknowledge that Developer intends to conduct various due diligence investigations with respect to the Project, including, without limitation, investigations pertaining to title, survey, physical condition, environmental, zoning, utilities, and permitting requirements. Notwithstanding anything in this Agreement to the contrary, if, after exercising good faith efforts, Developer is not satisfied with the results of its due diligence investigations, or if the Due Diligence Materials have not been finalized and approved by both parties, in either case within **six (6) months** after the Effective Date (the "**Due Diligence Period**"), the parties shall each have the right to terminate this Agreement by delivering a written notice of termination to the other party upon the expiration of the Due Diligence Period, whereupon neither party shall thereafter have any rights or obligations hereunder. During the Due Diligence Period and at Developer's request, the City shall give Developer the right to enter upon the Property from time to time in connection with its due diligence investigations by executing a written right-of-entry. Developer shall complete all its due diligence investigations at no cost to the City.

(C) Right to Terminate if City is Unable to Remove Property from CFFM Lease and Management Agreement. Notwithstanding anything in this Agreement to the contrary, the parties' obligations under this Agreement shall be contingent upon the City's ability to remove the Property from the CFFM Lease and Management Agreement, pursuant to which the City has the right to remove the Residential Air Lot from the terms of the CFFM Lease and Management Agreement (including without limitation causing CFFM to (i) terminate any existing license agreements or other agreements with third parties affecting the Residential Air Lot, and (ii) amend its existing Commercial Tenant License Agreements with the Commercial Tenants, if necessary, to address any impact of the proposed redevelopment on the Commercial Tenant License Agreements). The City shall use reasonable efforts to provide such notice to CFFM during the Due Diligence Period. If the City has not provided such written notice to CFFM or CFFM has failed to wind up all operational matters pertaining to the Property before the expiration of the Due Diligence Period, either party may terminate this Agreement by giving written notice thereof to the other party at any time thereafter (but prior to the date that the City notifies Developer that the City and CFFM have removed the Property from the CFFM Lease and Management Agreement).

(D) Copies of Due Diligence Materials to be Provided to City. Without limitation of Developer's other obligations under this Agreement, periodically throughout the Due Diligence Period and as such reports and materials are obtained by Developer, Developer, at no cost to the City, shall provide the City's Department of Community and Economic Development with copies of the inspection, engineering, and environmental reports, title reports, surveys, and other materials prepared by third party professionals obtained by Developer during the Due Diligence Period that pertain to the Project.

2. Real Estate Closing; Reconveyance for Failure to Timely Commence Construction.

(A) Purchase Price. Subject to the terms and conditions set forth herein, the City hereby agrees to sell the Property to Developer, and Developer hereby agrees to purchase the Property from the City for a purchase price of \$1.00 (the "**Purchase Price**"). Developer acknowledges that it is familiar with the condition of the Property, and, at the Closing (as defined below), the City shall convey the Property to Developer in "as is" condition. The City makes no representations or warranties to Developer with respect to the condition of the Property and, from and after the Closing, the City shall have no liability of any kind to Developer for any defects, adverse environmental condition, or any other matters affecting the Property.

(B) Closing Date. Provided this Agreement has not been terminated under paragraphs 1(B) or 1(C) above, the Closing shall take place **thirty (30) days** after the expiration of the Due Diligence Period or on such earlier or later date as the parties may agree upon.

(C) Closing Conditions. The Closing shall not occur unless and until the following conditions have been satisfied (the "**Closing Conditions**"); *provided, however*, that if the City, in its sole discretion, determines that one or more of the Closing Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Quitclaim Deed to Developer or handle such Conditions post-Closing. Developer shall perform all work and investigations and obtain and prepare all necessary documents to satisfy the Conditions at no cost to the City. In its sole discretion, the City may waive one or more of the Closing Conditions.

- (i) Due Diligence Materials: Each party must be satisfied with the various Due Diligence Materials and other reports related to the Project, as described in Section 1 above;
- (ii) Inspections and Utilities: Developer's approval (or waiver) of [x] inspections of the Property, including without limitation environmental assessments and soil assessments, to the extent Developer, at its option, elects to obtain such inspections, [y] MSD/GCWW: Developer shall (i) have submitted a Request for Availability for Sewer Service to the Metropolitan Sewer District of Greater Cincinnati and be complying with all related City requirements, and (ii) be satisfactorily coordinating the construction of the Project with the City's Greater Cincinnati Water Works and Division Stormwater Management Utility and complying with applicable requirements with respect to all matters pertaining to utility service for the Property;
- (iii) Project Completion: Based upon all information then available to the City, the City must be reasonably satisfied that the Developer has attained or will attain all approvals and awards necessary to complete the Project; has made no false or misleading claims to the City regarding the Project; and is otherwise prepared, able, and ready to complete the Project in accordance with the requirements of this Agreement;
- (iv) Plats, Legal Descriptions, and Deeds: Developer shall have provided the City with all plats and legal descriptions as required by DOTE, the Department of City Planning and Engagement, and the Hamilton County, Ohio Auditor, Engineer, and Recorder in connection with the City's sale of the Property, including a subdivision plat new legal description of the Property;

(v) Continued Compliance: Developer is in compliance with all obligations under this Agreement and that all representations made by Developer, as applicable, under this Agreement or the CRA Agreement continue to be true and accurate.

(vi) Coordinated Report Conditions (CR #03-2022) :

(a) GCWW:

(1) There are two existing water service line servicing these properties: 3/4", H-305704 (131 W Elder St.) and 1.5", H-309503 (129 W. Elder St.).

(2) Air Lots necessitate the Owner(s)/Developer(s) to prepare and record a Declaration of Easement document between all the property owners. GCWW requires a Recorder's office stamped copy of the Declaration of Easement.

(3) In order to get water service, the Owners/Developers will also need to process a request for an Air Lot Covenant using the Property Information form: Requirement for Water Service to Air Lots/Vertical Parcels. This process can begin at any point prior to needing water service.

(4) Once the Property Information Form is completed by the Owner/Developer, the form is submitted to GCWW to begin preparation of the Water Service Covenant document.

(5) Signatories on the covenant include the GCWW Director, GCWW Attorney and the Owners/Developers. The Owners/Developer will need to have the finalized covenant recorded at the Hamilton County Recorder's Office and then send a stamped copy to GCWW. After GCWW receives the stamped copy of the covenant, this restriction will be lifted from the Branch Sale process.

(6) A Grant of Easement and Water Service Covenant is required and must be recorded so that all created parcels will have access to a public water main. The Grant of Easement and Water Service Covenant must include language on how the water system will function within the building, including language regarding the repair, maintenance, and replacement of the service branches.

(7) GCWW must review and approve the Grant of Easement and Water Service Covenant prior to the sale of water service.

(8) If in the future, the petitioner or their agents determine the existing water system does not meet their fire and/or domestic water demands, then the petitioner may need to upgrade the water main(s) in their area to meet their fixture water demands. GCWW approval of this Coordinated Report for the subject sale in no way relieves the petitioner of their responsibility to potentially upgrade the water system to meet their future fire and domestic water demands. This work will be performed at the expense of the petitioner and not at the expense of GCWW.

(9) All conditions of water service to this property, including the location of attachment to the public water system, and abandonment of any existing water service branches that presently serve the subject premises, will be determined upon submission of final plans and application for service. Water service to this property is subject to all rules, regulations, and current practices and policies of GCWW.

(b) Department of City Planning and Engagement:

(1) Developer should make an appointment with the Urban Conservator for evaluation of the proposed exterior changes prior to sale: 513-352-4848. If the project potentially includes the significant rear addition or other significant exterior alterations, we will request that the project be granted a Certificate of Appropriateness from the Historic Conservation Board prior to the sale of property. If no COA is sought prior to closing, the City should stipulate with the sale that the buyer cannot infer that the City must approve any and all exterior changes to the building, regardless of whether such an addition is in keeping with the district guidelines

(2) If residential is desired on upper floors, the base zoning of CC-P would permit up to 6 residential units over both addresses as the addresses have been consolidated into one parcel. Any residential units in excess of 6 units would be required to get a Density Variance from the Historic Conservation Board. Applicant is encouraged to consult with Urban Conservator on desired uses of upper floors to determine their compliance with the Zoning Code.

(c) Buildings and Inspections:

(1) Water supplies may be inadequate in this alley for enhanced fire suppression, triggered by potential redevelopment/change of occupancy of the site.

(2) Any alterations triggering ADA compliance should be accomplished within the perimeter of property and not within the right-of-way.

(d) Altafiber: Altafiber has underground utility facilities in the area. Such facilities must remain in place, in service, and able to be accessed. Any damage done to the facilities or any work done to relocate the facilities as a result of this sale will be handled entirely at Developer's expense.

(e) MSD: As a reminder and if not already submitted, the MSDGC Request for Availability for Sewer Service (RASS) will be required by the project for a future development or redevelopment. The MSDGC RASS will determine the availability of a sewer and outline any additional MSDGC project requirements that could impact a project schedule if not considered, such as the need to obtain any MSDGC tap permits, easements, Ohio EPA Permit to Install, utilization of licensed and bonded sewer tappers with MSDGC, sewer inspection scheduling, project on-site separation of flow requirements, MSDGC Excavation/Fill permitting and bonding, MSDGC detention requirements per Section 303 of the MSDGC Rules and Regulations, need for a grease interception system, and/or a reminder for the project to coordinate with City of Cincinnati Stormwater Management Utility of the Department of the Greater Cincinnati Waterworks for their specific additional detailed storm water, storm water detention, and flood plain requirements

(D) Right to Terminate. If the Closing Conditions have not been satisfied or waived and the Closing has not occurred by **12 months** from the date that Council authorized the execution of this Agreement, then the City or Developer shall have the right to terminate this Agreement by giving written notice thereof to the other, whereupon this Agreement and all rights and obligations of the parties hereunder shall immediately terminate.

(E) Closing Costs and Closing Documents. At the Closing, (i) Developer shall pay the Purchase Price in full, and (ii) the City shall convey all its right, title, and interest in and to the Property to Developer by Quitclaim Deed in the form of Exhibit C (Quitclaim Deed) hereto (the "**City's Deed**"). Developer shall pay all conveyance fees, recording fees, title exam fees, title insurance premiums, settlement fees, and any and all other closing costs associated with the Closing such that the City shall

not be required to come up with any funds for the Closing (except that the City shall be responsible for discharging any monetary liens on the Property, other than real estate taxes and assessments). There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Developer shall pay all real estate taxes and assessments allocable to the Property thereafter becoming due. At Closing, the parties shall execute a closing statement and any and all other customary closing documents that are necessary for the Closing (except that the City shall not be required to execute a title affidavit or the like). Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing, Developer shall pay to the City any and all unpaid related and unrelated fines, penalties, judgments, water or other utility charges, and any and all other outstanding amounts owed to the City by Developer or any of its affiliated entities. The provisions of this Agreement shall survive the City's execution and delivery of the City's Deed and shall not be deemed to have been merged therein.

(F) Re-conveyance of Property to City for Failure to Timely Commence Construction. Developer acknowledges that Developer's agreement to timely commence and complete construction, which will provide economic benefits to the City, is of utmost importance to the City. Accordingly, if Developer fails to obtain a building permit and commence on-site construction at the Property within **180 days** after the Closing, then, notwithstanding anything to the contrary in this Agreement, Developer shall re-convey the Property to the City or its designee, by limited warranty deed, free and clear of all liens and encumbrances except those, if any, that were in existence immediately prior to the date and time of the Closing, and in the same condition as presently exists, reasonable wear and tear and damage by the elements excepted (and under no circumstances shall the City be required to pay for the value of any improvements made by Developer to the Property) (the "**Re-conveyance**"), whereupon the City shall refund the Purchase Price to Developer (minus any and all out-of-pocket costs incurred by the City in connection with the Closing, including without limitation the fee payable to the City's Real Estate Services Division for services provided in connection with the Closing). Real estate taxes and assessments shall be prorated at Closing in accordance with local custom. Developer shall pay any and all closing costs associated with the Re-conveyance such that the City shall not be required to come up with any funds for the Re-conveyance. The obligation to re-convey the Property to the City shall be set forth in the City's Deed.

3. Construction.

(A) Maintenance of Property Between Closing and Prior to Construction. Between the Closing and Developer's commencement of on-site construction, Developer, at no expense to the City, shall maintain the Property in safe and presentable condition, including keeping the site reasonably free of debris and other unsightly materials.

(B) Construction; No Disruption of Commercial Tenant. Following the Closing, Developer shall commence and complete the renovation of the Property. Developer shall not transfer title to the Property to a third party prior to substantial completion of construction, and any attempt to do so shall constitute a default under this Agreement. During construction, Developer shall take all reasonable steps to avoid disrupting the Commercial Tenants' occupancy of the Commercial Lot.

(C) Applicable Laws. Developer 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 Project, including without limitation those set forth in Exhibit D hereto. The City makes no representations or other assurances to Developer that Developer will be able to obtain whatever permits and other approvals from the Department of City Planning and Engagement, the Department of Buildings and Inspections, the Department of Transportation and Engineering ("**DOT**"), Metropolitan Sewer District ("**MSD**"), Greater Cincinnati Water Works ("**GCWW**"), Stormwater Management Utility ("**SMU**"), other City departments, City Planning Commission, or Cincinnati City Council that may be required in connection with the Project.

(D) Inspection of Work. During construction, the City, its employees, and agents shall have the right at all reasonable times to inspect the progress of construction to determine whether Developer is complying with its obligations hereunder.

(E) Mechanics Liens. Developer shall not permit any mechanics' or other similar liens to remain on the Property during construction.

(F) Project Information. During construction, Developer shall provide the City with such additional pertinent information pertaining to the Project as the City may reasonably request.

(G) Recognition of City Support. Developer shall acknowledge the support of the City with respect to the Project in all printed materials such as informational releases, pamphlets and brochures, construction signs, project and identification 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 participant, Developer shall use either the phrase "Project made possible 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. Developer's obligations under this section shall commence on the Effective Date and shall terminate on the date on which the Project has been completed.

(H) Affordability Requirements. Following construction completion of the Residential Air Lots, as evidenced by a certificate of occupancy issued by the City's Department of Buildings and Inspections, Developer shall ensure that the Affordable Units of the Residential Air Lot are rented in accordance with the requirements set forth in Exhibit E (Affordability Requirements) hereto (the "**Affordability Requirements**") for the Affordability Period.

4. Insurance; Indemnity.

(A) Insurance during Construction. During construction, Developer shall maintain, or cause to be maintained, the following insurance: (i) Commercial General Liability insurance of at least \$1,000,000 per occurrence, combined single limit/\$1,000,000 aggregate, naming the City as an additional insured, (ii) builder's risk insurance in the amount of one hundred percent (100%) of the value of the improvements constructed, (iii) automobile liability insurance in the amount of \$1,000,000 per occurrence, naming the City as an additional insured, (iv) worker's compensation insurance in such amount as required by law, (v) all insurance as may be required by Developer's lender(s) for the Project, and (vi) such other insurance as may be reasonably required by the City. Developer's insurance policies shall (a) be written in standard form by companies of recognized responsibility and credit reasonably acceptable to the City, that are authorized to do business in Ohio, and that have an A.M. Best rating of A VII or better, and (b) provide that they may not be canceled or modified without at least thirty (30) days prior written notice to the City.

(B) Waiver of Subrogation. Developer hereby waives all claims and rights of recovery, and on behalf of its respective insurers, rights of subrogation, against the City, its employees, agents, contractors and subcontractors, with respect to any and all damage to or loss of property that is covered or that would ordinarily be covered by the insurance required to be maintained under this Agreement, even if such loss or damage arises from the negligence of the City, its employees, agents, contractors or subcontractors; it being the agreement of the parties that Developer shall at all times protect itself against such loss or damage by maintaining adequate insurance. Developer shall cause its property insurance policies to include a waiver of subrogation provision consistent with the foregoing waiver.

(C) General Indemnity. Notwithstanding anything in this Agreement to the contrary, as a material inducement to the City to enter into this Agreement, Developer shall defend, indemnify and hold the City, its officers, council members, employees and agents (collectively, the "**Indemnified Parties**") harmless from and against any and all actions, suits, claims, losses, costs (including without limitation attorneys' fees), demands, judgments, liability and damages suffered or incurred by or asserted against the Indemnified Parties as a result of or arising from the acts of Developer, its agents, employees,

contractors, subcontractors, licensees, invitees or anyone else acting at its request in connection with each such Project.

5. Casualty. If the Property is damaged or destroyed by fire or other casualty during construction, Developer shall cause the damage to be repaired, as expeditiously as possible, and to the extent practicable, to substantially the same condition that existed immediately prior to such occurrence. If the insurance proceeds are insufficient to fully repair and restore the affected property, the City shall not be required to make up the deficiency. Developer shall handle all reconstruction in accordance with the applicable requirements set forth herein. Developer shall not be relieved of any obligations, financial or otherwise, under this Agreement during any period in which the damage is being repaired.

6. Default; Remedies.

(A) Default. The occurrence of any of the following shall be an “**event of default**” under this Agreement:

(i) The failure of Developer to perform any obligation under this Agreement, and failure to correct such failure within thirty (30) days after their receipt of written notice thereof from the City; *provided, however*, that if the nature of the default is such that it cannot reasonably be cured during the Cure period, Developer shall not be in default under this Agreement so long as Developer commences to cure the default within the Cure Period and thereafter diligently completes such cure within a reasonable period of time (but not exceeding 90 days) after Developer’s receipt of the City’s initial notice of default. Notwithstanding the foregoing, if Developer’s failure to perform or observe any obligation, duty, or responsibility under this Agreement creates a dangerous condition or otherwise constitutes an emergency as determined by the City, an event of default shall be deemed to have occurred if Developer fails to take corrective action immediately upon discovering such dangerous condition or emergency; or

(ii) the dissolution of Developer or the filing of any bankruptcy or insolvency proceedings by or against Developer, the making by Developer of an assignment for the benefit of creditors, the appointment of a receiver (temporary or permanent) for Developer, or the attachment of, levy upon, or seizure by legal process of any property of Developer; or

(iii) any representation, warranty, or certification of Developer made in connection with this Agreement, or any other related agreements or documents shall prove to have been false or materially misleading when made.

(B) Remedies. Upon the occurrence of an event of default under this Agreement, the City shall be entitled to: (i) terminate this Agreement by giving Developer written notice thereof and, without limitation of its other rights and remedies, and with or without terminating this Agreement, demand repayment of any and all loan or grant funds previously disbursed by the City under this Agreement, (ii) take such actions in the way of “self-help” as the City determines to be reasonably necessary or appropriate to cure or lessen the impact of such default, all at the expense of Developer, and (iii) exercise any and all other rights and remedies under this Agreement or available at law or in equity. Developer shall be liable for all costs and damages, including without limitation attorneys’ fees, suffered, or incurred by the City as a result of a default of Developer under this Agreement or the City’s enforcement or termination of this Agreement. The failure of the City to insist upon the strict performance of any covenant or duty or to pursue any remedy under this Agreement shall not constitute a waiver of the breach of such covenant or of such remedy.

7. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, or delivered by Federal Express, UPS or other recognized overnight courier, or mailed by U.S. registered or certified mail, postage prepaid, return receipt requested, addressed to the parties at their addresses below or at such other addresses as either party may designate by notice to the other party given in the manner prescribed herein. Notices shall be deemed given on the date of receipt.

To the City:
City of Cincinnati
Dept. of Community & Economic Development
805 Central Avenue, Suite 700
Cincinnati, OH 45202

To Developer:
8K Development Company, LLC
60 E. McMicken Avenue
Cincinnati, OH 45202

If Developer sends a notice to the City alleging that the City is in default under this Agreement, it 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, OH 45202.

8. Representations, Warranties, and Covenants. Developer makes the following representations, warranties and covenants to induce the City to enter into this Agreement:

(i) Developer is duly organized and validly existing under the laws of the State of Ohio, has properly filed all certificates and reports required to be filed by it under the laws of the State of Ohio, and is not in violation of any laws of the State of Ohio relevant to the transactions contemplated by this Agreement.

(ii) Developer has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for therein. This Agreement has by proper action been duly authorized, executed and delivered by Developer and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Developer.

(iii) The execution, delivery and performance by Developer of this Agreement and the consummation of the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or the organizational documents of Developer, or any mortgage, indenture, contract, agreement or other undertaking to which Developer is a party or which purports to be binding upon Developer or upon any of its assets, nor is Developer in violation or default of any of the foregoing.

(iv) There are no actions, suits, proceedings or governmental investigations pending, or to the knowledge of Developer, threatened against or affecting Developer, at law or in equity or before or by any governmental authority.

(v) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute or governmental proceeding or investigation affecting Developer that could reasonably be expected to interfere substantially with its normal operations or materially and adversely affect its financial condition.

(vi) The statements made in the documentation provided by Developer to the City that are descriptive of Developer or the Project have been reviewed by Developer and do not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make such statements, in light of the circumstances under which they were made, not misleading.

(vii) With reference to Section 301-20 of the Cincinnati Municipal Code, neither Developer (nor its affiliates, if applicable) owes any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

9. Reporting Requirements.

(A) Submission of Records and Reports; Records Retention. Until such time as the Affordability Period has expired, Developer shall collect, maintain, and furnish to the City upon the City's request such accounting, financial, business, administrative, operational and other reports, records, statements and information as may be requested by the City pertaining to Developer, the Project, or this Agreement, including without limitation audited financial statements, bank statements, income tax returns, information pertinent to the determination of finances of the Project, and such reports and information as may be required for compliance with programs and projects funded by the City, Hamilton County, the State of Ohio, or any federal agency (collectively, "**Records and Reports**"). All Records and Reports compiled by Developer and furnished to the City shall be in such form as the City may from time to time require.

(B) City's Right to Inspect and Audit. From and after the Effective Date and for a period of three years after the Project has been completed, Developer shall permit the City and its designees and auditors to have reasonable access to and to inspect and audit Developer's Records and Reports. In the event any such inspection or audit discloses a material discrepancy with information previously provided by Developer to the City, Developer shall reimburse the City for its out-of-pocket costs associated with such inspection or audit.

10. General Provisions.

(A) Assignment. Developer shall not assign its rights or interests under this Agreement or any ancillary agreements with the City without the prior written consent of the City; provided that a collateral assignment of its rights under this Agreement to its lender for the Project (and subsequent assignments by such lender) shall be permitted. Developer's assignment of its rights or interests under this Agreement to an affiliate of Developer that is owned or controlled by Developer shall be subject to the City's prior written approval, not to be unreasonably withheld; however, no such assignment between Developer and its affiliated assignee shall release Developer from its obligations to the City under this Agreement.

(B) Entire Agreement; Conflicting Provisions. This Agreement (including the exhibits hereto) and the other agreements referred to herein contain the entire agreement between the parties with respect to the subject matter hereof and supersedes any and all prior discussions, negotiations, representations or agreements, written or oral, between them respecting the subject matter hereof. If any of the provisions of this Agreement purporting to describe specific provisions of other agreements are in conflict with the specific provisions of such other agreements, the provisions of such other agreements shall control.

(C) Amendments. This Agreement may be amended only by a written amendment signed by all parties.

(D) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the City of Cincinnati and the State of Ohio. All actions regarding this Agreement shall be brought in the Hamilton County Court of Common Pleas, and Developer agrees that venue in such court is proper. Developer hereby waives trial by jury with respect to any and all disputes arising under this Agreement.

(E) Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of and be enforceable by and against the parties and their respective successors and permitted assigns.

(F) Captions. The captions of the various sections and paragraphs of this Agreement are not part of the context hereof and are only guides to assist in locating such sections and paragraphs and shall be ignored in construing this Agreement.

(G) Severability. If any part of this Agreement is held by a court of law to be void, illegal or unenforceable, such part shall be deemed severed from this Agreement, and the balance of this Agreement shall remain in full force and effect.

(H) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder's office.

(I) Time. Time is of the essence with respect to the performance by the parties of their respective obligations under this Agreement.

(J) No Third-Party Beneficiaries. Except as otherwise provided herein, no third-party beneficiary rights are created by this Agreement.

(K) No Brokers. The parties represent that they have not dealt with a real estate broker, salesperson or other person who might claim entitlement to a fee or other compensation as a result of the parties' execution of this Agreement or the sale of the Property.

(L) Official Capacity. All representations, warranties, covenants, agreements and obligations of the City under this Agreement shall be effective to the extent authorized and permitted by applicable law. None of those representations, warranties, covenants, agreements or obligations shall be deemed to be a representation, warranty, covenant, agreement or obligation of any present or future officer, agent, employee or attorney of the City in other than his or her official capacity.

(M) Contingency for Legislative Authorization from City Council. Notwithstanding anything to the contrary in this Agreement, the City shall not be in breach of this Agreement if for any reason City Council does not pass any and all additional ordinances as may be necessary for the City to carry out the terms of this Agreement.

(N) Conflict of Interest. No officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(O) Administrative Actions. To the extent permitted by applicable laws, and unless otherwise expressly provided in this Agreement, all actions taken or to be taken by the City under this Agreement may be taken by administrative action and shall not require legislative action of the City beyond the legislative action authorizing the execution of this Agreement.

(P) 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.

11. Exhibits. The following exhibits are attached to this Agreement and made a part hereof:

Exhibit A - *Site Survey*

Exhibit B - *Scope of Work; Preliminary Budget; Source of Funds*

Exhibit C - *Quitclaim Deed*

Exhibit D - *Additional Requirements*

Exhibit E - *Affordability Requirements*

SIGNATURE PAGE FOLLOWS

Executed by the parties on the dates indicated below, effective as of the latest of such dates (the "Effective Date").

DEVELOPER:

8K DEVELOPMENT COMPANY, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____

[Remainder of Page Intentionally Blank; City Signature Page Follows]

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____

Recommended by:

Markiea L. Carter, Director
Department of Community and Economic Development

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A

to Property Sale and Development Agreement
Site Survey

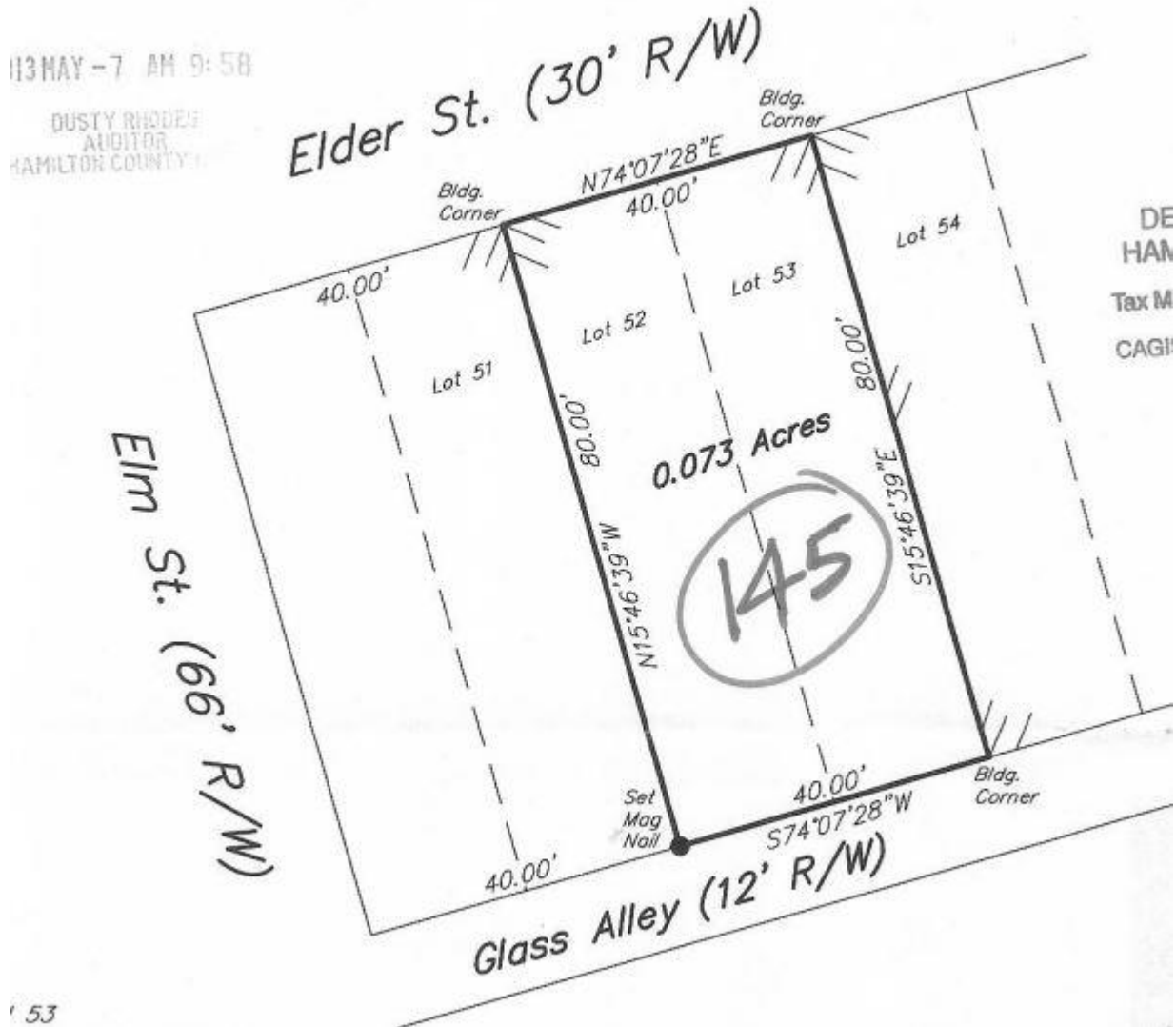


EXHIBIT B

to Property Sale and Development Agreement

Scope of Work; Preliminary Budget; Source of Funds

I. SCOPE OF WORK

Developer will be redeveloping the Property into 10 new residential rental units.

II. BUDGET, SOURCES & USES

a. Sources of Funds

Bank Loan	\$650,000
Developer Equity	\$191,840
State Historic Tax Credit Equity	\$215,000
TOTAL SOURCES	\$1,056,840

b. Uses of Funds

ITEM	COST
ACQUISITION	
Building Acquisition	\$1
HARD COSTS	
Rehabilitation	\$880,600
SOFT COSTS	
Architect & Engineering	\$29,500
Developer Fee	\$73,733
Environmental	\$3,850
Survey	\$850
Property Taxes	\$7,650
Construction Insurance	\$5,000
CONSTRUCTION FINANCE	
Title and Recording	\$5,656
Construction Interest	\$32,500
Appraisal	\$2,500
CONTINGENCIES	
Hard Cost Contingency	\$15,000
TOTAL DEVELOPMENT COST	\$1,056,840

EXHIBIT C

to Property Sale and Development Agreement

QUITCLAIM DEED

SEE ATTACHED

[SPACE ABOVE FOR RECORDER'S OFFICE]

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the “**City**”), for valuable consideration paid, hereby grants and conveys to **8K Development Company, LLC**, as tenants in common, whose address is 60 E. McMicken Avenue, Cincinnati, Ohio 45202 (“**Grantee**”), all of the City’s right, title and interest in and to the real property described on Exhibit A (Legal Description) hereto (the “**Property**”).

Property Address: 129 & 131 W. Elder St, Cincinnati, OH 45202 (newly-created residential air lots)
Auditor’s parcel No.: 094-0008-[____]
Prior Instrument: OR [____], Page [____], Hamilton County, Ohio Records

Re-conveyance of Property to City for Failure to Timely Commence Construction. The City and Grantee are parties to a *Property Sale and Development Agreement* dated _____, 2023 (the “**Development Agreement**”). As provided in the Development Agreement, if Grantee fails to obtain a building permit and commence on-site construction at the Property on or before _____, 2023, Grantee shall re-convey the Property to the City free and clear of all liens and encumbrances, as more particularly described in the Development Agreement. At such time as Grantee is no longer required to re-convey the Property to the City under the Development Agreement, the City shall execute and deliver to Grantee a recordable release, for recording in the Hamilton County Recorder’s office, at Grantee’s cost.

This conveyance was authorized by Ordinance No. ____-2023, passed by Cincinnati City Council on _____, 2023.

[Signature and Acknowledgement Page Follows]

Executed on the date of acknowledgment below.

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____

STATE OF OHIO)
) SS:
COUNTY OF HAMILTON)

The foregoing instrument was acknowledged before me this ____ day of _____, 2023, by _____, the _____ of the **CITY OF CINCINNATI**, an Ohio municipal corporation, on behalf of the corporation. This is an acknowledgement. No oath or affirmation was administered to the signer with regard to the notarial act certified hereto.

Notary Public
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street
Cincinnati, OH 45202

Exhibits:
Exhibit A – *Legal Description*

EXHIBIT A
to Quitclaim Deed

LEGAL DESCRIPTION

**LEGAL DESCRIPTION
129-131 WEST ELDER STREET
RESIDENTIAL AIR LOT—AIR LOT []**

Situate in Section 13, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being more particularly described as follows:

Being all of Air Lot [] of the [] Subdivision as recorded in Plat Book [], Page [], Hamilton County, Ohio Recorder's Office.

Being subject to all easements, reservations, conditions, and restrictions of record.

EXHIBIT D

to Property Sale and Development Agreement

Additional Requirements

Developer and Developer's general contractor 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 (collectively, "**Government Requirements**"), including the Government Requirements listed below, to the extent that they are applicable. Developer hereby acknowledges and agrees that (a) the below listing of Government Requirements is not intended to be an exhaustive list of Government Requirements applicable to the Project, Developer, or Developer's contractors, subcontractors or employees, either on the City's part or with respect to any other governmental entity, and (b) neither the City nor its Law Department is providing legal counsel to or creating an attorney-client relationship with Developer by attaching this Exhibit to the Agreement.

This Exhibit serves two functions:

(i) Serving as a Source of Information with Respect to Government Requirements. This Exhibit identifies certain Government Requirements that may be applicable to the Project, Developer, or its contractors and subcontractors. Because this Agreement requires that Developer comply with all applicable laws, regulations, and other Government Requirements (and in certain circumstances to cause others to do so), this Exhibit flags certain Government Requirements that Developers, contractors and subcontractors regularly face in constructing projects or doing business with the City. To the extent a Developer is legally required to comply with a Government Requirement, failure to comply with such a Government Requirement is a violation of the Agreement.

(ii) Affirmatively Imposing Contractual Obligations. If certain conditions for applicability are met, this Exhibit also affirmatively imposes contractual obligations on Developer, even where such obligations are not imposed on Developer by Government Requirements. As described below, the affirmative obligations imposed hereby are typically a result of policies adopted by City Council which, per Council's directive, are to be furthered by the inclusion of certain specified language in some or all City contracts. The City administration (including the City's Department of Community and Economic Development) is responsible for implementing the policy directives promulgated by Council (which typically takes place via the adoption of motions or resolutions by Council), including, in certain circumstances, by adding specific contractual provisions in City contracts such as this Agreement.

(A) Construction Workforce.

(i) Applicability. Consistent with the limitations contained within the City Resolutions identified in clause (ii) below, this Section (A) shall not apply to contracts with the City other than construction contracts, or to construction contracts to which the City is not a party. For the avoidance of doubt, this Agreement is a construction contract solely to the extent that it directly obligates Developer to assume the role of a general contractor on a construction project for public improvements such as police stations or other government buildings, public parks, or public roadways.

The Construction Workforce Goals are not applicable to future work (such as repairs or modifications) on any portion of the Project. The Construction Workforce Goals are not applicable to the purchase of specialty fixtures and trade fixtures.

(ii) Requirement. In furtherance of the policy enumerated in City Resolutions No. 32-1983 and 21-1998 concerning the inclusion of minorities and women in City construction work, if Developer is performing construction work for the City under a construction contract to which the City is a party, Developer shall use Best Efforts to achieve a standard of no less than 11.8% Minority Persons (as

defined below) and 6.9% females (of whom at least one-half shall be Minority Persons) in each craft trade in Developer and its general contractor's aggregate workforce in Hamilton County, to be achieved at least halfway through the construction contract (or in the case of a construction contract of six months or more, within 60 days of beginning the construction contract) (collectively, the "**Construction Workforce Goals**").

As used herein, the following terms shall have the following meanings:

(a) "**Best Efforts**" means substantially complying with all of the following as to any of its employees performing such construction, and requiring that all of its construction subcontractors substantially comply with all of the following: (1) solicitation of Minority Persons as potential employees through advertisements in local minority publications; and (2) contacting government agencies, private agencies, and/or trade unions for the job referral of qualified Minority Persons.

(b) "**Minority Person**" means any person who is Black, Asian or Pacific Islander, Hispanic, American Indian or Alaskan Native.

(c) "**Black**" means a person having origin in the black racial group of Africa.

(d) "**Asian or Pacific Islander**" means a person having origin in the original people of the Far East or the Pacific Islands, which includes, among others, China, India, Japan, Korea, the Philippine Islands, Malaysia, Hawaii and Samoa.

(e) "**Hispanic**" means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish cultural origin.

(f) "**American Indian**" or "**Alaskan Native**" means a person having origin in any of the original people of North America and who maintains cultural identification through tribal affiliation.

(B) Trade Unions; Subcontracts; Competitive Bidding.

(i) Meeting and Confering with Trade Unions.

(a) Applicability. Per City of Cincinnati, Ordinance No. 130-2002, this requirement is limited to transactions in which Developer receives City funds or other assistance (including, but not limited to, the City's construction of public improvements to specifically benefit the Project, or the City's sale of real property to Developer at below fair market value).

(b) Requirement. This Agreement may be subject to the requirements of City of Cincinnati, Ordinance No. 130-2002, as amended or superseded, providing that, if Developer receives City funds or other assistance, Developer and its general contractor, prior to the commencement of construction of the Project and prior to any expenditure of City funds, and with the aim of reaching comprehensive and efficient project agreements covering all work done by Developer or its general contractor, shall meet and confer with: the trade unions representing all of the crafts working on the Project, and minority, female, and locally-owned contractors and suppliers potentially involved with the construction of the Project. At this meeting, Developer and/or its general contractor shall make available copies of the scope of work and if prevailing wage rates apply, the rates pertaining to all proposed work on the Project. Not later than ten (10) days following Developer and/or its general contractor's meet and confer activity, Developer shall provide to the City, in writing, a summary of Developer and/or its general contractor's meet and confer activity.

(ii) Contracts and Subcontracts; Competitive Bidding.

(a) Applicability. This clause (ii) is applicable to “construction contracts” under Cincinnati Municipal Code Chapter 321. Municipal Code Chapter 321 defines “construction” as “any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than four thousand dollars and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority,” and “contract” as “all written agreements of the City of Cincinnati, its boards or commissions, prepared and signed by the city purchasing agent or a board or commission for the procurement or disposal of supplies, service or construction.”

(b) Requirement. If CMC Chapter 321 applies to the Project, Developer is required to ensure that all contracts and subcontracts for the Project are awarded pursuant to a competitive bidding process that is approved by the City in writing. All bids shall be subject to review by the City. All contracts and subcontracts shall be expressly required by written agreement to comply with the provisions of this Agreement and the applicable City and State of Ohio laws, ordinances and regulations with respect to such matters as allocation of subcontracts among trade crafts, Small Business Enterprise Program, Equal Employment Opportunity, and Construction Workforce Goals.

(iii) Competitive Bidding for Certain City-Funded Development Agreements.

(a) Applicability. Pursuant to Ordinance No. 273-2002, the provision in clause (b) below applies solely where the Project receives in \$250,000 or more in direct City funding, and where such funding comprises at least 25% of the Project's budget. For the purposes of this clause (iii), “direct City funding” means a direct subsidy of City funds in the form of cash, including grants and forgivable loans, but not including public improvements, land acquisitions and sales, job creation tax credits, or tax abatements or exemptions.

(b) Requirement. This Agreement requires that Developer issue an invitation to bid on the construction components of the development by trade craft through public notification and that the bids be read aloud in a public forum. For purposes of this provision, the following terms shall be defined as set forth below:

(1) “Bid” means an offer in response to an invitation for bids to provide construction work.

(2) “Invitation to Bid” means the solicitation for quoted prices on construction specifications and setting a time, date and place for the submission of and public reading of bids. The place for the public reading of bids shall be chosen at the discretion of Developer; however, the place chosen must be accessible to the public on the date and time of the public reading and must have sufficient room capacity to accommodate the number of respondents to the invitation to bid.

(3) “Trade Craft” means (a) general construction work, (b) electrical equipment, (c) plumbing and gas fitting, (d) steam and hot water heating and air conditioning and ventilating apparatus, and steam power plant, (e) elevator work, and (f) fire protection.

(4) “Public Notification” means (a) advertisement of an invitation to bid with ACI (Allied Construction Industries) and the Dodge Report, and (b) dissemination of the advertisement (either by mail or electronically) to the South Central Ohio Minority Business Council, Greater Cincinnati Northern Kentucky African-American Chamber of Commerce, and the Hispanic Chamber of Commerce. The advertisement shall include a description of the “scope of work” and any other information reasonably necessary for the

preparation of a bid, and it shall be published and disseminated no less than fourteen days prior to the deadline for submission of bids stated in the invitation to bid.

(5) "Read Aloud in a Public Forum" means all bids shall be read aloud at the time, date and place specified in the invitation for bids, and the bids shall be available for public inspection at the reading.

(C) City Building Code. All construction work must be performed in compliance with City building code requirements.

(D) Lead Paint Regulations. All work must be performed in compliance with Chapter 3742 of the Ohio Revised Code, Chapter 3701-32 of the Ohio Administrative Code, and must comply with OSHA's Lead in Construction Regulations and the OEPA's hazardous waste rules. All lead hazard abatement work must be supervised by an Ohio Licensed Lead Abatement Contractor/Supervisor.

(E) Displacement. If the Project involves the displacement of tenants, Developer shall comply with all Government Requirements in connection with such displacement. If the City shall become obligated to pay any relocation costs or benefits or other sums in connection with the displacement of tenants, under Cincinnati Municipal Code Chapter 740 or otherwise, Developer shall reimburse the City for any and all such amounts paid by the City in connection with such displacement within twenty (20) days after the City's written demand.

(F) Small Business Enterprise Program.

(i) Applicability. The applicability of Municipal Code Chapter 323 (Small Business Enterprise Program) is limited to construction contracts in excess of \$5,000. Municipal Code Chapter 323 defines "contract" as "a contract in excess of \$5,000.00, except types of contracts listed by the City purchasing agent as exempt and approved by the City Manager, for (a) construction, (b) supplies, (c) services, or (d) professional services." It defines "construction" as "any construction, reconstruction, improvement, enlargement, alteration, repair, painting, decorating, wrecking or demolition, of any public improvement the total overall project cost of which is fairly estimated by Federal or Ohio statutes to be more than \$4,000 and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority." To the extent Municipal Code Chapter 323 does not apply to this Agreement, Developer is not subject to the various reporting requirements described in this Section (F).

(ii) Requirement. The City has an aspirational goal that 30% of its total dollars spent for construction and 15% of its total dollars spent for supplies/services and professional services be spent with Small Business Enterprises ("SBE"s), which include SBEs owned by minorities and women. Accordingly, subject to clause (i) above, Developer and its general contractor shall use its best efforts and take affirmative steps to assure that SBEs are utilized as sources of supplies, equipment, construction, and services, with the goal of meeting 30% SBE participation for construction contracts and 15% participation for supplies/services and professional services contracts. An SBE means a consultant, supplier, contractor or subcontractor who is certified as an SBE by the City in accordance with Cincinnati Municipal Code ("CMC") Chapter 323. (A list of SBEs may be obtained from the Department of Economic Inclusion or from the City's web page, <http://cincinnati.diversitycompliance.com>.) Developer and its general contractor may refer interested firms to the Department of Economic Inclusion for review and possible certification as an SBE, and applications may also be obtained from such web page. If the SBE program is applicable to this Agreement, as described in clause (i) above, Developer agrees to take (or cause its general contractor to take) at least the following affirmative steps:

(1) Including qualified SBEs on solicitation lists.

(2) Assuring that SBEs are solicited whenever they are potential sources. Contractor 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 for the Project. Contractor is encouraged to use the internet and similar types of advertising to reach a broader audience, but these additional types of advertising cannot be used as substitutes for the above.

(3) When economically feasible, dividing total requirements into small tasks or quantities so as to permit maximum SBE participation.

(4) When needs permit, establishing delivery schedules that will encourage participation by SBEs.

(iii) Subject to clause (i) above, if any subcontracts are to be let, Developer shall require the prime contractor to take the above affirmative steps.

(iv) Subject to clause (i) above, Developer shall provide to the City, prior to commencement of the Project, a report listing all of the contractors and subcontractors for the Project, including information as to the owners, dollar amount of the contract or subcontract, and other information that may be deemed necessary by the City Manager. Developer or its general contractor shall update the report monthly by the 15th. Developer or its general contractor shall enter all reports required in this subsection via the City's web page referred to in clause (i) above or any successor site or system the City uses for this purpose. Upon execution of this Agreement, Developer and its general contractor shall contact the Department of Economic Inclusion to obtain instructions, the proper internet link, login information, and password to access the site and set up the necessary reports.

(v) Subject to clause (i) above, Developer and its general contractor shall periodically document its best efforts and affirmative steps to meet the above SBE participation goals by notarized affidavits executed in a form acceptable to the City, submitted upon the written request of the City. The City shall have the right to review records and documentation relevant to the affidavits. If affidavits are found to contain false statements, the City may prosecute the affiant pursuant to Section 2921.12, Ohio Revised Code.

(vi) Subject to clause (i) above, failure of Developer or its general contractor 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 the minimum percentage goals for SBE participation as set forth in Cincinnati Municipal Code Chapter 323, may be construed by the City as failure of Developer to use 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 enforce specific performance of the terms of this section.

(G) Equal Employment Opportunity.

(i) Applicability. Chapter 325 of the Cincinnati Municipal Code (Equal Employment Opportunity) applies (a) where the City expends more than \$5,000 under a non-construction contract, or (b) where the City spends or receives over \$5,000 to (1) employ another party to construct public improvements, (2) purchase services, or (3) lease any real or personal property to or from another party. Chapter 325 of the Municipal Code does not apply where the contract is (a) for the purchase of real or personal property to or from another party, (b) for the provision by the City of services to another party, (c) between the City and another governmental agency, or (d) for commodities such as utilities.

(ii) Requirement. If this Agreement is subject to the provisions of Chapter 325 of the Cincinnati Municipal Code (the City of Cincinnati's Equal Employment Opportunity Program), the provisions thereof are hereby incorporated by reference into this Agreement.

(H) Prevailing Wage. Developer shall comply, and shall cause all contractors working on the Project to comply, with all any prevailing wage requirements that may be applicable to the Project. In the event that the City is directed by the State of Ohio to make payments to construction workers based on violations of such requirements, Developer shall make such payments or reimburse the City for such

payments within twenty (20) days of demand therefor. A copy of the City's prevailing wage determination may be attached to this Exhibit as Addendum I to Additional Requirements Exhibit (City's Prevailing Wage Determination) hereto.

(I) Compliance with the Immigration and Nationality Act. In the performance of its construction obligations under this Agreement, Developer shall comply with the following provisions of the federal Immigration and Nationality Act: 8 U.S.C.A. 1324a(a)(1)(A) and 8 U.S.C.A. 1324a(a)(2). Compliance or noncompliance with those provisions shall be solely determined by final determinations resulting from the actions by the federal agencies authorized to enforce the Immigration and Nationality Act, or by determinations of the U.S.

(J) Prompt Payment. The provisions of Chapter 319 of the Cincinnati Municipal Code, which provides for a "Prompt Payment System", may apply to this Agreement. Municipal Code Chapter 319 also (i) provides certain requirements for invoices from contractors with respect to the Prompt Payment System, and (ii) obligates contractors to pay subcontractors for satisfactory work in a timely fashion as provided therein.

(K) Conflict of Interest. Pursuant to Ohio Revised Code 102.03, no officer, employee, or agent of the City who exercises any functions or responsibilities in connection with the planning or carrying out of the Project may have any personal financial interest, direct or indirect, in Developer or in the Project, and Developer shall take appropriate steps to assure compliance.

(L) Ohio Means Jobs. If this Agreement constitutes a construction contract (pursuant to the guidance with respect to the definition of that term provided in Section (A) above), then, pursuant to Ordinance No. 238-2010: To the extent allowable by law, Developer and its general contractor shall use its best efforts to post available employment opportunities with Developer, the general contractor's organization, or the organization of any subcontractor working with Developer or its general contractor with the OhioMeansJobs Center, 1916 Central Parkway, Cincinnati, Ohio 45214-2305, through its Employer Services Unit Manager at 513-946-7200.

(M) 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.

(N) Americans With Disabilities Act; Accessibility.

(i) Applicability. Cincinnati City Council adopted Motion No. 201600188 on February 3, 2016 (the "**Accessibility Motion**"). This motion directs City administration, including DCED, 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. In furtherance of the policy objectives set forth in the Accessibility Motion, (A) the Project shall comply with 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 Developer 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.

(O) Electric Vehicle Charging Stations in Garages.

(i) Applicability. Cincinnati City Council passed Ordinance No. 89-2017 on May 10, 2017. This ordinance requires all agreements in which the City provides any amount of "qualifying incentives" for projects involving the construction of a parking garage to include a provision requiring the inclusion of certain features in the garage relating to electric vehicles. The ordinance defines "qualifying incentives" as the provision of incentives or support for the construction of a parking garage in the form of (a) the provision of any City monies or monies controlled by the City including, without limitation, the provision of funds in the form of loans or grants; (b) the provision of service payments in lieu of taxes in connection with tax increment financing, including rebates of service payments in lieu of taxes; and (c) the provision of the proceeds of bonds issued by the City or with respect to which the City has provided any source of collateral security or repayment, including, but not limited to, the pledge of assessment revenues or service payments in lieu of taxes. For the avoidance of doubt, "qualifying incentives" does not include (1) tax abatements such as Community Reinvestment Area abatements pursuant to Ohio Revised Code 3735.67, et seq., or Job Creation Tax Credits pursuant to Ohio Revised Code 718.15; (2) the conveyance of City-owned real property for less than fair market value; and (3) any other type of City support in which the City provides non-monetary assistance to a project, regardless of value.

(ii) Requirement. If the applicability criteria of Ordinance No. 89-2017 are met, then the following requirements shall apply to any parking garage included within the Project: (a) at least one percent of parking spaces, rounding up to the nearest integer, shall be fitted with Level 2 minimum 7.2 kilowatt per hour electric car charging stations; provided that if one percent of parking spaces is less than two parking spaces, the minimum number of parking spaces subject to this clause shall be two parking spaces; and (b) the parking garage's electrical raceway to the electrical supply panel serving the garage shall be capable of providing a minimum of 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer, and the electrical room supplying the garage must have the physical space for an electrical supply panel sufficient to provide 7.2 kilowatts of electrical capacity to at least five percent of the parking spaces of the garage, rounding up to the nearest integer.

(P) Certification as to Non-Debarment. Developer represents that neither it nor any of its principals is presently suspended or debarred by any federal, state, or local government agency. In completing the Project, Developer shall not solicit bids from any contractors or subcontractors who are identified as being suspended or debarred by any federal, state, or local government agency. If Developer or any of its principals becomes suspended or debarred by any federal, state, or local government agency during the term of this Agreement, Developer shall be considered in default under this Agreement.

Addendum I to Additional Requirements Exhibit

City's Prevailing Wage Determination

INTENTIONALLY OMITTED

EXHIBIT E
to Property Sale Development Agreement
Affordability Requirements

Following construction completion of the Residential Air Lots, as evidenced by a certificate of occupancy issued by the City's Department of Buildings and Inspections for the Residential Air Lots, and ending on the fifteenth (15th) anniversary thereof (the "**Affordability Period**"), Developer shall rent the Affordable Units or cause the Affordable Units to be rented on the Property in accordance with the requirements below. For the purposes of this Agreement, "**Monthly Rent**" shall mean the cumulative monthly amount that Developer charges to a tenant for residing in an Affordable Unit, including but not limited to any and all fees or other expenses paid by Developer and charged to a tenant on a monthly or annual basis. The Monthly Rent shall also include any amounts paid to Developer by third-parties or organizations on behalf of the tenant in exchange for tenant's occupancy of the subject Affordable Unit.

I. Rent and Income Limits.

A. 50% AMI or Below (three units). Developer, its successors, and assigns shall rent three (3) Affordable Units or cause three Affordable Units to be rented to tenants with an annual household income equal to or below 50% AMI, as established from time to time by HUD for the Cincinnati Metropolitan Area and based on the number of persons in the household ("**50% AMI Qualified Tenants**"). Developer, its successors, and assigns shall not charge a 50% AMI Qualified Tenant Monthly Rent for an Affordable Unit in an amount that exceeds the annual Low-Income Housing Tax Credit Rent and Income Rates for 50%, as published by the Ohio Housing Finance Agency, which rent limits may be adjusted from time to time, including adjustments for the number of bedrooms in the dwelling unit (the "**50% AMI Affordability Requirement**"). Developer shall ensure that three Affordable Units are rented to 50% AMI Qualified Tenants in compliance with the 50% AMI Affordability Requirement at the initial lease-up of the Property. If a 50% AMI Qualified Tenant's household income increases to an amount that exceeds the 50% AMI limit during the term of their lease, such increase in household income shall not prohibit Developer from extending or otherwise renewing the term of the tenant's lease agreement, so long as the tenant was a 50% AMI Qualified Tenant upon execution of their initial lease term.

B. 60% AMI or Below (three units). Developer, its successors, and assigns shall rent three (3) Affordable Units or cause three Affordable Units to be rented to tenants with an annual household income equal to or below 60% AMI, as established from time to time by HUD and based on the number of persons in the household ("**60% AMI Qualified Tenants**"). Developer, its successors, and assigns shall not charge a 60% AMI Qualified Tenant Monthly Rent for an Affordable Unit in an amount that exceeds the Low-Income Housing Tax Credit Rent and Income Rates for 60%, as published by the Ohio Housing Finance Agency, which rent limits may be adjusted from time to time, including adjustments for the number of bedrooms in the dwelling unit (the "**60% AMI Affordability Requirement**"). Developer shall ensure that three Affordable Units are rented to 60% AMI Qualified Tenants in compliance with the 60% AMI Affordability Requirement at the initial lease-up of the Property. If a 60% AMI Qualified Tenant's household income increases to an amount that exceeds the 60% AMI limit during the term of their lease, such increase in household income shall not prohibit Developer from extending or otherwise renewing the term of the tenant's lease agreement, so long as the tenant was a 60% AMI Qualified Tenant upon execution of their initial lease term.

II. Documentation. Pursuant to Section 9 of the Agreement, from the initial lease-up through the expiration of the Affordability Period, Developer shall collect, maintain, and furnish to the City upon the City's request such financial, administrative, operational and other reports, records, statements and information as may be requested by the City pertaining to the Project, this Agreement, and the Affordable Units including without limitation tenant household size, household income, and additional information pertinent to the determination of compliance with the affordability requirements and the Affordable Units.

March 8, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202300766

Subject: Emergency Ordinance – Approving And Authorizing CRA Tax Exemption Agreement with Moerlein Property LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Moerlein Properties LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 115-125 W. McMillan Avenue and 124-142 Lyon Street in the CUF neighborhood of Cincinnati, in connection with the construction of a mixed-use development comprised of a parking garage, approximately 5,000 square feet of commercial space, and approximately 263,000 square feet of residential space, consisting of approximately 103 units, at a total construction cost of approximately \$33,000,000

BACKGROUND/CURRENT CONDITIONS

Moerlein Properties, LLC plans to construct a new building on the properties located at 115-125 W McMillan Avenue and 124-142 Lyon Street in the CUF neighborhood. The property currently consists of six vacant multifamily buildings and two surface parking lots.

DEVELOPER INFORMATION

Moerlein Properties, LLC is affiliated with Hallmark Communities. Hallmark Communities primarily develops low and mid-rise multi-family residential and student housing communities. They have experience with the construction of student housing throughout the region.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance because the developer is on a tight construction schedule to have the project completed by the start of the 2024 Fall semester.

Attachment: Project Outline

Copy: Markiea L. Carter, Director, Department of Community & Economic Development

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	Gateway Lofts CUF
Street Address	115-125 W McMillan Ave & 124-142 Lyon St
Property Condition	Six vacant multi-family buildings; Developer will acquire the buildings in 2023 upon closing of financing, in advance of CRA execution
Neighborhood	CUF
Incentive Application Process	Commercial CRA – Neighborhood VTICA (Non-LEED)
Recent or other projects by Developer	University Edge, Summit at Choates Run (Athens, OH), Marina Lofts (Toledo, OH) Gateway Lofts (Centerville, OH)
Approval at planning commission/Neighborhood support	Planning Commission N/A. Received letter of support from Clifton Heights CURC, CUF Neighborhood Association, and Clifton Heights Business Association.
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 2 (pages 114-120) and Live Initiative Area Goal 2 and 3 (pages 157-178) and of Plan Cincinnati

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	12-year, net 52%
Construction Cost & Private investment committed	Estimated \$33 million construction cost at with an approximate \$50 million total development cost of which approximately \$40 million is proposed to be privately financed with the balance anticipated to coming from developer equity.
Sq. Footage by Use	263,000 sf – residential 5,000 sf - commercial
Number of units and rental ranges	103 residential units at market rate rents: 1 BR / 1 BA \$1,100 2 BR / 2 BA \$2,000 3 BR / 3 BA \$2,850 4 BR / 4 BA \$3,600 5 BR / 5 BA \$4,500
Jobs created/retained and payroll (living wage)	Projected to create 4 FTE positions at \$300,000 in annual payroll (avg. of \$75,000 annually per job)
“But For”	This project as presented would not receive a market rate of return even with the tax abatement. The tax abatement allows for a better rate of return.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: Year 5: estimated at 3% (stabilized vacancy) With Abatement: Year 5: estimated at 5% (stabilized vacancy)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	Neighborhood VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	Estimated \$1.02 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$368,325
MBE/WBE Goals	17% MBE & 10% WBE
Transit Access/Walkability	Sits along Metro Bus Route 31 and is only a block away from Routes 46 and 78; also sits in the Clifton Heights Business District
Geography	Located one block south of the University of Cincinnati campus boundary.
Historic Preservation/Existing Building Renovation	N/A
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$1,100	\$44,000	Firefighter/Paramedic 1; Fleet Services Supervisor; Parking Services Supervisor; Casework Associate; Diesel Mechanic; Housing Services Coordinator; Pool Manager; Surveyor
\$2,000	\$80,000	Nursing Supervisor; Senior Building Plans Examiner; Supervisor of Urban Forestry; Engineering Geologist; Risk Manager; City Purchasing Agent; Paramedic Training Officer
\$2,850	\$114,000	Mayor; Fire District Chief; Police Captain; Sewers Director; Retirement Director; Finance Director; Law Chief of Staff
\$3,600	\$144,000	Assistant Police Chief; Public Health Practitioner; Dentist; Director of Water and Sewers
\$4,500	\$180,000	Exceeds salary of Most Department Directors

** DCED anticipates that all residential units within this project will be rented to university students and the rent will likely exceed 30% of their income as a student. Multiple students will likely split the larger units but the chart above assumes affordability to a family and the associated job it would be affordable to for the entire unit.*

AMI	1	2	3	4	5	6	7	8
30%	\$20,100	\$22,950	\$25,800	\$28,650	\$32,470	\$37,190	\$49,910	\$46,360
50%	\$33,450	\$38,200	\$43,000	\$47,750	\$51,600	\$55,400	\$49,250	\$63,050
60%	\$40,140	\$45,840	\$51,600	\$57,300	\$61,920	\$66,480	\$59,100	\$75,660
80%	\$53,520	\$61,120	\$68,800	\$76,400	\$82,560	\$88,640	\$78,800	\$100,880

EMERGENCY

EVK

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with Moerlein Properties LLC, thereby authorizing a 12-year tax exemption for 100% of the value of improvements made to real property located at 115-125 W. McMillan Avenue and 124-142 Lyon Street in the CUF neighborhood of Cincinnati, in connection with the construction of a mixed-use development comprised of a parking garage, approximately 5,000 square feet of commercial space, and approximately 263,000 square feet of residential space, consisting of approximately 103 units, at a total construction cost of approximately \$33,000,000.

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, Moerlein Properties LLC (the “Company”) desires to construct a mixed-use development comprised of a parking garage, approximately 5,000 square feet of commercial space, and approximately 263,000 square feet of residential space, consisting of approximately 103 units, all on real property at 115-125 W. McMillan Avenue and 124-142 Lyon 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 City’s Department of Community and Economic Development estimates that the real property tax exemption for the Improvements will provide an annual net benefit to the Company in the amount of approximately \$302,643; 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 facilitate permanent improvements and neighborhood services furthering urban redevelopment in the neighborhood of the Improvements and to support affordable housing on a City-wide basis; 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 Moerlein Properties LLC (the “Agreement”), thereby authorizing a 12-year tax exemption for 100% of the assessed value of improvements to be made to real property located at 115-125 W. McMillan Avenue and 124-142 Lyon Street in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the construction of a mixed-use development comprised of a parking garage, approximately 5,000 square feet of commercial space, and approximately 263,000 square feet of residential space, consisting of approximately 103 units, to be completed at a total construction cost of approximately \$33,000,000.

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 construction 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: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

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 MOERLEIN PROPERTIES 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 115-125 W. McMillan Avenue and 124-142 Lyon Street, Cincinnati, Ohio 45219 (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 the construction of a complex 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. The Company acknowledges that the CUF neighborhood is a rising neighborhood in need of resources for development, neighborhood improvements, amenities, and organizations oriented towards neighborhood services. The Company anticipates that future development, improvements, amenities and organizations will contribute to the quality and vitality of the neighborhood, therefore increasing the value of the Property and directly and indirectly contributing to the Project's success. The Project's success, in turn, will benefit the neighborhood. Although this feedback effect will promote the revitalization and redevelopment of the City, it could also impact the affordability of property in the area. Therefore, in support of the CUF neighborhood and with the intention of preserving and improving the availability of quality, reliable affordable housing on a City-wide basis, as a material inducement to the City to enter into this Agreement, the Company hereby represents to the City that it will enter into a voluntary tax incentive contribution agreement ("VTICA") with a City-designated third-party non-profit administrative organization (the "Third-Party Administrator") to contribute to the Third-Party Administrator an amount equal to fifteen percent (15%) of the real property taxes that would have been payable on the abated property but for the City-authorized tax abatement (the "VTICA Contribution"). Half of such VTICA Contribution is to be committed by the Third-Party Administrator to facilitate permanent improvements and neighborhood services furthering urban redevelopment in the CUF neighborhood and the other half of such VTICA Contribution is to be committed by the Third-Party Administrator in supporting quality affordable housing on a City-

wide basis. The Company hereby represents and warrants that it will pay the VTICA Contribution for the full term of the abatement.

- P. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- Q. 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 construct a complex with a parking garage into approximately, 263,000 square feet of residential space, consisting of approximately 103 units, and approximately 5,000 square feet of commercial space on the Property (the "Improvements") at an estimated aggregate cost of Thirty-Three Million Dollars (\$33,000,000) to commence after the execution of this Agreement and to be completed no later than December 31, 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 construction 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 twelve (12) 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 construction, (B) the cost of construction, (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 construction 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 2026 nor extend beyond the earlier of (i) tax year 2037 or (ii) the end of the twelfth (12th) 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. Business Enterprise Program.¹

A. Compliance with 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”), which includes SBEs owned by minorities and women (“MBEs” and “WBEs”, respectively, as used within CMC Chapter 324, and collectively with SBEs, “Certified Firms”). 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 (i) the City’s goal of voluntarily meeting thirty percent (30%) SBE participation, and (ii) a sub-goal, being the Company’s Project-specific voluntary commitment, of meeting the City’s economic inclusion program goals to achieve a standard of no less than: seventeen percent (17%) MBE participation; and 10% WBE participation. A list of SBEs, MBEs, and WBEs 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, MBE, or WBE. The Company shall comply with the provisions of CMC Chapters 323 and 324, including without limitation taking at least the following affirmative steps:

- (i) Including qualified Certified Firms on solicitation lists.
- (ii) Assuring that Certified Firms 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 Certified Firms 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 Certified Firm 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.

¹ 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.

(vi) The Company shall periodically document its best efforts and affirmative steps to meet the above Certified Firm participation goals by submitting such information as may be requested from time to time by the City.

B. Remedies for Noncompliance with 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 Certified Firms, or to provide technical assistance to Certified Firm as may be necessary to reach Certified Firm participation as set out in CMC Chapters 323 and 324 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 enforce specific performance of the terms of this Section. The provisions of CMC Sections 323-99 and 324-99 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) 4 full-time permanent jobs, and (ii) 150 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 construction, and in the case of the other jobs described herein, the job creation period shall begin upon completion of construction 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) \$300,000 of additional annual payroll with respect to the full-time permanent jobs, and (ii) \$10,650,000 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. 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:

Moerlein Properties LLC
c/o Hallmark Campus Communities
Attention: William Kirk
150 E. Broad Street
Columbus, Ohio 43215

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 acknowledgment 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

MOERLEIN PROPERTIES LLC,
an Ohio limited liability company

By: _____
Sheryl M. M. Long, City Manager

Date: _____, 2023

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

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

Property Address: 115-125 W. McMillan Avenue, Cincinnati, Ohio 45202
Auditor's Parcel No.: 100-0003-0001, -0002, -0003, -0004, -0005, -0006, and -0007

PARCEL NOS. 100-0003-0004 and 0005 (cons.):

Situate in the City of Cincinnati, Hamilton County, Ohio on the south side of McMillan Street, between Ohio Avenue and Moerlein Avenue, being 40 feet front by 97.51 feet deep, and being Lot No. 21, and 15 feet off of the east side of Lot No. 22 on a plat of subdivision made by the heirs of Adeline L. Brashear of the north part of Lot 1 of Barr, Graham and Lewis Subdivision, which said plat is recorded in Plat Book 8, Volume 2, Page 11, in the office of the Recorder of Deeds of Hamilton County, Ohio.

PARCEL NO. 100-0003-0003:

Situate in the City of Cincinnati, Hamilton County, Ohio, and being Lot 23 and the West 10 feet of Lot 22 of the Subdivision made by the heirs of Adeline L. Brashear, of the North part of Lot 1 of Barr, Graham and Lewis Subdivision, a plat of which is recorded in Plat Book 8, Volume 2, Page 11 of the Plat Records of Hamilton County, Ohio, said Lot 23 and the West 10 feet of Lot 22 of said Subdivision as aforesaid fronting 35 feet on the South side of McMillan Street and having a depth between parallel lines of 97.51 feet.

PARCEL NO. 100-0003-0001 and 0002 (cons.):

Situate in the City of Cincinnati, County of Hamilton, State of Ohio, and being Lots Nos. 24 and 25 on a plat of Subdivision made by heirs of Adeline L. Brashear of part of Lot No. 1 of Barr, Graham and Lewis' Subdivision, recorded in Plat Book 8, Volume 2, Page 11, of the Plat Records of the Recorder's Office of Hamilton County, Ohio; said lots being on the south side of McMillan Street between Ohio Avenue and Moerlein Avenue in said City of Cincinnati.

PARCEL NOS. 100-0003-0006 and 0007 (cons.):

Situated in the State of Ohio, County of Hamilton and in the City of Cincinnati and being more particularly described as follows:

Being Lots Numbers Nineteen (19) and Twenty (20) on a plat of subdivision made by the heirs of Adeline I. Brashear of the north part of Lot Number One (1) of Barr, Graham and Lewis Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 8, Volume 2, Page 11, Recorder's Office, Hamilton County, Ohio.

Property Address: 142 W. Lyon Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 100-0003-0026

Situate in Section 13, T3, FR2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and formerly being all of Lots Twenty-one (21), Twenty-two (22) and the east 5.00 feet of Lot Twenty-three (23) of the Estate of John Smith, subdivided by Barr, Graham and Lewis as now recorded in Plat Book 2, page 281 in the Recorder's Office and being more particularly described as follows:

Beginning at an Iron pin set with cap S-7133 at the Northeast corner of Lyon Street and Moerlein Avenue; thence North 8 degrees, 18' 48" East along the East line of Moerlein Avenue-152.00 feet to a set 1/2" iron pin with cap S-7133; thence North 89 degrees, 00', 00" East-parallel to the South line of McMillan Avenue along the south line of Adeline Brashaer's Heir's Subdivision as recorded in Plat Book 8, Volume 2, Page 11 R.O.-65.00 feet to a set 1/2" iron pin with cap S-7133; thence South 8 degrees, 18' 48" West-along the west line of Lot Twenty (20) of said John Smith's Estate Subdivision-152.00 feet to a point on the North line of Lyon Street (witnessed by a set cross notch on a 5.00 feet offset line South 8 degrees, 18' 48" West-5.07 feet); thence South 89 degrees, 00' 00" West- along the North line of Lyon Street-65.00 feet to the point of beginning, containing 0.2238 acres, more or less.

Bearings based on monuments found on the North line of McMillan Avenue-North 89 degrees, 00', 00" East assumed.

Based on a survey by George Armstrong, P.S. S-7133 dated 1/20/2000.

Property Address: 124-126 Lyon Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 100-0003-0034 and -0035

ALL THOSE CERTAIN LOTS OF GROUND, SITUATED ON THE NORTH SIDE OF LYON STREET, IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON AND STATE OF OHIO, KNOWN AND DESIGNATED AS LOTS NO. FOURTEEN (14) AND FIFTEEN (15) ON THE PLAT OF SUBDIVISION OF THE ESTATE OF JOHN SMITH DECEASED, RECORDED IN PLAT BOOK 2, PAGE 281, IN THE RECORDER'S OFFICE OF HAMILTON COUNTY, OHIO; COMMENCING AT THE SOUTHWEST CORNER OF LOT NO. THIRTEEN (13) ON SAID PLAT OF SUBDIVISION, THENCE WEST ALONG THE NORTH SIDE OF LYON STREET, 60 FEET TO THE EAST LINE OF LOT NO. SIXTEEN (16); THENCE NORTH WITH SAID EAST LINE OF LOT NO. SIXTEEN (16), 150 FEET; THENCE EAST ON A LINE PARALLEL WITH LYON STREET, 60 FEET TO THE EAST LINE OF LOT NO. FOURTEEN (14); THENCE SOUTH WITH SAID EAST LINE OF LOT NO. FOURTEEN (14), 150 FEET TO LYON STREET, THE PLACE OF BEGINNING.

Property Address: 138 Lyon Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 100-0003-0029

SITUATE AND BEING ALL OF LOT NUMBER TWENTY (20) OF JOHN SMITH'S ESTATE SUBDIVISION OF PART OF BLOCK NO. 1 OF BARR, GRAHAM AND LEWIS SUBDIVISION AS MADE IN CASE NO. 1065 OF THE PROBATE COURT OF HAMILTON COUNTY, OHIO, A PLAT OF WHICH SUBDIVISION IS RECORDED IN PLAT BOOK 2, PAGE 281, HAMILTON COUNTY, OHIO RECORDS.

Property Address: 136 Lyon Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 100-0003-0030 and -0031 (cons.)

SITUATED IN THE CITY OF CINCINNATI, COUNTY OF HAMILTON AND STATE OF OHIO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING LOT NO. 19 AND THE WESTERLY 20 FEET OF LOT NO. 18 OF JOHN SMITH, DECEASED, SUBDIVISION OF LOT NO. 1 OF BARR, GRAHAM AND LEWIS SUBDIVISION; FRONTING 50 FEET ON THE NORTH SIDE OF LYON STREET AND EXTENDING BACK NORTHWARDLY BETWEEN PARALLEL LINES A DISTANCE OF 150 FEET.

Property Address: 132 Lyon Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 100-0003-0032

All those certain lots of ground situated on the north side of Lyon Street, in the City of Cincinnati, County of Hamilton and State of Ohio, known and designated as Lot number 17 and 10 feet off the easterly side of Lot number 18 on the plat of the subdivision of the Estate of John Smith, deceased, commencing at a point 409.17 feet west of Ohio Avenue; thence west along the north line of Lyon Street, 40 feet; thence north on a line parallel with the west line of said lot number 18, 150 feet; thence east on a line parallel with Lyon Street, 40 feet to the east line of Lot number 17 on said plat of subdivision, thence south with said east line of lot number 17, 150 feet to Lyon Street, the place of beginning.

Property Address: 128 Lyon Street, Cincinnati, Ohio 45202
Auditor's Parcel No.: 100-0003-0033

Situated in the City of Cincinnati, State of Ohio and County of Hamilton, and being located on the north side of Lyon Street, known and designated as Lot no. 16 on the plat of subdivision of the Estate of John Smith, deceased, commencing at the a point 379.17 feet west of Ohio Avenue; thence west along the north line of Lyon Street 30 feet; thence north along the east line of Lot no. 17, 150 feet; thence east on a line parallel with Lyon Street 30 feet; thence south along the west line of lot no. 15, 150 feet to the place of beginning.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

March 08, 2023

To: Mayor and Members of City Council
From: Sheryl M.M. Long, City Manager
Subject: Ordinance Utility Easement Garden Grove Development

202300767

Attached is an Ordinance captioned:

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being part of the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder's Office.

The attached ordinance accepts and confirms the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through portions of real property within the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681-Garden Grove-E-1089* and which easement has been granted by 643 COV, LLC, an Ohio limited liability company. The plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer and the City Manager in consultation with the Greater Cincinnati Water Works recommends that Council accept and confirm the acceptance of the public utility easement.

The Administration recommends passage of this Ordinance.

cc: Verna J. Arnette, GCWW, Interim Executive Director

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being part of the Garden Grove Development in Delhi Township, Hamilton County, Ohio in accordance with the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder's Office.

WHEREAS, 643 COV, LLC, an Ohio limited liability company, has granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Delhi Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer, who has found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the easement granted by 643 COV, LLC, an Ohio limited liability company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property in Delhi Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled *GCWW Easement Plat Garden Grove Development, 643 Covedale Avenue, WSL 3681 – Garden Grove – E-1089*, as recorded in Plat Book 489, Page 91, Hamilton County, Ohio Recorder's Office and incorporated

herein by reference, is hereby accepted and confirmed. The real property encumbered by the easement is more particularly described as follows:

Situated in Section 12, Town 3, Fractional Range 1 Between the Miamis, Delhi Township, Hamilton County, Ohio and being all of 643 COV, LLC as recorded in Official Record 14335, Page 1702, Official Record 14335, Page 1980 and Official Record 14335, Page 2955 of the Hamilton County. Ohio Recorder's Office, containing 6.4255 acres being further described as follows:

Begin at a found 5/8" iron pin capped "Allen" at the northeast corner of Foley Square Condominium, Phase II as recorded in Plat Book 326, Page 7, said pin being on the west right of way of Covedale Avenue (40') and being the True Point of Beginning;

thence, from the True Point of Beginning, departing the west right of way of said Covedale Avenue with and departing said Foley Square Condominium, Phase II, North 88° 34' 17" West, 294.90 feet to a set 5/8" iron pin at a north corner of Foley Square Condominium, Phase I, as recorded in Plat Book 323, Page 24;

thence, with said Foley Square Condominium, Phase I, South 05° 50' 43" West, 2.92 feet to a set 5/8" iron pin;

thence, North 88° 34' 17" West, 277.52 feet to a set 5/8" iron pin on the northwest corner of Steven L. & Tracey A. Schatzman as recorded in Deed Book 4326, Page 1391, said pin being on the east line of Savanna G. Hayes as recorded in Official Record 13722, Page 1780;

thence, departing said Schatzman and with said Hayes the following two courses: North 05°55' 43" East, 75.78 feet to a set 5/8" iron pin;

thence, North 88° 34' 17" West, 75.00 feet to a set 5/8" iron pin on the east line of Lot 48 of Melody Acres Subdivision, Block "B" as recorded in Plat Book 126, Page 53;

thence, departing said Hayes and with the east line of said Melody Acres Subdivision, Block "B", North 05° 55' 43' East, 367.92 feet to a set 5/8" iron pin at the southwest corner of the City of Cincinnati land as recorded in Deed Book 3141, Page 388;

thence, departing said Melody Acres Subdivision, Block "B" and with the south line of said City of Cincinnati land, South 88° 37' 23' East, passing a found 1-1/2" iron pipe at 351.72 feet, a found concrete monument at 641.82 feet, a total distance of 646.82 feet to a set 5/8" iron pin on the west right of way of said Covedale Avenue;

thence, departing said City of Cincinnati land and with the west right of way of said Covedale Avenue, South 05° 50' 43" West, 441.31 feet to the True Point of Beginning containing 6.4255 acres of land more or less subject to all legal highways, easements, restrictions and agreements of record.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 08, 2023

To: Mayor and Members of City Council
From: Sheryl M.M. Long, City Manager
Subject: Ordinance Utility Easement Dunlap Grove Subdivision

202300768

Attached is an Ordinance captioned:

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office.

The attached ordinance accepts and confirms the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through portions of real property within the Dunlap Grove Subdivision in Colerain Township, Ohio, in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, and which easement has been granted by Dunlap Development, LLC, an Ohio limited liability company. The plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer and the City Manager in consultation with the Greater Cincinnati Water Works recommends that Council accept and confirm the acceptance of the public utility easement.

The Administration recommends passage of this Ordinance.

cc: Verna J. Arnette, GCWW, Interim Executive Director

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio, in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office.

WHEREAS, Dunlap Development, LLC, an Ohio limited liability company, has granted a public utility easement in favor of the City of Cincinnati for water mains and related fixtures, equipment, and appurtenances through certain real property located in Colerain Township, Hamilton County, Ohio, as more particularly depicted and described on the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office; and

WHEREAS, the aforementioned plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works Chief Engineer, who has found it to be correct; and

WHEREAS, based on the foregoing, the City Manager, upon consultation with the Greater Cincinnati Water Works, recommends that Council accept and confirm the acceptance of the aforementioned public utility easement; now, therefore,

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

Section 1. That the easement granted by Dunlap Development, LLC, an Ohio limited liability company, to the City of Cincinnati for the construction, installation, reconstruction, operation, maintenance, repair, replacement, modification, and removal of water mains and related fixtures, equipment, and appurtenances through certain real property being parts of Lot B and Lots 55 through 60 of the Dunlap Grove Subdivision in Colerain Township, Hamilton County, Ohio in accordance with the plat entitled *Water Line Easement Plat Dunlap Grove Subdivision*, as recorded in Plat Book 491, Page 93, Hamilton County, Ohio Recorder's Office and incorporated herein by reference, is hereby accepted and confirmed.

Section 2. That the City Solicitor shall cause an authenticated copy of this ordinance to be recorded in the Hamilton County, Ohio Recorder's Office.

Section 3. That the proper City officers and officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246**

202300752

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council".* Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days) the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

1. Full Name Annalese Cahill

2. Occupation Government Affairs

3. Title/Position Government Relations Associate

4. Business Address 255 E 5th Street 1900
Street Suite Number
Cincinnati OH 45202
City State Zip(+4)

5. Telephone Number (513) 832-5428

6. Date of Engagement as Legislative Agent 03/01/23

1. Full name of company or organization Cincinnati Blue Line Foundation

2. Type of Industry Nonprofit

3. Business Address 1900 Central Parkway

	Street	Suite Number
Cincinnati	OH	45214
City	State	Zip(+4)

Economic development, zoning, mental health, first responders

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

<input type="checkbox"/> Agriculture	<input type="checkbox"/> Environment	<input checked="" type="checkbox"/> Real Estate/Housing
<input type="checkbox"/> Alcohol/Tobacco	<input type="checkbox"/> Financial Institutions/Consumer Finance	<input type="checkbox"/> Retail and Commercial
<input type="checkbox"/> Arts/Entertainment	<input type="checkbox"/> Medical/Hospitals/Health Care	<input type="checkbox"/> Service Business
<input checked="" type="checkbox"/> Communications/Media	<input type="checkbox"/> Insurance	<input type="checkbox"/> Social Svs./Human Svs.
<input type="checkbox"/> Contractors/Construction	<input type="checkbox"/> Labor/Labor Organizations	<input type="checkbox"/> Science and Technology
<input checked="" type="checkbox"/> County/Local Government	<input type="checkbox"/> Legal	<input type="checkbox"/> State Employees
<input type="checkbox"/> Education	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> State Government
<input type="checkbox"/> Energy/Utilities	<input type="checkbox"/> Public Interest	<input type="checkbox"/> Transportation

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Type or Print Name of Legislative Agent

Signature of Legislative Agent

M. Hube

Date

Type or Print Name of Persons Signing for Employer

M. Hube

Signature for Employer

Interim Executive Director

Title

03/01/23

Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE*000300723***LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT**

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council".* Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days) the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

1. Full Name Colleen Reynolds
2. Occupation Government Affairs
3. Title/Position Partner
4. Business Address 255 E 5th Street 1900

City
Cincinnati

State
OH

Suite Number
45202

Zip(+4)
5. Telephone Number (513) 832-5449
6. Date of Engagement as Legislative Agent 03/01/2023

B. EMPLOYER INFORMATION

1. Full name of company or organization Equitable Financial Life Insurance Company
2. Type of Industry Insurance
3. Business Address 525 Vine St 1925

City
Cincinnati

State
OH

Suite Number
45202

Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Public employee deferred compensation

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

<input type="checkbox"/> Agriculture	<input type="checkbox"/> Environment	<input type="checkbox"/> Real Estate/Housing
<input type="checkbox"/> Alcohol/Tobacco	<input type="checkbox"/> Financial Institutions/Consumer Finance	<input type="checkbox"/> Retail and Commercial
<input type="checkbox"/> Arts/Entertainment	<input type="checkbox"/> Medical/Hospitals/Health Care	<input type="checkbox"/> Service Business
<input type="checkbox"/> Communications/Media	<input checked="" type="checkbox"/> Insurance	<input type="checkbox"/> Social Svs./Human Svs.
<input type="checkbox"/> Contractors/Construction	<input type="checkbox"/> Labor/Labor Organizations	<input type="checkbox"/> Science and Technology
<input type="checkbox"/> County/Local Government	<input type="checkbox"/> Legal	<input type="checkbox"/> State Employees
<input type="checkbox"/> Education	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> State Government
<input type="checkbox"/> Energy/Utilities	<input type="checkbox"/> Public Interest	<input type="checkbox"/> Transportation

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen M. Reynolds

Type or Print Name of Legislative Agent

Colleen M. Reynolds

Signature of Legislative Agent

3/3/23

Date

Robert Negron

Type or Print Name of Persons Signing for Employer

BY: [Signature]

Signature for Employer

Head of Regulatory Affairs & Signatory Officer March 2, 2023

Title

Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE*202300784***LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT**

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

1. Full Name Colleen Reynolds
2. Occupation Government Affairs
3. Title/Position Partner
4. Business Address 255 E 5th Street 1900

City
Cincinnati

State
OH

Suite Number
45202

Zip(+4)
5. Telephone Number (513) 832-5449
6. Date of Engagement as Legislative Agent 03/01/2023

B. EMPLOYER INFORMATION

1. Full name of company or organization Mercantile Library
2. Type of Industry Library
3. Business Address 414 Walnut St 1100

City
Cincinnati

State
OH

Suite Number
45202

Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Economic development, redevelopment

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

<input type="checkbox"/> Agriculture	<input type="checkbox"/> Environment	<input type="checkbox"/> Real Estate/Housing
<input type="checkbox"/> Alcohol/Tobacco	<input type="checkbox"/> Financial Institutions/Consumer Finance	<input type="checkbox"/> Retail and Commercial
<input checked="" type="checkbox"/> Arts/Entertainment	<input type="checkbox"/> Medical/Hospitals/Health Care	<input type="checkbox"/> Service Business
<input type="checkbox"/> Communications/Media	<input type="checkbox"/> Insurance	<input type="checkbox"/> Social Svs./Human Svs.
<input checked="" type="checkbox"/> Contractors/Construction	<input type="checkbox"/> Labor/Labor Organizations	<input type="checkbox"/> Science and Technology
<input type="checkbox"/> County/Local Government	<input type="checkbox"/> Legal	<input type="checkbox"/> State Employees
<input type="checkbox"/> Education	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> State Government
<input type="checkbox"/> Energy/Utilities	<input type="checkbox"/> Public Interest	<input type="checkbox"/> Transportation

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

Colleen M. Reynolds

Type or Print Name of Legislative Agent

Colleen M. Reynolds

Signature of Legislative Agent

3/3/23

Date

John O. FAHERTY

Type or Print Name of Persons Signing for Employer

BY: J.O. A.

Signature for Employer

Executive Director

Title

3/3/2023

Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE*202300785***LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT**

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days) the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

1. Full Name Matt Davis
2. Occupation Government Affairs
3. Title/Position President
4. Business Address 255 E 5th Street 1900

Cincinnati
City

OH
State

45202
Suite Number
Zip(+4)
5. Telephone Number (513) 977-8640
6. Date of Engagement as Legislative Agent 03/01/2023

B. EMPLOYER INFORMATION Equitable Financial Life Insurance Company

1. Full name of company or organization Equitable Financial Life Insurance Company
2. Type of Industry Insurance
3. Business Address 525 Vine St 1925

Cincinnati
City

OH
State

45202
Suite Number
Zip(+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Public employee deferred compensation

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

<input type="checkbox"/> Agriculture	<input type="checkbox"/> Environment	<input type="checkbox"/> Real Estate/Housing
<input type="checkbox"/> Alcohol/Tobacco	<input type="checkbox"/> Financial Institutions/Consumer Finance	<input type="checkbox"/> Retail and Commercial
<input type="checkbox"/> Arts/Entertainment	<input type="checkbox"/> Medical/Hospitals/Health Care	<input type="checkbox"/> Service Business
<input type="checkbox"/> Communications/Media	<input checked="" type="checkbox"/> Insurance	<input type="checkbox"/> Social Svs./Human Svs.
<input type="checkbox"/> Contractors/Construction	<input type="checkbox"/> Labor/Labor Organizations	<input type="checkbox"/> Science and Technology
<input type="checkbox"/> County/Local Government	<input type="checkbox"/> Legal	<input type="checkbox"/> State Employees
<input type="checkbox"/> Education	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> State Government
<input type="checkbox"/> Energy/Utilities	<input type="checkbox"/> Public Interest	<input type="checkbox"/> Transportation

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.


ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

MATT DAVIS
Type or Print Name of Legislative Agent


Signature of Legislative Agent

3-03-23
Date

Robert Negron
Type or Print Name of Persons Signing for Employer

BY: 
Signature for Employer

Head of Regulatory Affairs & Signatory Officer March 2, 2023
Title Date

Clerk of Council

801 Plum Street, Room 308
Cincinnati, Ohio 45202
(513) 352-3246

\$25.00 FILING FEE*202300780***LEGISLATIVE AGENT/EMPLOYER INITIAL REGISTRATION STATEMENT**

This statement must be filed with the Clerk of Council within ten (10) days of engagement. Please read instructions and review Section 112-5 prior to filing. There is a \$25.00 fee for this filing. *Check or money order only made payable to "Clerk of Council"*. Upon termination of this engagement, there is an affirmative duty to notify the Clerk of Council within thirty (30) days the form may be obtained from Clerk. **ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE OHIO REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE.**

A. LEGISLATIVE AGENT INFORMATION

1. Full Name Matt Davis
2. Occupation Government Affairs
3. Title/Position President
4. Business Address 255 E 5th Street 1900
Street State Suite Number
Cincinnati OH 45202
City State Zip (+4)
5. Telephone Number (513) 977-8640
6. Date of Engagement as Legislative Agent 03/01/23

B. EMPLOYER INFORMATION

1. Full name of company or organization Mercantile Library
2. Type of Industry Library
3. Business Address 414 Walnut St 1100
Street State Suite Number
Cincinnati OH 45202
City State Zip (+4)

C. BRIEF DESCRIPTION OF THE TYPE OF LEGISLATION TO WHICH LEGISLATIVE AGENT'S ENGAGEMENT RELATES.

Economic development, redevelopment

D. CATEGORICAL LISTING OF PRINCIPAL BUSINESS OR ACTIVITY OF EMPLOYER. PLEASE CHECK ALL THAT ARE APPLICABLE.

<input type="checkbox"/> Agriculture	<input type="checkbox"/> Environment	<input type="checkbox"/> Real Estate/Housing
<input type="checkbox"/> Alcohol/Tobacco	<input type="checkbox"/> Financial Institutions/Consumer Finance	<input type="checkbox"/> Retail and Commercial
<input checked="" type="checkbox"/> Arts/Entertainment	<input type="checkbox"/> Medical/Hospitals/Health Care	<input type="checkbox"/> Service Business
<input type="checkbox"/> Communications/Media	<input type="checkbox"/> Insurance	<input type="checkbox"/> Social Svs./Human Svs.
<input checked="" type="checkbox"/> Contractors/Construction	<input type="checkbox"/> Labor/Labor Organizations	<input type="checkbox"/> Science and Technology
<input type="checkbox"/> County/Local Government	<input type="checkbox"/> Legal	<input type="checkbox"/> State Employees
<input type="checkbox"/> Education	<input type="checkbox"/> Manufacturer	<input type="checkbox"/> State Government
<input type="checkbox"/> Energy/Utilities	<input type="checkbox"/> Public Interest	<input type="checkbox"/> Transportation

CERTIFICATION: THE UNDERSIGNED HEREBY CERTIFY THAT ALL REASONABLE EFFORTS AND DUE DILIGENCE HAVE BEEN UNDERTAKEN IN THE PREPARATION AND COMPLETION OF THIS STATEMENT AND THAT THE CONTENTS ARE TRUE AND ACCURATE TO THE BEST OF HIS OR HER KNOWLEDGE.

ALL SIGNATURES MUST BE ORIGINAL AND SIGNED PERSONALLY BY THE NAMED INDIVIDUAL.

MAT DAVID
Type or Print Name of Legislative Agent

[Signature]
Signature of Legislative Agent

3-3-23
Date

John O. FAHERTY
Type or Print Name of Persons Signing for Employer

BY: [Signature]
Signature for Employer

Executive Director
Title

3/3/2023
Date

February 8, 2023

To: Mayor and Members of City Council

202300549

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Cincinnati Recreation Commission (CRC): LeBlond Recreation Center Turf Installation In-Kind Donation

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$220,000, for the installation of a turf infield at the LeBlond Recreation Center.

Approval of this Ordinance will authorize the City Manager to accept an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$220,000, for the installation of a turf infield at the LeBlond Recreation Center.

Playground Equipment Services has generously offered to donate goods and professional services, valued at up to \$220,000, to install a turf infield for the baseball field at LeBlond Recreation Center. The donated goods and services will be provided pursuant to a separate donation agreement and will include construction materials and labor associated with the installation. Playground Equipment Services will be responsible for ensuring the project is constructed in compliance with all applicable State and local rules, regulations, and building codes, and will provide any necessary design drawings and obtain any necessary permits.

This donation requires no matching funds. There are no new FTEs associated with the donation.

Acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities,” as described on pages 207-212 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 accept an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$220,000 for the installation of a turf infield at the LeBlond Recreation Center.

WHEREAS, Playground Equipment Services, a local Cincinnati company, has generously offered to donate goods and professional services valued at up to \$220,000 to install a turf infield for the baseball field at LeBlond Recreation Center, including construction materials and labor associated with the installation; and

WHEREAS, Playground Equipment Services will be responsible for ensuring the project is constructed in compliance with all applicable state and local rules, regulations, and building codes, and will provide necessary design drawings and obtain necessary permits; and

WHEREAS, the donated goods and services will be provided pursuant to a separate donation agreement being negotiated between the Cincinnati Recreation Commission and Playground Equipment Services; and

WHEREAS, acceptance of this donation requires no matching funds, and there are no additional FTEs associated with the donation; and

WHEREAS, acceptance of this donation is in accordance with the “Collaborate” goal to “[w]ork in synergy with the Cincinnati community” and strategy to “[u]nite our communities,” as described on pages 207 – 212 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 an in-kind donation of goods and professional services from Playground Equipment Services valued at up to \$220,000 for the installation of a turf infield at the LeBlond Recreation Center.

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

Section 3. That the City Manager is authorized to enter into any and all agreements necessary to accept and utilize the donated goods and services.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 1, 2023

To: Mayor and Members of City Council 202300708

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Parks: Commissioner Funds and Capital Projects

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to accept and deposit a donation in an amount of up to \$763,000 from the Cincinnati Park Board Commissioners' Fund into Fund No. 430, "Parks Private Endowment and Donations," for the purpose of providing resources for the development of the Burnet Woods Dog Park, improvements to Sawyer Point, and development of the Mt. Airy Forest Bike Course, and for the replacement of automotive and motorized equipment used by the Parks Department; **ESTABLISHING** new capital improvement program project account no. 980x203x232035, "Burnet Woods Dog Park," for the purpose of providing resources for the development of the Burnet Woods Dog Park; **ESTABLISHING** new capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements," for the purpose of providing resources for improvements to Sawyer Point; **ESTABLISHING** new capital improvement program project account no. 980x203x232037, "Mt. Airy Bike Course," for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course; **AUTHORIZING** the transfer and appropriation of \$300,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232035, "Burnet Woods Dog Park," for the purpose of providing resources for the development of the Burnet Woods Dog Park; **AUTHORIZING** the transfer and appropriation of \$75,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements," for the purpose of providing resources for improvements to Sawyer Point; **AUTHORIZING** the transfer and appropriation of \$140,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232037, "Mt. Airy Bike Course," for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course; and further **AUTHORIZING** the transfer and appropriation of \$248,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to capital improvement program project account no. 980x203x222018, "Parks Fleet Replacement," for the purpose of providing resources for the

replacement of automotive and motorized equipment used by the Parks Department.

Approval of this Ordinance will authorize the City Manager to accept and deposit \$763,000 from the Cincinnati Park Board Commissioners' Fund to Parks Private Endowment and Donations Fund 430.

In addition, the Ordinance authorizes the establishment of three new capital improvement program project accounts and authorizes the transfer and appropriation of resources from the unappropriated surplus of Parks Private Endowment and Donations Fund 430 as follows:

- \$300,000 to 980x203x232035, "Burnet Woods Dog Park"
- \$75,000 to 980x203x232036, "Sawyer Point Improvements"
- \$140,000 to 980x203x232037, "Mt. Airy Bike Course"
- \$248,000 to 980x203x222018, "Parks Fleet Replacement"

Development of the Burnet Woods Dog Park, Sawyer Point, and the Mt. Airy Forest Bike Course as well as providing resources for automotive and motorized equipment used by the Parks Department are in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community"; specifically, the strategy to "[u]nite our communities" as described on pages 207 – 212 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 accept and deposit a donation in an amount up to \$763,000 from the Cincinnati Park Board Commissioners' Fund into Fund No. 430, "Parks Private Endowment and Donations," for the purpose of providing resources for the development of the Burnet Woods Dog Park, improvements to Sawyer Point, and development of the Mt. Airy Forest Bike Course, and for the replacement of automotive and motorized equipment used by the Parks Department; **ESTABLISHING** new capital improvement program project account no. 980x203x232035, "Burnet Woods Dog Park," for the purpose of providing resources for the development of the Burnet Woods Dog Park; **ESTABLISHING** new capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements," for the purpose of providing resources for improvements to Sawyer Point; **ESTABLISHING** new capital improvement program project account no. 980x203x232037, "Mt. Airy Bike Course," for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course; **AUTHORIZING** the transfer and appropriation of \$300,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232035, "Burnet Woods Dog Park," for the purpose of providing resources for the development of the Burnet Woods Dog Park; **AUTHORIZING** the transfer and appropriation of \$75,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements," for the purpose of providing resources for improvements to Sawyer Point; **AUTHORIZING** the transfer and appropriation of \$140,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to newly established capital improvement program project account no. 980x203x232037, "Mt. Airy Bike Course," for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course; and further **AUTHORIZING** the transfer and appropriation of \$248,000 from the unappropriated surplus of Fund No. 430, "Parks Private Endowment and Donations," to capital improvement program project account no. 980x203x222018, "Parks Fleet Replacement," for the purpose of providing resources for the replacement of automotive and motorized equipment used by the Parks Department.

WHEREAS, the Cincinnati Board of Parks Commissioners ("Park Board") approved the allocation of \$300,000 from the Commissioners' Fund to support development and installation of the new Burnet Woods Dog Park, for which the Clifton community is raising additional funds; and

WHEREAS, the Park Board approved the allocation of \$75,000 from the Commissioners' Fund to support improvements to Sawyer Point; and

WHEREAS, the Park Board approved the allocation of \$140,000 from the Commissioners' Fund to support the creation of a mountain bike skills course at Mt. Airy Forest, for which the Cincinnati Off Road Alliance has been raising additional funds; and

WHEREAS, the Park Board approved the allocation of an additional \$248,000 from the Commissioners' Fund to cover cost increases caused by external delays and supply chain issues experienced in carrying out the replacement of aging vehicles and equipment identified in its 2021 Fleet Review; and

WHEREAS, no matching funds or new FTEs are associated with the acceptance of this donation; and

WHEREAS, development of the Burnet Woods Dog Park, improvements to Sawyer Point, and development of the Mt. Airy Forest Bike Course, in addition to the provision of resources for the replacement of automotive and motorized equipment used by the Parks Department, are in accordance with the "Collaborate" goal to "[w]ork in synergy with the Cincinnati community" and the strategy to "[u]nite our communities," as described on pages 207 – 212 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 deposit a donation in an amount up to \$763,000 from the Cincinnati Park Board Commissioners' Fund into Fund No. 430, "Parks Private Endowment and Donations," for the purpose of providing resources for the development of the Burnet Woods Dog Park, improvements to Sawyer Point, and development of the Mt. Airy Forest Bike Course, and for the replacement of automotive and motorized equipment used by the Parks Department.

Section 2. That new capital improvement program project account no. 980x203x232035, "Burnet Woods Dog Park," is hereby established for the purpose of providing resources for the development of the Burnet Woods Dog Park.

Section 3. That new capital improvement program project account no. 980x203x232036, "Sawyer Point Improvements," is hereby established for the purpose of providing resources for improvements to Sawyer Point.

Section 4. That new capital improvement program project account no. 980x203x232037, “Mt. Airy Bike Course,” is hereby established for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course.

Section 5. That the City Manager is hereby authorized to transfer and appropriate \$300,000 from the unappropriated surplus of Fund No. 430, “Parks Private Endowment and Donations,” to newly established capital improvement program project account no. 980x203x232035, “Burnet Woods Dog Park,” for the purpose of providing resources for the development of the Burnet Woods Dog Park.

Section 6. That the City Manager is hereby authorized to transfer and appropriate \$75,000 from the unappropriated surplus of Fund No. 430, “Parks Private Endowment and Donations,” to newly established capital improvement program project account no. 980x203x232036, “Sawyer Point Improvements,” for the purpose of providing resources for improvements to Sawyer Point.

Section 7. That the City Manager is hereby authorized to transfer and appropriate \$140,000 from the unappropriated surplus of Fund No. 430, “Parks Private Endowment and Donations,” to newly established capital improvement program project account no. 980x203x232037, “Mt. Airy Bike Course,” for the purpose of providing resources for the development of the Mt. Airy Forest Bike Course.

Section 8. That the City Manager is hereby authorized to transfer and appropriate \$248,000 from the unappropriated surplus of Fund No. 430, “Parks Private Endowment and Donations,” to capital improvement program project account no. 980x203x222018, “Parks Fleet Replacement,” for the purpose of providing resources for the replacement of automotive and motorized equipment used by the Parks Department.

Section 9. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Sections 1 through 8 herein.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 1, 2023

To: Mayor and Members of City Council 202300709

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – DOTE: Streetcar OTP2 and FTA Grants**

Attached is an Emergency Ordinance captioned:

ESTABLISHING new capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant,” for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility; **AUTHORIZING** the City Manager to accept and appropriate grant resources in an amount up to \$2,000,000 from the Ohio Department Transportation Ohio Transit Partnership Program (“OTP2”) to Fund No. 455, “Streetcar Operations,” for the purpose of providing resources for preventative maintenance, equipment, and facility upgrades for the streetcar system; **AUTHORIZING** the City Manager to accept and appropriate grant resources in an amount up to \$256,517 from the Federal Transit Administration (“FTA”) Urbanized Area Formula Funding program (49 U.S.C. 5307) (ALN 20.507) to Fund No. 455, “Streetcar Operations,” for the purpose of providing resources for streetcar preventative maintenance support; **AUTHORIZING** the Director of Finance to deposit OTP2 and FTA grant resources into Fund No. 455, “Streetcar Operations”; **AUTHORIZING** the transfer and appropriation of an amount up to \$1,000,000 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” into newly established capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant,” for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility; **AUTHORIZING** the transfer and appropriation of an amount up to \$1,256,517 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” to Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 for the purpose of providing streetcar preventative maintenance support; and further **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

This Emergency Ordinance does the following:

1. Establishes new capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant,” to provide resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility;
2. Authorizes the City Manager to accept and appropriate grant resources in the amount up to \$2,000,000 from the OTP2 to Fund No. 455, “Streetcar Operations,” to provide resources for preventative maintenance, equipment, and facility upgrades for the streetcar system;

3. Authorizes the City Manager to accept and appropriate grant resources in an amount up to \$256,517 from the Federal Transit Administration Urbanized Area Formula Funding program (“FTA UAFF”) to Fund No. 455, “Streetcar Operations,” to provide resources for streetcar preventative maintenance support;
4. Authorizes the Director of Finance to deposit OTP2 and FTA grant resources into Fund No. 455, “Streetcar Operations”;
5. Authorizes the transfer and appropriation of an amount up to \$1,000,000 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” into newly established capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant”;
6. Authorizes the transfer and appropriation of an amount up to \$1,256,517 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” to Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200; and
7. Authorizes the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

Council approved Ordinance No. 0089-2022, which authorized the City Manager to apply for grant resources in an amount up to \$2,839,000 from the Ohio Department of Transportation (“ODOT”) under the OTP2 for the purpose of providing resources for preventative maintenance, equipment, and facility upgrades for the streetcar system. The City was awarded OTP2 grant resources in an amount up to \$2,000,000.

The FTA UAFF provides federal resources to urbanized areas for transit-related capital and operating assistance and for transportation planning. The City receives annual funding from the FTA UAFF for streetcar preventative maintenance support, which requires City Council authorization to be accepted.

The OTP2 grant requires a twenty percent local match for preventative maintenance, which will be met using existing resources available in Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 that are anticipated to be offset by federal resources. The OTP2 grant also requires a twenty percent local match for capital improvements, which will be satisfied using ODOT transportation development credits. The FTA UAFF grant requires a twenty-five percent local match, which will be met using existing resources available in Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200.

Utilizing Federal Transit Administration and Ohio Transit Partnership Program grant resources to support the streetcar is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to accept federal and state grant resources in order to begin projects within the State of Ohio’s FY 2023 budget cycle.

The Administration recommends passage of this Ordinance.

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

Attachment



EMERGENCY

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- 2023

ESTABLISHING new capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant,” for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility; **AUTHORIZING** the City Manager to accept and appropriate grant resources in an amount up to \$2,000,000 from the Ohio Department Transportation Ohio Transit Partnership Program (“OTP2”) to Fund No. 455, “Streetcar Operations,” for the purpose of providing resources for preventative maintenance, equipment, and facility upgrades for the streetcar system; **AUTHORIZING** the City Manager to accept and appropriate grant resources in an amount up to \$256,517 from the Federal Transit Administration (“FTA”) Urbanized Area Formula Funding program (49 U.S.C. 5307) (ALN 20.507) to Fund No. 455, “Streetcar Operations,” for the purpose of providing resources for streetcar preventative maintenance support; **AUTHORIZING** the Director of Finance to deposit OTP2 and FTA grant resources into Fund No. 455, “Streetcar Operations”; **AUTHORIZING** the transfer and appropriation of an amount up to \$1,000,000 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” into newly established capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant,” for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility; **AUTHORIZING** the transfer and appropriation of an amount up to \$1,256,517 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” to Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 for the purpose of providing streetcar preventative maintenance support; and further **AUTHORIZING** the City Manager to enter into any agreements necessary for the receipt and administration of these grant resources.

WHEREAS, on April 13, 2022, Council approved Ordinance No. 0089-2022, which authorized the City Manager to apply for grant resources in an amount up to \$2,839,000 from the Ohio Department of Transportation (“ODOT”) under the Ohio Department Transportation Ohio Transit Partnership Program (“OTP2”) for the purpose of providing resources for preventative maintenance, equipment, and facility upgrades for the streetcar system; and

WHEREAS, the City was awarded OTP2 grant resources in an amount up to \$2,000,000; and

WHEREAS, the Federal Transit Administration Urbanized Area Formula Funding program (49 U.S.C. 5307) (ALN 20.507) (“FTA UAFF”) provides federal resources to urbanized areas for transit-related capital and operating assistance and for transportation planning; and

WHEREAS, the City receives annual funding from the FTA UAFF for streetcar preventative maintenance support; and

WHEREAS, the OTP2 grant requires a twenty percent local match for preventative maintenance, which will be met using resources currently available in Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 and which are anticipated to be offset by federal resources; and

WHEREAS, the OTP2 grant also requires a twenty percent local match for capital improvements, which will be satisfied using ODOT transportation development credits; and

WHEREAS, the FTA UAFF grant requires a twenty-five percent local match, which will be met using resources currently available in Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200; and

WHEREAS, there are no new FTEs associated with the OTP2 or FTA grants; and

WHEREAS, utilizing Federal Transit Administration and Ohio Transit Partnership Program grant resources to support the streetcar is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability,” as described on pages 129-138 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the establishment of capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant,” is hereby authorized for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility.

Section 2. That the City Manager is authorized accept and appropriate grant resources in an amount up to \$2,000,000 from the Ohio Department Transportation Ohio Transit Partnership Program (“OTP2”) to Fund No. 455, “Streetcar Operations,” for the purpose of providing resources for preventative maintenance, equipment, and facility upgrades for the streetcar system.

Section 3. That the Director of Finance is hereby authorized to deposit grant resources in an amount up to \$2,000,000 from the OTP2 into Fund No. 455, “Streetcar Operations.”

Section 4. That the City Manager is authorized to accept and appropriate grant resources in an amount up to \$256,517 from the Federal Transit Administration Urbanized Area Formula

Funding Program (49 U.S.C. 5307) (ALN 20.507) (“FTA UAFF”) to Fund No. 455, “Streetcar Operations,” for the purpose of providing resources for streetcar preventative maintenance support.

Section 5. That the Director of Finance is hereby authorized to deposit grant resources in an amount up to \$256,517 from the FTA UAFF into Fund No. 455, “Streetcar Operations.”

Section 6. That the transfer and appropriation of an amount up to \$1,000,000 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” into newly established capital improvement program project account no. 980x236x232314, “Streetcar Wash Port – OTP2 Grant,” is hereby authorized for the purpose of providing resources for the design, engineering, and construction of an external streetcar parking area and wash port connected to the existing streetcar maintenance and operations facility.

Section 7. That the transfer and appropriation of an amount up to \$1,256,517 from the unappropriated surplus of Fund No. 455, “Streetcar Operations,” to Streetcar Operations Fund non-personnel operating budget account no. 455x236x7200 is hereby authorized for the purpose of providing streetcar preventative maintenance support.

Section 8. That the City Manager is hereby authorized to enter into any agreements necessary for the receipt and administration of these grant resources.

Section 9. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 8 hereof.

Section 10. 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 federal and state grant resources in order to begin projects within the State of Ohio's FY 2023 budget cycle.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 1, 2023
202300710

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – GCWW: OEPA & Ohio Water Development Authority (OWDA) Loan for Water Main Replacement

Attached is an Ordinance captioned:

AUTHORIZING the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$26,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains, as well as designing, and constructing drinking water facilities for Greater Cincinnati Water Works.

Approval of this Ordinance would authorize the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account (WSRLA) funding in the amount of up to \$26,000,000 from the Ohio Environmental Protection Agency (OEPA) and the Ohio Water Development Authority (OWDA) for the purpose of providing resources for replacing aging water mains, as well as designing, and constructing drinking water facilities for Greater Cincinnati Water Works (GCWW). This Ordinance further authorizes the Finance Director to receive and deposit the loan funds into Water Works Capital Fund revenue account no. 756x8569.

WSRLA funding is currently available from the OEPA and OWDA for the purpose of replacing aging water mains, and planning, designing, and constructing drinking water facilities for GCWW. Each year the Administration applies for various funding sources to augment the City's Capital Improvement Program (CIP).

This funding will be used for the Bevis, Bonaparte, Clarion; Cappel, Carnation; Clearview, Hermosa; Dayton, Horace, Naehar, Whiteman, Baymiller, York; Dunore, Crooked Stone, Old Ludlow; Kirbert, Oakland, Olive, Enright, Wieman, Terry, Voss, Van Vey McPherson; Lisbon, Girard, Fairhurst; Symmes Fowler; and Ferguson, Kellywood, N. Overlook, Relleum, Rulison, Shirley, West High water main projects as part of GCWW's water main replacement program.

The water main replacement program is in accordance with the "Sustain" goal to "Become a healthier Cincinnati" and strategy to "Create a healthy environment and reduce energy consumption," as described on pages 181-186 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Verna Arnette, GCWW, Interim Executive Director
Andrew M. Dudas, Budget Director
Karen Alder, Finance Director

Attachment



AUTHORIZING the City Manager or her designee to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$26,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of providing resources for replacing aging water mains, as well as designing, and constructing drinking water facilities for Greater Cincinnati Water Works.

WHEREAS, each year the Administration applies for various funding sources to augment the City's Capital Improvement Program; and

WHEREAS, Water Supply Revolving Loan Account funding in the amount of up to \$26,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains, planning, designing, and constructing drinking water facilities for Greater Cincinnati Water Works ("GCWW"); and

WHEREAS, this funding will be used for the Bevis, Bonaparte, Clarion; Cappel, Carnation; Clearview, Hermosa; Dayton, Horace, Naehar, Whiteman, Baymiller, York; Dunore, Crooked Stone, Old Ludlow; Kirbert, Oakland, Olive, Enright, Wieman, Terry, Voss, Van Vey McPherson; Lisbon, Girard, Fairhurst; Symmes Fowler; and Ferguson, Kellywood, N. Overlook, Relleum, Rulison, Shirley, West High water main projects as part of GCWW's water main replacement program; and

WHEREAS, GCWW's water main replacement program is in accordance with the "Sustain" goal to "Become a healthier Cincinnati" and strategy to "Create a healthy environment and reduce energy consumption," as described on pages 181-186 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 or her designee is hereby authorized to apply for, accept, and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$26,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing aging water mains as well as planning, designing, and constructing drinking water facilities for the Greater Cincinnati Water Works.

Section 2. That the Finance Director is authorized to receive and deposit the loan funds into Water Works Capital Fund revenue account no. 756x8569.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of the loan 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: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 1, 2023

To: Mayor and Members of City Council 202300711

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – GCWW: OEPA and Ohio Water Development Authority (OWDA) Loan to Fund Private Lead Service Line Replacement**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager or her designee to apply for, accept and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$5,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

Approval of this Ordinance authorizes the City Manager or her designee to apply for, accept and appropriate Water Supply Revolving Loan Account (“WSRLA”) loan funding in the amount of up to \$5,000,000 from the Ohio Environmental Protection Agency (“OEPA”) and the Ohio Water Development Authority (“OWDA”) for the purpose of assisting with the cost of private lead service line replacement projects. This Ordinance further authorizes the Finance Director to receive and deposit the loan funds into Private Lead Service Line Replacement Fund revenue account no. 312x8569.

WSRLA funding in the amount of up to \$5,000,000 is available from the OEPA and the OWDA in the form of grant-like principal forgiveness and zero-interest loan funding to public water systems for private lead service line replacement projects. The WSRLA funding is being offered to public water systems at a proportion of 53% principal forgiveness to 47% zero-interest loan funding. The City of Cincinnati Greater Cincinnati Water Works (“GCWW”) operates a program that aims to replace all public and private lead service lines within the utility’s service area to reduce the risk of lead in water. Therefore, GCWW desires to apply for up to \$5,000,000 in WSRLA funding for the replacement of private lead services lines in the form of up to \$2,650,000 in principal forgiveness and \$2,350,000 in zero-interest loan funding.

This funding will be used for the private lead service line replacements associated with the Bevis, Bonaparte, Clarion; Cappel, Carnation; Clearview, Hermosa; Dayton, Horace, Naehar, Whiteman, Baymiller, York; Dunore, Crooked Stone, Old Ludlow; Kirbert, Oakland, Olive, Enright, Wieman, Terry, Voss, Van Vey McPherson; Lisbon, Girard, Fairhurst; Symmes Fowler; and Ferguson, Kellywood, N. Overlook, Relleum, Rulison, Shirley, West High water main projects as part of GCWW’s water main replacement program, as well as the Beech, Eighth, St. Lawrence, and Jonathan, Ruth, Woodburn, private lead service line branch-only replacement projects.

Assisting with the cost of private lead service line replacement projects is in accordance with the “Sustain” initiative goal to “Become a Healthier Cincinnati” and strategy to

"Create a Healthy Environment and Reduce Energy Consumption" as described on page 181-186 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

cc: Verna Arnette, GCWW, Interim Executive Director
Andrew M. Dudas, Budget Director
Karen Alder, Finance Director



Attachment

AUTHORIZING the City Manager or her designee to apply for, accept and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$5,000,000 from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of assisting with the cost of private lead service line replacement projects.

WHEREAS, Water Supply Revolving Loan Account (“WSRLA”) funding in the amount of up to \$5,000,000 is available from the Ohio Environmental Protection Agency and the Ohio Water Development Authority in the form of grant-like principal forgiveness and zero-interest loan funding to public water systems for private lead service line replacement projects; and

WHEREAS, the WSRLA funding is being offered to public water systems at a proportion of 53% principal forgiveness to 47% zero-interest loan funding; and

WHEREAS, the City of Cincinnati Greater Cincinnati Water Works (“GCWW”) currently operates a program that aims to replace all public and private lead service lines within the utility’s service area to reduce the risk of lead in water; and

WHEREAS, GCWW desires to apply for up to \$5,000,000 in WSRLA funding for the replacement of private lead services lines in the form of up to \$2,650,000 in principal forgiveness and \$2,350,000 in zero-interest loan funding; and

WHEREAS, this funding will be used for the private lead service line replacements associated with the Bevis, Bonaparte, Clarion; Cappel, Carnation; Clearview, Hermosa; Dayton, Horace, Naehar, Whiteman, Baymiller, York; Dunore, Crooked Stone, Old Ludlow; Kirbert, Oakland, Olive, Enright, Wieman, Terry, Voss, Van Vey McPherson; Lisbon, Girard, Fairhurst; Symmes Fowler; and Ferguson, Kellywood, N. Overlook, Relleum, Rulison, Shirley, West High water main projects as part of GCWW’s water main replacement program, as well as the Beech, Eighth, St. Lawrence, and Jonathan, Ruth, Woodburn, private lead service line branch-only replacement projects; and

WHEREAS, assisting with the cost of private lead service line replacement projects is in accordance with the “Sustain” initiative goal to “Become a Healthier Cincinnati” and strategy to “Create a Healthy Environment and Reduce Energy Consumption” as described on page 181-186 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 or her designee is hereby authorized to apply for, accept and appropriate Water Supply Revolving Loan Account loan funding in the amount of up to \$5,000,000, comprised of up to \$2,650,000 in principal forgiveness and \$2,350,000 in zero-interest loan funding from the Ohio Environmental Protection Agency and the Ohio Water Development Authority for the purpose of replacing private lead service lines within the utility's service area.

Section 2. That the Finance Director is hereby authorized to receive and deposit the loan funds into Private Lead Service Line Replacement Fund revenue account no. 312x8569.

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 hereof.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 1, 2023

To: Mayor and Members of City Council 202300707

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Fire: Capital Resources Transfer for Fleet Change Orders**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return to source of the sum of \$22,508 from capital improvement program project account no. 980x272x232704, “Fire Equipment,” to the unappropriated surplus of Income Tax Permanent Improvement Fund 758; and further **AUTHORIZING** the transfer and appropriation of \$22,508 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to capital improvement program project account no. 980x981x232505, “Fleet Replacements,” for the purpose of providing resources to purchase additional safety features on fire apparatus.

Approval of this Emergency Ordinance authorizes the transfer of \$22,508 from existing Cincinnati Fire Department (CFD) capital improvement program project account no. 980x272x232704, “Fire Equipment,” to the existing Department of Public Services (DPS) capital improvement program project account no. 980x981x232505, “Fleet Replacements,” for the purpose of providing resources for additional safety features on fire apparatus.

CFD ordered new vehicles utilizing FY 2023 Capital Budget dollars allocated to DPS Division of Fleet Services. While observing the construction of the ordered vehicles, minor safety enhancements were identified as necessities to ensure firefighter safety. Fleet Services does not have additional capital resources available to cover the additional costs related to change orders. The Fire Department is committing existing capital resources in their budget to purchase the additional safety features.

The transfer of resources to purchase additional safety features on Fire Apparatus is in accordance with the “Sustain” goal to “[m]anage our financial resources” and strategy to “[b]etter coordinate our capital improvement spending” as described on pages 199-201 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to transfer capital resources and process the necessary change orders to complete the acquisition of the new fire apparatus.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



EMERGENCY

MSS

- 2023

AUTHORIZING the transfer and return to source of the sum of \$22,508 from capital improvement program project account no. 980x272x232704, “Fire Equipment,” to the unappropriated surplus of Income Tax Permanent Improvement Fund 758; and further **AUTHORIZING** the transfer and appropriation of \$22,508 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to capital improvement program project account no. 980x981x232505, “Fleet Replacements,” for the purpose of providing resources to purchase additional safety features on fire apparatus.

WHEREAS, the Cincinnati Fire Department, in partnership with the Division of Fleet Services of the Department of Public Services, ordered new fire apparatus utilizing FY 2023 Capital Budget resources; and

WHEREAS, after the new fire apparatus were ordered, additional safety features were identified as necessary to ensure firefighter safety; and

WHEREAS, the Division of Fleet Services does not have additional resources available to cover the unanticipated cost of adding these safety features; and

WHEREAS, sufficient resources in capital improvement program project account no. 980x272x232704, “Fire Equipment,” can be made available for this purpose; and

WHEREAS, the transfer of resources to purchase additional safety features on fire apparatus is in accordance with the “Sustain” goal to “[m]anage our financial resources” and strategy to “[b]etter coordinate our capital improvement spending” as described on pages 199-201 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That the transfer and return to source of the sum of \$22,508 from capital improvement program project account no. 980x272x232704, “Fire Equipment,” to the unappropriated surplus of Income Tax Permanent Improvement Fund 758 is hereby authorized.

Section 2. That the transfer and appropriation of \$22,508 from the unappropriated surplus of Income Tax Permanent Improvement Fund 758 to capital improvement program project account

no. 980x981x232505, “Fleet Replacements,” is hereby authorized for the purpose of providing resources to purchase additional safety features on fire apparatus.

Section 3. That the proper City officials are authorized to do all things necessary and proper to carry out the terms 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 transfer capital resources and process the necessary change orders to complete the acquisition of the new fire apparatus.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 1, 2023
202300712

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DCED: Findlay Recreation Area Improvements – TIF

Attached is an Emergency Ordinance captioned:

ESTABLISHING capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **AUTHORIZING** the transfer and appropriation of the sum of \$1,698,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **DECLARING** expenditures from capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” to be for a public purpose; and **AMENDING** Ordinance 342-2020 to allow for the reimbursement of \$50,000 to the Cincinnati Center City Development Corporation for an advance of Phase I design services.

Approval of this Emergency Ordinance will authorize the establishment of new capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds and recreation centers, in and around Findlay Park in the Over-the-Rhine (OTR) neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets. Furthermore, this Emergency Ordinance authorizes the transfer and appropriation of \$1,698,000 from the

unappropriated surplus of the Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF”.

Additionally, this Emergency Ordinance declares expenditures from newly established capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” to be for a public purpose and amends Ordinance No. 0342-2020 to allow for the reimbursement of \$50,000 to the Cincinnati Center City Development Corporation (3CDC) for an advance of Phase I design services.

Improvements to Findlay Park are in accordance with the “Live” goal to “[b]uild a robust public life,” as well as the strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people,” as described on pages 147-152 of Plan Cincinnati (2012).

The Over-the-Rhine Community Council, Downtown Residents Council, and Mt. Auburn Community Council have all provided letters of support for the funding appropriation. The City Administration hosted a Community Engagement Meeting on November 21, 2022 of which a summary can be found here:

<https://www.cincinnati-oh.gov/planning/community-engagement-meetings1/past-community-engagement-meetings/public-engagement-session-for-the-findlay-community-and-recreation-center1/>

The reason for the emergency is the immediate need to continue the design of the Findlay Park area recreation improvements and the Vine Street streetscape improvements so that community outreach, design, and construction may continue as quickly as possible.

The Administration recommends passage of this Emergency Ordinance.

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



Attachment



EMERGENCY

KKF

- 2023

ESTABLISHING capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **AUTHORIZING** the transfer and appropriation of the sum of \$1,698,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets; **DECLARING** expenditures from capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements - TIF,” to be for a public purpose; and **AMENDING** Ordinance 342-2020 to allow for the reimbursement of \$50,000 to the Cincinnati Center City Development Corporation for an advance of Phase I design services.

WHEREAS, Ordinance No. 0342-2020 authorized the City to engage with Cincinnati Center City Development Corporation (“3CDC”), which is uniquely qualified to act as the development manager for the Findlay Park recreation improvements due to its successful experiences designing, planning, and completing redevelopment of public spaces throughout the Central Business District and Over-the-Rhine, including the successful redevelopment of Fountain Square, Washington Park, and Ziegler Park as development manager; and

WHEREAS, Ordinance No. 0109-2022 authorized the transfer and appropriation of \$450,000 for the purpose of providing additional resources for the costs of continued design work and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park, representing the second phase of the recreation improvements including soft costs associated with the redevelopment in order to identify the specific design elements to include as part of the improvements; and

WHEREAS, the City desires to further engage 3CDC for (i) the continued design and construction of new state-of-the-art recreation permanent improvements, including, without limitation, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers in and around Findlay Park in Over-the-Rhine; and (ii) the design and construction of

permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets (collectively, “Phase III”); and

WHEREAS, 3CDC will use this funding to contract with and manage consultants’ performance of services, which services include but are not limited to (i) advancement of design, (ii) development of construction cost estimates and timelines, (iii) procurement of project financing, and (iv) continuation of community engagement; and

WHEREAS, the transfer and appropriation of \$1,698,000 is necessary to (i) cover costs related to Phases I and II that exceeded initial estimates, including up to \$53,197.63 for Phase I (\$3,197.63 for cost overruns and \$50,000 to be reimbursed to 3CDC) and up to \$159,098.94 for Phase II, and (ii) provide additional resources for Phase III, including coverage of costs already incurred on Phase III; and

WHEREAS, the expenditures will be for a public purpose because they will benefit and serve the Downtown/OTR East TIF District Incentive District by increasing neighborhood vitality; and

WHEREAS, Ordinance No. 0342-2020 also authorized the appropriation of \$50,000 of City funds for Phase I of the project; and

WHEREAS, Ordinance No. 0342-2020 characterized \$50,000 of in-kind services from 3CDC as a match to the \$50,000 City contribution, when it should have been identified as a reimbursable expense, and so Ordinance No. 0342-2020 must be amended; and

WHEREAS, improvements to Findlay Park are in accordance with the “Live” goal to “[b]uild a robust public life,” as well as the strategy to “[d]evelop and maintain inviting and engaging public spaces to encourage social interaction between different types of people,” as described on pages 147-152 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements – TIF,” is hereby established for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets.

Section 2. That the transfer and appropriation of \$1,698,000 from the unappropriated surplus of Downtown/OTR East Equivalent Fund 483 to newly established capital improvement program project account no. 980x164x231643, “Findlay Recreation Area Improvements – TIF,” is hereby authorized for the purpose of providing resources for the design and construction of new state-of-the-art recreation permanent improvements, including, but not limited to, acquiring, improving, and equipping parks, parkways, playgrounds, and recreation centers, in and around Findlay Park in the Over-the-Rhine neighborhood, and for the design and construction of permanent improvements to the streetscape along Vine Street between Liberty Street and the intersection of Findlay and McMicken Streets, is hereby authorized.

Section 3. That Council hereby declares that the “Findlay Recreation Area Improvements – 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 provide resources for the continued design and construction of new state-of-the-art recreation permanent improvements and streetscape improvements, increasing neighborhood vitality.

Section 4. That Section 5 of Ordinance 0342-2020, approved by Council on October 14, 2020, be amended as follows:

Section 5. That the City Manager is hereby authorized to accept ~~in-kind~~
~~donations from 3CDC constituting design, community engagement, and~~
~~development services valued at \$50,000 that are necessary to complete the~~
~~Recreation Improvements~~ an advance from 3CDC constituting design, community

engagement, and development services valued at \$50,000 that are necessary to complete the Recreation Improvements, which advance will be reimbursed from future appropriations of project funding.

Section 5. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 hereof.

Section 6. 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 continue the design of the Findlay Park area recreation improvements and the Vine Street streetscape improvements so that community outreach, design, and construction may continue as quickly as possible.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

New ordinance language underscored. Deleted ordinance language indicated by strikethrough.



202300732

Meeka D. Owens
Cincinnati City Council

February 28, 2023

MOTION

Strategic Alignment of OneOhio Settlement Allocations

WE MOVE that the City Administration provide a strategic alignment report in coordination with the priorities and strategies outlined by the OneOhio Region 2 Foundation Governance Board. The report should provide recommendations for both short-term and long-term use of the OneOhio Settlement Funds that have been and will be disbursed, outlining how the City's portion can be used to benefit City residents. These recommendations should be made to complement the allocations by the OneOhio Region 2 Board and Hamilton County. Funds should be used to support projects or initiatives that are highly-leveragable and able to obtain funding from other sources as well.

WE FURTHER MOVE that this report be submitted to Council in the next sixty (60) days.

Councilmember Meeka D. Owens

President Pro Tempore Victoria Parks

STATEMENT

In March 2020, the State of Ohio and local governments throughout the state organized the OneOhio Memorandum of Understanding. This MOU gives the local governments of Ohio, including Hamilton County and the City of Cincinnati, a direct role in allocating funds from the opioid lawsuit settlement proceeds and implementing strategies for community recovery from the opioid crisis. In addition, the MOU established a mechanism to disburse settlement payments. Funds can be used for numerous purposes under the MOU, including prevention, treatment, recovery, public awareness, criminal justice, or other crucial services.

As part of the R2 Board's work, several subcommittees were created to make recommendations related to four priority areas: Prevention, Treatment, Addressing the Needs of Criminal Justice Involved (with a subset for First Responders), and Recovery Housing. The Hamilton County Addiction Response Coalition recommended the following services and allocations: Treatment / Recovery 60%; Prevention 10%; Interdiction 10%; Harm Reduction 10%; Faith Community 5%; and Business Community 5%.

The time to act is now as the settlement funds become available. Already, the City of Cincinnati has already received three payments for an overall total of \$537,940.34.¹ It is imperative that as a City we are working with our regional partners to make the most impact with the funds distributed to the region. Over the last several months, the OneOhio Region 2 Recovery Foundation Governance Board (“R2 Board”), which includes Cincinnati and Hamilton County, has been organizing to establish priorities and best practices for allocating these funds.

¹ The first two payments were from the settlement with McKesson, Cardinal, and AmerisourceBergen. \$166,157.75 was received from the first payment and \$174,623.69 from the second payment, for a total of \$340,781.44. There will be a total of 18 payments from the settlement, which should total more than \$3.0 million over the 18 years. An additional, one-time payment of \$197,158.90 was received from Janssen; other one-time payments are anticipated to be made to the City over time.

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

January 6, 2023

MOTION

Equitable Development: Cincinnati Bonding Program

WE MOVE that the City Administration create a bonding program for MBE and WBE contractors who have proven themselves with the City through previous project completions in order to overcome one of the major barriers to equitable opportunities. The City Administration should consider self-bonding, working with bonding agencies and/or co-signing for first-time bonds when the MBE or WBE company meets the City's pre-determined qualifications such as *successfully* completing projects for the City totaling at least \$1 million and limiting the upper end of our bonding threshold. Successful completion of projects should be clearly defined as approval by the City Manager's Office.

WE FURTHER MOVE that City Council receive a report at quarterly on MBEs and WBEs that have participated in the City's bonding program, and the status of the projects, in order to assess the efficacy of the City's bonding program.

Councilmember Seth Walsh

President Pro Tem Victoria Parks

Vice Mayor Jan-Michele Lemon Kearney

STATEMENT

Many smaller minority-owned and women-owned companies face the barrier of being unable to secure bonds, and as a result, they are prevented from participating in larger projects. The inability to secure bonding is the major barrier to growth for many contractors. Examples of reasons for denial include inadequate cash savings and/or credit scores. And yet, neither cash savings nor credit scores can improve without the opportunity to work on larger, more lucrative projects.

Councilmember Seth Walsh is intimately familiar with the “glass ceiling” that creates a barrier to growth for MBE and WBE contractors through his years of experience leading the College Hill Community Urban Redevelopment Corporation. In his experience a critical hurdle that smaller contractors must overcome is securing bonding for the first time. Subsequent bonding follows more easily.

Simultaneously, the City provides funding for smaller neighborhood projects each year that struggle to find quality contractors to work with in order to complete the projects in a timely and high quality manner.

Therefore, a program by the City to help contractors overcome the hurdle of first-time bonding, while incentivizing participation in smaller projects with the City, would create equitable opportunities for growth for MBE and WBE contractors.

The City’s bonding program should include clear, pre-determined qualifications such as the successful completion of projects for the City, such as completing projects totaling at least \$1 million. City Administration should be able to determine companies that are ready for larger projects and eligible for the City’s bonding program, being mindful to keep the City’s liability to a minimum. Criteria must be clear so that contractors understand the steps they must take to become eligible.

City Council should receive a report at least semi-annually on MBEs and WBEs that have participated in the City’s bonding program, and the status of the projects, in order to assess the efficacy of the City’s bonding program.

CAL → Budget & Finance
J-mck

March 1, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202300703

Subject: Emergency Ordinance: Establishing the Salary Range for the classification of Law Fellow

Attached is an Emergency Ordinance captioned:

ESTABLISHING, the classification and salary range schedule for the new employment classification of the Law Fellow, and **ORDAINING** Section 163 of Division Law, Chapter 307, of the Cincinnati Municipal Code.

Classification	Minimum (Annual)	Maximum (Annual)
Law Fellow	\$ 48,000	\$58,000

The Human Resources Director has approved to establish the salary schedule for the employment classification of Law Fellow. 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

EMERGENCY

KKF

-2023

ESTABLISHING the classification and salary range schedule for the new employment classification of Law Fellow, and **ORDAINING** Section 163 of Division Law, Chapter 307, of the Cincinnati Municipal Code.

WHEREAS, the Human Resources Department has determined the creation of the Law Fellow classification specification is necessary to fit the needs of the Law Department, to recruit and retain quality attorneys in the Law Department's salary schedule, and to better serve Cincinnati residents; and

WHEREAS, the Law Fellow program provides opportunities to increase operational efficiencies while maintaining a standard of excellence and a clear pathway for continued growth and career progression for affected employees; and

WHEREAS, the Human Resources Department has done due diligence to ensure that the new classification and salary range is consistent with the scope of services and the level of responsibility of the position of Law Fellow, with factors considered throughout the evaluation process including 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 new Section 163 of Division Law, Chapter 307 of the Cincinnati Municipal Code is hereby established as shown below:

Classification	Minimum Annual	Maximum Annual
Law Fellow	\$48,000	\$58,000

Section 2. 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 establish the classification and salary range of Law Fellow in the Law Department to recruit and retain qualified employees.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

March 1, 2023

202300704

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

Subject: **COUNCIL REPORT – Parking Enforcement, Meters & Residential Permits**

REFERENCE DOCUMENT #202202004 and #202300645

The City Council referred Item # 202202004, at its session on November 2, 2022, and Item #202300645, at its session on February 15, 2023, for review and report:

MOTION #202202004

Parking Enforcement, Meters & Residential Permits

WE MOVE that, the Administration report back to council in ninety (90) days with:

- The number of parking tickets issued per year for the past five years by neighborhood [BALANCE OF MOTION ON FILE]

MOTION #202300645

Parking Enforcement, Meters & Residential Permits

WE MOVE for the Administration to engage with business owners who operate in the area around Green and Pleasant Street in Over-The-Rhine [BALANCE OF MOTION ON FILE]

ANALYSIS OF REQUESTED INFORMATION

1. The number of parking tickets issued per year for the past five years by neighborhood

See attached citation data table.

2. What resources, if any, would be needed to ensure parking rules and regulations are enforced across the city—particularly in high volume areas during peak times like the urban basin and neighborhood business districts during events, evenings, and weekends

Management of the parking system consists of staffing for enforcement, collections, and maintenance for all parking system assets. The Department of Community & Economic Development's Parking Division (Parking Division) has sufficient staffing for all of these functions during all operating hours of the parking system. Parking enforcement is comprised of a balanced mix of routes which are generally designed around metered parking and restricted zones. These routes are then supplemented by complaint-based enforcement in various neighborhoods. Furthermore, the Parking Division works closely with Cincinnati Police Department (CPD) to staff events and special assignments. With our existing resources, the Parking Division believes that we are sufficiently enforcing within these areas. However, adding parking enforcement officers would allow for more directed enforcement, additional routes, and concentration in areas experiencing peak hour demand and safety issues. An increase in enforcement personnel would require an increase to the Parking Division staffing level and budget. The below table outlines the outcomes the costs in salary/fringe benefits and associated enforcement hours and revenue that would result. Note that these figures do not assume turnover in the positions and a full year of activity.

Parking Enforcement Officer (PEO)	Additional enforcement hours	Costs (salary, benefits)	Citation revenue	Net
4	5280	\$260,000	\$540,000	\$280,000

3. Any recommendations on how to better manage existing parking assets like meters and designated residential spaces to ensure turnover and on-street parking availability

Management of parking assets involves both up to date equipment and sufficient staffing for enforcement. One budget scenario for increasing enforcement within the on-street parking system was provided above. Related to equipment, the Parking Division is moving to reduce the City's reliance on single space meters which have a higher cost per space to maintain than efficiently deployed multi-space kiosks and mobile payment options. This is being accomplished by expanding the purchase and

use of multi-space meter zones (kiosks), expanding the use of the City’s “mobile only” payment zones, and creating strategies to drive adoption of mobile payment options for metered parking, specifically by adding another mobile payment provider to the City’s current platform. Mobile only payment zones are the most efficient to manage as they require little physical alteration to the existing infrastructure to add or remove paid parking alternatives. The Administration can promote efficient management through parking equipment in two specific ways. First, when stakeholders request the addition of paid parking to an area where parking is presently unrestricted, the Parking Division can implement paid parking in mobile payment only zones rather than meters. Second, the Parking Division can continue replacing existing meters with multi-space kiosks and/or mobile payment zones.

Further, the Parking Division recently took over the administrative responsibility of managing the Residential Parking Permit program (RPPP) from the Department of Transportation and Engineering (DOTE). Upon taking over administration of the RPPP, the Parking Division has implemented a digital permitting system. The new system replaces the former “hang tag” system with a digital, user-managed system. The system allows for quick access to visitor permits, payments, and customer service support. The Parking Division continues to look for ways to improve the customer experience of existing residential zones through the digital system.

Finally, Parking Division is also reviewing options for creating better incentives to generate on-street parking turnover for businesses. Currently, customers cannot occupy a paid parking space for more than the marked time period, which is commonly two hours. If they exceed the marked time period, they can receive a ticket for an overtime parking violation. In many other cities, the overtime parking violation process is being replaced by tiered increase rate structure programs. The initial findings in some markets are showing positive results for both creating the desired turnover to support businesses and maximizing potential on-street parking revenue. Utilizing tiered rates can increase turnover as an alternative to increased enforcement of existing hour limitations.

4. What resources would be needed to remove defunct parking meter posts (as shown in Exhibit A of the Motion) and, if appropriate, install parking stalls in their place?

A top priority for the Parking Division in FY2024 is the removal of obsolete parking meter poles. Within the Administration, Parking Division is working with DOTE (work order creation) to identify all the defunct parking meter posts and schedule removal through the Department of Public Services (DPS). Currently there are 700-800 poles estimated in need of removal. This number will increase by 500-600 as we implement the expanded multi-space meter zones and mobile only payment pilot zones throughout the City.

Removal of defunct parking meter polls will not begin until early FY24, due to current DPS projects (including mobile parking sign upgrades) and preparation for snow operations. An estimate of completion of removal of all defunct poles is difficult due to competing DPS capacity demands and increasing number of poles needing removal; however, Parking Division estimates that the majority of currently defunct poles can be removed by the end of CY2023.

Additionally, the Parking Division is assessing alternative removal options to expedite removal—including removal by Parking Division staff or utilizing a third-party contractor. The Administration may return to City Council for additional resources to facilitate expedited removal. Alternatively, Council may identify expedited removal as a priority for resources in the FY 24 budget process.

5. How long it would take for the City to devise a comprehensive on-street usage plan in Over the Rhine north of Liberty Street, Pendleton, and the West End. This plan would be akin to Southern Over the Rhine's SPP plan, which has all curb space allocated appropriately as metered parking, residential parking, etc.

The OTR North parking study timing and cost does not include Pendleton (which already has an RPP) or the West End, as a portion of the West End is already covered by an RPP. DCED requested Walker Consultants submit a proposal based on the following scope of services: Study Objectives: 1) To document existing on-street parking space inventory, usage, and restrictions and recommend changes that could improve parking space availability in OTR North. 2) To identify and document options for improving usage of off-street parking assets and adding to the off-street parking space inventory. The cost for the study will be approximately \$126,000 inclusive of reimbursables.

Alternatively, the Cincinnati Center City Development Corporation (3CDC) has offered to undertake a more limited inventory of existing space to submit to the Administration for evaluation reclassification of spaces between metered, residential, and restricted spaces. 3CDC and the Administration have begun coordinating this effort with existing City resources (like a recent roadway signage inventory) to begin the inventory process. The Administration recommends this lower-cost option.

The Administration estimates that the initial curb inventory will be completed by mid-April. Once the curb inventory is completed, the Administration will draft a proposed Special Permit Parking Area (SPPA) for OTR-North that would create residential spaces. The Administration will seek public input on the proposed designation prior to proposing the SPPA for Council consideration. To leave ample time for public feedback and revisions, the Administration does not expect to submit SPPA legislation prior to October of 2023. As requested in Motion Item # 202300645, engagement activities for the SPPA will include reaching out to the Corporation for Findlay Market and seeking input from their vendors.

SUMMARY OF RECOMMENDATIONS

The Administration recommends the following actions:

1. The Administration will review staffing levels of the Parking Division to determine if additional personnel is appropriate for FY 24 to accommodate more directed enforcement, additional routes and concentration in areas experiencing peak hour demand and safety issues.
2. The Administration recommends conducting a feasibility analysis to determine if a tiered increase rate structure should replace the current overtime parking enforcement process for increasing on-street parking turnover.
3. The Administration will review options for completing the removal of obsolete parking meter poles and may make budget recommendations as early as FY24 if additional resources are required.
4. The Administration recommends proceeding with 3CDC to undertake a limited curb inventory for the purpose of evaluating a special residential permit parking area for north Over-The-Rhine.

Attachment: I. Citation data table

Copies: Markiea L. Carter, Director, DCED
John S. Brazina, Director, DOTE

2021 Citations			2020 Citations			2019 Citations			2018 Citations			2017 Citations		
Neighborhood	# of Tickets	Percentage	Neighborhood	# of Tickets	Percentage	Neighborhood	# of Tickets	Percentage	Neighborhood	# of Tickets	Percentage	Neighborhood	# of Tickets	Percentage
Avondale	869	0.97%	Avondale	860	1.07%	Avondale	1020	1.42%	Avondale	1454	1.38%	Avondale	1243	1.19%
Bond Hill	422	0.47%	Bond Hill	1502	1.87%	Bond Hill	547	0.76%	Bond Hill	885	0.84%	Bond Hill	604	0.58%
California	1	0.00%	California	2	0.00%	California	4	0.01%	California	7	0.01%	California	2	0.00%
Camp Washington	172	0.19%	Camp Washington	73	0.09%	Camp Washington	113	0.16%	Camp Washington	140	0.13%	Camp Washington	216	0.21%
Carthage	219	0.24%	Carthage	192	0.24%	Carthage	211	0.29%	Carthage	290	0.27%	Carthage	228	0.22%
Clifton	877	0.98%	Clifton	1296	1.61%	Clifton	903	1.26%	Clifton	1613	1.53%	Clifton	1715	1.64%
College Hill	90	0.10%	College Hill	105	0.13%	College Hill	177	0.25%	College Hill	241	0.23%	College Hill	194	0.19%
Columbia Tusculum	13	0.01%	Columbia Tusculum	2	0.00%	Columbia Tusculum	7	0.01%	Columbia Tusculum	22	0.02%	Columbia Tusculum	11	0.01%
Corryville	1768	1.97%	Corryville	2033	2.53%	Corryville	1725	2.40%	Corryville	2410	2.28%	Corryville	2362	2.26%
CUF	8407	9.39%	CUF	7580	9.44%	CUF	6345	8.82%	CUF	8608	8.14%	CUF	9945	9.52%
Downtown	29329	32.76%	Downtown	32480	40.44%	Downtown	29960	41.65%	Downtown	46707	44.19%	Downtown	47937	45.91%
East End	340	0.38%	East End	114	0.14%	East End	297	0.41%	East End	455	0.43%	East End	329	0.32%
East Price Hill	2127	2.38%	East Price Hill	559	0.70%	East Price Hill	772	1.07%	East Price Hill	993	0.94%	East Price Hill	750	0.72%
East Walnut Hills	2710	3.03%	East Walnut Hills	3443	4.29%	East Walnut Hills	1678	2.33%	East Walnut Hills	2397	2.27%	East Walnut Hills	2670	2.56%
East Westwood	21	0.02%	East Westwood	19	0.02%	East Westwood	28	0.04%	East Westwood	23	0.02%	East Westwood	29	0.03%
English Woods_North Fairmount	37	0.04%	English Woods_North Fairmount	22	0.03%	English Woods_North Fairmount	14	0.02%	English Woods_North Fairmount	52	0.05%	English Woods_North Fairmount	34	0.03%
Evanston	333	0.37%	Evanston	457	0.57%	Evanston	411	0.57%	Evanston	723	0.68%	Evanston	617	0.59%
Hartwell	98	0.11%	Hartwell	55	0.07%	Hartwell	133	0.18%	Hartwell	164	0.16%	Hartwell	148	0.14%
Hyde Park	2993	3.34%	Hyde Park	3405	4.24%	Hyde Park	1312	1.82%	Hyde Park	2639	2.50%	Hyde Park	2035	1.95%
Kennedy Heights	235	0.26%	Kennedy Heights	155	0.19%	Kennedy Heights	238	0.33%	Kennedy Heights	144	0.14%	Kennedy Heights	154	0.15%
Linwood	46	0.05%	Linwood	22	0.03%	Linwood	18	0.03%	Linwood	54	0.05%	Linwood	52	0.05%
Lower Price Hill_Queensgate	1894	2.12%	Lower Price Hill_Queensgate	85	0.11%	Lower Price Hill_Queensgate	158	0.22%	Lower Price Hill_Queensgate	196	0.19%	Lower Price Hill_Queensgate	137	0.13%
Madisonville	323	0.36%	Madisonville	206	0.26%	Madisonville	300	0.42%	Madisonville	314	0.30%	Madisonville	261	0.25%
Millvale	42	0.05%	Millvale	20	0.02%	Millvale	29	0.04%	Millvale	102	0.10%	Millvale	86	0.08%
Mt. Adams	283	0.32%	Mt. Adams	425	0.53%	Mt. Adams	1093	1.52%	Mt. Adams	1107	1.05%	Mt. Adams	1688	1.62%
Mt. Airy	49	0.05%	Mt. Airy	35	0.04%	Mt. Airy	86	0.12%	Mt. Airy	106	0.10%	Mt. Airy	53	0.05%
Mt. Auburn	1897	2.12%	Mt. Auburn	1993	2.48%	Mt. Auburn	2342	3.26%	Mt. Auburn	3048	2.88%	Mt. Auburn	2272	2.18%
Mt. Lookout	90	0.10%	Mt. Lookout	98	0.12%	Mt. Lookout	90	0.13%	Mt. Lookout	136	0.13%	Mt. Lookout	152	0.15%
Mt. Washington	296	0.33%	Mt. Washington	187	0.23%	Mt. Washington	171	0.24%	Mt. Washington	265	0.25%	Mt. Washington	224	0.21%
North Avondale	195	0.22%	North Avondale	502	0.63%	North Avondale	307	0.43%	North Avondale	332	0.31%	North Avondale	191	0.18%
North Fairmount	77	0.09%	North Fairmount	71	0.09%	North Fairmount	172	0.24%	North Fairmount	189	0.18%	North Fairmount	240	0.23%
Northside	853	0.95%	Northside	772	0.96%	Northside	526	0.73%	Northside	939	0.89%	Northside	1172	1.12%
Oakley	1109	1.24%	Oakley	1086	1.35%	Oakley	583	0.81%	Oakley	894	0.85%	Oakley	793	0.76%
Over-the-Rhine	15122	16.89%	Over-the-Rhine	11622	14.47%	Over-the-Rhine	12842	17.85%	Over-the-Rhine	17209	16.28%	Over-the-Rhine	14535	13.92%
Paddock Hills	14	0.02%	Paddock Hills	407	0.51%	Paddock Hills	215	0.30%	Paddock Hills	292	0.28%	Paddock Hills	253	0.24%
Pendleton	1792	2.00%	Pendleton	1521	1.89%	Pendleton	1691	2.35%	Pendleton	3111	2.94%	Pendleton	2952	2.83%
Pleasant Ridge	148	0.17%	Pleasant Ridge	55	0.07%	Pleasant Ridge	91	0.13%	Pleasant Ridge	109	0.10%	Pleasant Ridge	89	0.09%
Riverside	5	0.01%	Riverside	3	0.00%	Riverside	5	0.01%	Riverside	4	0.00%	Riverside	7	0.01%
Riverside_Sedamsville	73	0.08%	Riverside_Sedamsville	39	0.05%	Riverside_Sedamsville	70	0.10%	Riverside_Sedamsville	74	0.07%	Riverside_Sedamsville	71	0.07%
Roll Hill	24	0.03%	Roll Hill	2	0.00%	Roll Hill	17	0.02%	Roll Hill	20	0.02%	Roll Hill	16	0.02%
Roselawn	156	0.17%	Roselawn	220	0.27%	Roselawn	132	0.18%	Roselawn	261	0.25%	Roselawn	240	0.23%
Sayler Park	21	0.02%	Sayler Park	313	0.39%	Sayler Park	155	0.22%	Sayler Park	269	0.25%	Sayler Park	509	0.49%
South Cumminsville	12	0.01%	South Cumminsville	44	0.05%	South Cumminsville	29	0.04%	South Cumminsville	74	0.07%	South Cumminsville	41	0.04%
South Fairmount	94	0.10%	South Fairmount	85	0.11%	South Fairmount	95	0.13%	South Fairmount	160	0.15%	South Fairmount	110	0.11%
Spring Grove Village	54	0.06%	Spring Grove Village	38	0.05%	Spring Grove Village	35	0.05%	Spring Grove Village	77	0.07%	Spring Grove Village	70	0.07%
Walnut Hills	420	0.47%	Walnut Hills	334	0.42%	Walnut Hills	367	0.51%	Walnut Hills	601	0.57%	Walnut Hills	436	0.42%
West End	6391	7.14%	West End	2058	2.56%	West End	2771	3.85%	West End	3642	3.45%	West End	4406	4.22%
West Price Hill	383	0.43%	West Price Hill	324	0.40%	West Price Hill	325	0.45%	West Price Hill	438	0.41%	West Price Hill	387	0.37%
Westwood	634	0.71%	Westwood	449	0.56%	Westwood	446	0.62%	Westwood	701	0.66%	Westwood	641	0.61%
Winton Hills	175	0.20%	Winton Hills	404	0.50%	Winton Hills	388	0.54%	Winton Hills	386	0.37%	Winton Hills	466	0.45%
#N/A	5791	6.47%	#N/A	2541	3.16%	#N/A	492	0.68%	#N/A	625	0.59%	#N/A	650	0.62%
	89524	100.0%		80315	100.0%		71936	100.00%		105702	100.00%		104423	100.00%

February 23, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202300660

Subject: Emergency Ordinance: Modifying Chapter 306, "General Compensation Provisions," of the Cincinnati Municipal Code

Attached is an Emergency Ordinance captioned:

MODIFYING Chapter 306, "General Compensation Provisions," of the Cincinnati Municipal Code by **AMENDING** Section 306-7, "Special Salary Provisions," Section 306-11, "Increases and Reclassifications," and Section 306-13, "Transfers and Promotions," to conform the Cincinnati Municipal Code to evolving trends in the labor market.

The Administration recommends passage of this Emergency Ordinance.

cc: Edward G. Ramsey, Human Resources Director

EMERGENCY

LES

2023

MODIFYING Chapter 306, “General Compensation Provisions,” of the Cincinnati Municipal Code by **AMENDING** Section 306-7, “Special Salary Provisions,” Section 306-11, “Increases and Reclassifications,” and Section 306-13, “Transfers and Promotions,” to conform the Cincinnati Municipal Code to evolving trends in the labor market.

WHEREAS, the City of Cincinnati Human Resources Department is recommending a modification to the current base compensation policy for employees ordained in Chapter 306 of the Cincinnati Municipal Code, which has not been updated since August 1, 1979; and

WHEREAS, the labor market, technology, collective bargaining, employment standards, and regulations pertaining to civic duty and public employment have changed significantly in the last fifty years, and the sections of the Cincinnati Municipal Code regarding base compensation for employees have become obsolete; and

WHEREAS, flexibility to modify employment compensation policies is needed to recruit and retain talented employees; now, therefore,

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

Section 1. That Sections 306-7, “Special Salary Provisions,” 306-11, “Increases and Reclassifications,” and 306-13, “Transfers and Promotions,” of the Cincinnati Municipal Code are hereby amended as follows:

Sec. 306-7. Special Salary Provisions.

- (a) Where the salary heretofore paid an employee is in excess of the maximum rate herein provided, such salary shall continue in effect as long as such employee continues to serve the city in the same capacity and to render satisfactory service.
- (b) Officers and employees entering the service of the city generally shall begin at the minimum rate for the classification to which they are being appointed, except as provided in policies or rules adopted pursuant to subsection (c). ~~except in the case of such classes of employees for which no specific steps are set forth, in which case the compensation shall be fixed at such rate between the minimum and maximum prescribed, as may be determined by the appointing authority; provided, that in exceptional cases, the appointing authority is hereby empowered, subject to the approval of the civil service commission, to employ persons at rates higher than the~~

- (c) ~~minimum rate prescribed if, in the judgment of the appointing authority, it is impossible to obtain properly qualified persons at the minimum rate.~~ Where both hourly and annual rates are prescribed in the compensation schedule for a class, the appointing authority shall determine which rate shall prevail.
- (d) The personnel officer shall prepare policies or rules approved by the city manager pertaining to salaries for new employees, including rules that authorize a starting salary at rates higher than the minimum rate prescribed and salary adjustments for existing employees due to promotion or other employment actions.

Sec. 306-11. Salary Increases and Reclassifications.

- (a) Increases. Any officer or employee may advance successively to the higher rates of compensation only after demonstrating that such person has attained and maintained prescribed standards of efficiency and is deserving of an increase because of meritorious service as determined by the expectations of the appropriate appointing authority based on completed performance evaluations that comply with human resources policies and procedures. All increases shall be made upon recommendation of the appointing authority, but such recommendations shall be made in accordance with policies or rules and regulations prepared by the personnel officer and approved by the city manager setting forth criteria to be met in order to qualify for an advancement to a higher rate of pay in the compensation schedule.

The personnel officer shall review every proposed compensation advancement for (1) employees appointed by the city manager and (2) employees appointed by the various independent boards and commissions of the city, and shall approve all recommendations for compensation increases that are in conformance with the criteria set forth in the rules and regulations. No increase in compensation shall be granted without such approval.

All salary adjustments shall be effective at the beginning of a pay period.

- (b) ~~For the sworn personnel in the police division increases in compensation shall become effective as follows: If the first of January, April, July and/or October falls within the first seven days of a pay period the effective date of step up shall be the beginning of the pay period. If the first of the above mentioned months falls within the second seven days of a pay period the effective date of step up shall be the beginning of the following pay period. The beginning of a pay period shall be defined as beginning on a Sunday.~~

~~For the sworn personnel in the fire division and for all non-uniformed employees increases in compensation shall become effective on the first day of the first pay period following the first day of the month following the employee's anniversary date marking the date of his employment or most recent promotion.~~

- (eb) Penalty for Low Efficiency. Any employee who has two successive low service ratings shall automatically be referred by the department or division head to the

appointing authority for appropriate action under the existing laws and policies or rules prepared by the personnel officer and approved by the city manager.

~~(d) Reclassification. When, because of physical or other infirmities, an employee is unable to render efficient service in his or her classification but is qualified for service in another classification, the employee may, upon recommendation of the appointing authority and with the approval of the civil service commission, be transferred to such other classification at the rate of compensation in such classification next lower than the previous rate of compensation received by the employee.~~

Sec. 306-13. Salary adjustment due to Reclassifications, Demotions, Transfers, and Promotions.

~~When an employee is transferred to a different classification in the interests of the service, compensation shall be fixed at the same rate as in the former classification, if the new classification contains such a rate; otherwise, at the rate in the new classification next higher than the previous compensation received by the employee.~~

(a) Reclassification and Transfer. When the work of an employee is better suited to a different classification than the employee's current classification, the employee may be reclassified in accordance with applicable civil service rules or policy. If necessary under the policies or rules prepared by the personnel officer and approved by the city manager, such reclassification also will require the recommendation of the appointing authority and the approval of the civil service commission. The employee's compensation in the new classification shall be fixed at the same rate as in the employee's former classification if the new classification contains such a rate. If the new classification does not contain such a rate, the employee's compensation shall be fixed at the rate in the new classification next higher than the previous compensation received by the employee.

(b) Demotion. When an employee is placed into a classification with a lower salary schedule due to voluntary or involuntary demotion, the employee's compensation will be set at the next-lower step or rate of compensation in the new classification.

(c) Promotion. When an employee is promoted from one classification to a higher classification, the employee's compensation shall be fixed according to the policies or rules prepared by the personnel officer and approved by the city manager.~~at the rate in the new classification next higher than the compensation rate previously received by the employee.~~

~~Whenever, owing to the military service provisions of Section 143.22 of the Ohio Revised Code, it becomes necessary to transfer a promoted employee or other employee to a lower classification, the compensation after transfer shall be, in the case of the promoted employee, at the rate received prior to the promotion, if there is such rate in the lower classification, otherwise at the next higher rate, and, in the case of any other employee, at the beginning rate in the lower classification, with the proviso, in either case, that if, during the period of service in the higher classification, the employee, in the opinion of the~~

~~appointing authority, has demonstrated that such employee could have advanced in his or her compensation rate in the lower class, and such fact is certified by the appointing authority, the employee shall be paid at the rate to which the employee could have advanced.~~

(d) For the purposes of this section, the civil service ~~commission~~ secretary shall determine whether the change from one class to another is a reclassification, demotion, promotion, or a transfer based on the civil service commission rules. If the civil service commission rules do not specify whether a particular change in class is a reclassification, demotion, promotion, or transfer, the civil service commission shall make that determination.

Section 2. That existing Section 306-7 “Special Salary Provisions,” Section 306-11 “Increases and Reclassifications,” and Section 306-13, “Transfers and Promotions,” of the Cincinnati Municipal Code are 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 compensation provisions of the Cincinnati Municipal Code to ensure competitive recruitment and retention of City employees.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk