



City of Cincinnati

801 Plum Street
Cincinnati, Ohio 45202

CALENDAR

Cincinnati City Council

Wednesday, June 7, 2023

2:00 PM

Council Chambers, Room 300

ROLL CALL

PRAYER AND PLEDGE OF ALLEGIANCE

FILING OF THE JOURNAL

MAYOR AFTAB

1. [202301599](#)

ORDINANCE (EMERGENCY) dated 6/7/2023, submitted by Mayor Aftab Pureval, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the establishment of capital improvement program project account no. 980x255x242545, "Regional Target Gun Range - GF," to provide resources for the City's contribution to a regional target gun range; **AUTHORIZING** the transfer and return to source Fund 050 of \$8,715,000 from various existing General Capital Budget capital improvement program project accounts in accordance with Schedule A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$4,000,000 to an existing General Capital Budget capital improvement program project account in accordance with Schedule B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,900,000 to various General Capital Budget capital improvement program project accounts in accordance with Schedule C of the attached Schedule of Transfer; Authorizing the transfer and appropriation of \$3,815,000 from the unappropriated surplus of General Fund 050 to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer; and further **DECLARING** the Regional Target Gun Range - GF project to be for a public purpose, all for the purpose of implementing the Mayor's recommended changes to the FY 2024 Operating Budget and Capital Improvement Program.

Recommendation

BUDGET & FINANCE COMMITTEE

Sponsors:

Mayor

Board of Housing Appeals

2. [202301529](#)

APPOINTMENT, submitted by Mayor Aftab Pureval, I hereby appoint Nicholas Klingensmith to the Board of Housing Appeals for a term of three years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules. (Male/White)

Recommendation CONFIRM

Sponsors:

Mayor

MAYOR AFTAB**MS. KEARNEY****MS. KEARNEY**

3. [202301524](#) **ORDINANCE (EMERGENCY)**, submitted by Mayor Aftab Pureval and Vice Mayor Jan Michele Kearney, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer of the sum of \$10,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing The Mercantile Library with the City's portion of the two-year stipend for the City of Cincinnati's Poet Laureate.

Recommendation BUDGET AND FINANCE COMMITTEE

Sponsors: Mayor and Kearney

MS. KEARNEY**MS. KEATING****MS. KEATING**

4. [202301561](#) **RESOLUTION**, submitted by Vice Mayor Kearney and Councilmember Keating, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Neil F. Tilow and **EXPRESSING** the appreciation of the Mayor and this Council for Mr. Tilow's 49 years of dedicated service to the Talbert House and his continuing contributions to the Cincinnati community.

Recommendation PASS

Sponsors: Kearney and Keating

MR. HARRIS

5. [202301600](#) **RESOLUTION**, dated 6/7/2023, submitted by Councilmember Reggie Harris, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Tristan Vaught as a 2023 Pride Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their continuous commitment to improving the lives of those around them, their work supporting and uplifting transgender youth, and their work providing resources to all, especially those in the LGBTQIA+ community.

Recommendation

PASS

Sponsors: Harris

MR. JEFFREYS**MR. HARRIS****MR. HARRIS**

6. [202301550](#) **RESOLUTION**, submitted by Councilmembers Jeffreys and Harris, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** Caracole as a 2023 Pride Month honoree, and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for the organization's decades-long commitment to and advocacy for the LGBTQIA+ community in the fight against HIV/AIDS.

Recommendation PASS

Sponsors: Jeffreys and Harris

MR. JEFFREYS

7. [202301551](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Jeffreys, from Emily Smart Woerner, City Solicitor, **MODIFYING** Section 320-1-P2, "Primary Apprenticeable Occupation" of Chapter 320, "Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers" of the Cincinnati Municipal Code to amend the definition of "Primary Apprenticeable Occupation."

Recommendation PUBLIC SAFETY & GOVERNANCE COMMITTEE

Sponsors: Jeffreys

MR. JOHNSON

8. [202301560](#) **RESOLUTION**, submitted by Councilmember Johnson, from Emily Smart Woerner, City Solicitor, **RECOGNIZING** the Black Women's Support Association, Revolution Dance Theatre, and the Cincinnati Federation of Colored Women's Clubs and **EXPRESSING** the appreciation of this Council for those organizations' collaborative women's empowerment efforts within Greater Cincinnati.

Recommendation PASS

Sponsors: Johnson

CITY MANAGER

9. [202301520](#) **REPORT**, dated 6/7/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Dewey's Run to Raise Dough 5K.

Recommendation FILE

Sponsors: City Manager

10. [202301521](#) **REPORT**, dated 6/7/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Pink Pre-Party.

Recommendation FILE

Sponsors: City Manager

11. [202301522](#) **REPORT**, dated 6/7/2023, submitted by Sheryl M. M. Long, City Manager, regarding Special Event Permit Application for Paddlefest.

Recommendation FILE

Sponsors: City Manager

12. [202301535](#) **REPORT**, dated 6/7/2023 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 Delightmore LLC, 1205 Elm Street. (#20298070005, D5 D6, Transfer) [Objections: None]
Recommendation FILE
Sponsors: City Manager
13. [202301536](#) **REPORT**, dated 6/7/2023 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 Delightmore LLC, 2366 Kipling Avenue. (#20298070015, D5 D6, Transfer) [Objections: None]
Recommendation FILE
Sponsors: City Manager
14. [202301537](#) **REPORT**, dated 6/7/2023 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 Delightmore LLC, 1761 Tennessee Avenue. (#20298070010, D1 D2 D3 D6, Transfer) [Objections: None]
Recommendation FILE
Sponsors: City Manager
15. [202301538](#) **REPORT**, dated 6/7/2023 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 Delightmore LLC, 1071 Celestial Street. (#2029807, D5 D6, Transfer) [Objections: None]
Recommendation FILE
Sponsors: City Manager
16. [202301539](#) **REPORT**, dated 6/7/2023 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 Ripple Wine Bar LLC, 2000 Madison Road. (#7369496, D5 D6, Transfer) [Objections: None]
Recommendation FILE
Sponsors: City Manager
17. [202301540](#) **REPORT**, dated 6/7/2023 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 CSRG LLC, DBA Court Street Kitchen, 9 E. Court Street. (#1170450, D5J, New) [Objections: None]
Recommendation FILE
Sponsors: City Manager
18. [202301541](#) **REPORT**, dated 6/7/2023 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 McConnells Food LLC, 2095 E. Seymour Avenue. (#47894910005, C1 C2, New) [Objections: Yes]
Recommendation FILE
Sponsors: City Manager
19. [202301543](#) **REPORT**, dated 6/7/2023, submitted by Sheryl M. M. Long, City Manager,

regarding Special Event Permit Application for 2023 Holy Cross Immaculata Festival.

Recommendation FILE

Sponsors: City Manager

20. [202301573](#) **REPORT**, dated 6/7/2023 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 4EG BD MGT LLC, 1150 Main Street. (#2852945, D5 D6, Transfer) [Objections: None]

Recommendation FILE

Sponsors: City Manager

21. [202301544](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **ESTABLISHING** the classification and salary range schedule for the new employment classification of Assistant Supervisor of Wastewater Collection Maintenance; and **ORDAINING** Section 769 of Division 0C, Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code to reflect this new employment classification.

Recommendation PUBLIC SAFETY & GOVERNANCE COMMITTEE

Sponsors: City Manager

22. [202301552](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **ESTABLISHING** the classification and salary range schedule for the new employment classification Lead Arborist, and **ORDAINING** Section 873 of Division 0C, Chapter 307 of the Cincinnati Municipal Code to reflect this new employment classification.

Recommendation PUBLIC SAFETY & GOVERNANCE COMMITTEE

Sponsors: City Manager

23. [202301562](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

24. [202301563](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

25. [202301564](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department's Special Weapons and Tactics Team.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
26. [202301565](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for operation of the Cincinnati Police Department Public Safety Cadet Program; and **AUTHORIZING** the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
27. [202301566](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the transfer and appropriation of the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, "DNR Team HQ Renovation," to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
28. [202301567](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to execute a *Property Sale and Development Agreement* with Airecon Properties, LLC, for the sale of City-owned real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, for construction of a 5,000 square foot expansion of the manufacturing facility located on the adjoining property.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
29. [202301568](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
30. [202301569](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager,

on 6/7/2023, **PROVIDING** for the appropriation of funds and authorization of expenditures of \$350,000 from General Fund 050 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, Schedule 1, to provide for the current expenses and other expenses of the City of Cincinnati.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

31. [202301570](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$502,140,750 for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, to provide for the current expenses and other expenses of the City of Cincinnati; AUTHORIZING the transfer of \$3,522,800 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City's FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and of \$1,182,270 related to the Early Retirement Incentive Program ("ERIP"); AUTHORIZING the transfer of \$20,467,640 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; AUTHORIZING the transfer of \$850,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative; AUTHORIZING the transfer of \$18,430 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP; AMENDING the Sections of Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code regarding the compensation schedules of employees in Divisions 0, 5, 7 (LAW), 8, and 9 by applying a four percent wage adjustment for non-represented employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036, and a three percent wage adjustment for non-represented employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 (LAW) and 9 not receiving the four percent wage adjustment, to collectively constitute the new Classification and Salary Range Schedule for these classifications and to provide for wage adjustments effective June 25, 2023; MODIFYING the Division designation of the Zoning Hearing Examiner in the Law Department by moving the employment classification to Division 7 (LAW), to ensure consistency within the employment classifications in the Law Department; and REVISING the Department of Buildings and Inspections fee schedule to reflect the annual consumer price index adjustment of eight percent applied to fees charged for services related to property permitting and maintenance.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

32. [202301571](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the transfer and appropriation of \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 to provide resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and **DECLARING** expenditures related to the remediation of the coal boiler to be a public purpose and constitute 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 20-Oakley Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
33. [202301574](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,920,000 FOR THE PURPOSE OF MAKING PUBLIC BUILDING IMPROVEMENTS.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
34. [202301575](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the City Manager to design, install, and maintain artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork; and **AUTHORIZING** the City Manager to accept in-kind donations from one or more persons in order to offset the cost and expense associated with the design, installation, and maintenance of artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood.
- Recommendation** BUDGET & FINANCE COMMITTEE
- Sponsors:** City Manager
35. [202301581](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$507,906,990, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2023 and ending June 30,

2024; AUTHORIZING the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; AUTHORIZING the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; AUTHORIZING the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 for bonds related to the Early Retirement Incentive Program ("ERIP"); AUTHORIZING the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds and of \$188,160 for bonds related to the ERIP; AUTHORIZING the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds and of \$34,870 to fund bonds related to the ERIP; AUTHORIZING the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP; AUTHORIZING the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3441 "U-Square Garage - Reserve for Capital Projects," the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3442 "VP3 Garage - Reserve for Capital Projects," and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3443 "Hampton Inn Garage - Reserve for Capital Projects," to make contractually obligated payments for repairs for each identified garage; AUTHORIZING the City Manager to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024; and AUTHORIZING the Director of Finance to deposit the Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

36. [202301582](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND ADOPTING** a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating revenue and existing funds to carry out certain parts of the Capital Improvement Program; AUTHORIZING the transfer and appropriation of \$1,223,000 from various restricted and special revenue funds to various capital improvement project

accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A; AUTHORIZING the transfer and appropriation of \$25,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; AUTHORIZING the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements; and further DECLARING the capital improvement program project, Strategic Housing Initiatives Program (SHIP), to be for a public purpose.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

37. [202301583](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND ADOPTING** a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of Cincinnati Southern Railway lease-supported note proceeds to other parts of said Capital Improvement Program; AUTHORIZING the transfer and return of \$1,500,000 to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, "Community Budget Requests - GFCO," to provide resources for the FY 2024 Operating Budget and Capital Improvement Program; and further DECLARING certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

38. [202301584](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with West End Empire, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of \$752,844.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

39. [202301585](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **APPROVING AND AUTHORIZING** the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100% of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units containing approximately 20,080 square feet of residential space, at a total construction cost of

approximately \$1,346,861.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

40. [202301586](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF MAKING EQUIPMENT IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

41. [202301587](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$16,452,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

42. [202301588](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,210,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR RECREATION IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

43. [202301589](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$2,653,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PARK IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

44. [202301590](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,785,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PUBLIC BUILDING IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

45. [202301591](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR (I) THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2023A (THE "2023A BONDS") OF THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, IN PRINCIPAL AMOUNT NOT TO EXCEED \$198,000,000 FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR (II)

THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURCHASE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY; (III) **AUTHORIZING** A PLEDGE OF AND LIEN ON WATER SYSTEM REVENUES TO SECURE ANY 2023A BONDS; (IV) **AUTHORIZING** A SUPPLEMENTAL TRUST AGREEMENT; AND ANY OTHER DOCUMENTS REQUIRED TO SECURE ANY 2023A BONDS; AND (V) **AUTHORIZING** ANY DOCUMENTS REQUIRED TO EFFECTUATE ANY DEFEASANCE.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

46. [202301592](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING GENERAL OBLIGATION BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

47. [202301593](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$70,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING ECONOMIC DEVELOPMENT BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING ECONOMIC DEVELOPMENT BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

48. [202301594](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,000,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE

Sponsors: City Manager

49. [202301595](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,020,000 FOR THE PURPOSE OF MAKING PARKS AND RECREATION IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE**Sponsors:** City Manager

50. [202301596](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **PROVIDING** FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$14,860,000 FOR THE PURPOSE OF MAKING STREET IMPROVEMENTS.

Recommendation BUDGET & FINANCE COMMITTEE**Sponsors:** City Manager

51. [202301598](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/7/2023, **AUTHORIZING** the transfer and return of \$4,418,931 to source the General Fund unappropriated surplus in accordance with attached Schedule of Transfer Part A; **AUTHORIZING** the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, "Deferred Appropriations," to preserve resources for commitments made during Fiscal Year 2023; **AUTHORIZING** the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, "Deferred Appropriations," to the General Fund unappropriated surplus effective July 1, 2023; and **AUTHORIZING** the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

Recommendation BUDGET & FINANCE COMMITTEE**Sponsors:** City Manager**BUDGET AND FINANCE COMMITTEE**

52. [202301510](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.

Recommendation PASS EMERGENCY**Sponsors:** City Manager

53. [202301525](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Johnson, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer and return to source of \$18,500 from Councilmember Johnson's General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer of \$8,250 from the

unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323; AUTHORIZING the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission ("CRC") non-personnel operating budget account no. 323x199x7200 to provide resources for CRC programming and for CRC senior programming; AUTHORIZING the transfer of \$5,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416; AUTHORIZING the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 to provide resources for the children's dental program; and AUTHORIZING the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 to provide resources for affordable housing initiatives.

Recommendation PASS EMERGENCY

Sponsors: Johnson

54. [202301526](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmember Parks, from Emily Smart Woerner, City Solicitor, **AUTHORIZING** the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus; and AUTHORIZING the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 for the purpose of providing resources for upcoming Girls in Government programming.

Recommendation PASS EMERGENCY

Sponsors: Parks

55. [202301508](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to apply for, accept, and appropriate a Fiscal Year 2023 State Homeland Security Program Grant ("FY23 SHSP Grant") (ALN 97.067) from the United States Department of Homeland Security, Federal Emergency Management Agency, administered by the State of Ohio Department of Public Safety, Ohio Emergency Management Agency, of up to \$260,000 to enhance and sustain the Greater Cincinnati Fusion Center; and AUTHORIZING the Director of Finance to deposit FY23 SHSP Grant funds into Law Enforcement Grant Fund 368, project account no. 23SHSP.

Recommendation PASS

Sponsors: City Manager

56. [202301509](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit's Victim Advocate; and AUTHORIZING the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.

Recommendation PASS**Sponsors:** City Manager

57. [202301512](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to accept a donation of up to \$750,000 from Cincinnati, LLC, to support the operations and maintenance of the Cincinnati streetcar; **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

Recommendation PASS EMERGENCY**Sponsors:** City Manager

58. [202301513](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

Recommendation PASS EMERGENCY**Sponsors:** City Manager

59. [202301511](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **AUTHORIZING** the City Manager to execute a *Property Sale Agreement* with PLK Cooper, LLC, and Vandalia Point, LLC, pursuant to which the City will vacate and convey a portion of certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati.

Recommendation PASS EMERGENCY**Sponsors:** City Manager

60. [202301514](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **ACCEPTING AND CONFIRMING** the grant of a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati in accordance with the plat entitled 4929 *Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, Hamilton County, Ohio Recorder's Office.

Recommendation PASS**Sponsors:** City Manager

61. [202301517](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023, **DETERMINING** to proceed with a special assessment for the Urban Forestry Program for the calendar year 2024 for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

Recommendation PASS EMERGENCY**Sponsors:** City Manager

62. [202301516](#) **ORDINANCE** submitted by Sheryl M. M. Long, City Manager, on 6/1/2023,

LEVYING a special assessment for the Urban Forestry Program for the calendar year 2024 for control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees within the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

Recommendation PASS

Sponsors: City Manager

SUPPLEMENTAL ITEMS

CLIMATE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE

63. [202301523](#) **ORDINANCE (EMERGENCY)**, submitted by Councilmembers Owens and Jeffreys, from Emily Smart Woerner, City Solicitor, **APPROVING** the 2023 Hamilton County Solid Waste Management Plan Update on file with the Clerk of Council, as adopted by the Hamilton County Solid Waste Management District.

Recommendation PASS EMERGENCY

Sponsors: Owens and Jeffreys

EQUITABLE GROWTH & HOUSINGS COMMITTEE

64. [202301357](#) **ORDINANCE (EMERGENCY)** submitted by Sheryl M. M. Long, City Manager, on 5/10/2023, **AMENDING** the official zoning map of the City of Cincinnati to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a community service facility. (Subject to the [Temporary Prohibition List <https://www.cincinnati-oh.gov/law/ethics/city-business>](https://www.cincinnati-oh.gov/law/ethics/city-business))

Recommendation PASS EMERGENCY

Sponsors: City Manager

65. [202301478](#) **MOTION (AMENDED)** submitted by Councilmember Jeffreys, Vice Mayor Kearney and Councilmembers Walsh, Owens and Johnson, **WE MOVE** that the Administration work to extend Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development District," as an overlay district for a period of six months pursuant to chapter 1413, "Interim Development Control Overlay Districts," of the Cincinnati Municipal Code. (BALANCE ON FILE IN CLERK'S OFFICE) (STATEMENT ATTACHED).

Recommendation

ADOPT

Sponsors: Jeffreys, Kearney, Walsh, Owens and Johnson

66. [202301528](#) **MOTION**, submitted by Councilmembers Harris and Jeffreys, **WE MOVE** that the Administration work with the Oakley Community Council (OCC) to implement an Urban Parking Overlay in the Oakley Neighborhood Business Districts in accordance with the attached letter from OCC. We request that this ordinance be sponsored by the cosignatories of this motion in the interest of not placing a cost burden on the community. (STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Harris and Jeffreys

67. [202301531](#) **MOTION**, submitted by Councilmember Cramerding, **WE MOVE** that the Office of the Urban Conservator prepare and execute a local designation landmark study for the property located at 4609 Rapid Run Road, also known as the Kreis Mansion in West Price Hill.

Recommendation ADOPT

Sponsors: Cramerding

68. [202301534](#) **MOTION**, submitted by Councilmembers Cramerding and Walsh, **WE MOVE** that the Cincinnati Recreation Commission, with the assistance of any other city agency, work to determine the feasibility and cost of repairing the Sedamsville Veteran's Memorial and relocate it to Boldface Park.
(STATEMENT ATTACHED)

Recommendation ADOPT

Sponsors: Cramerding and Walsh

ANNOUNCEMENTS

Adjournment

Date: June 7, 2023

To: Mayor Aftab Pureval

From: Emily Smart Woerner, City Solicitor

ESW

202301599

Subject: Emergency Ordinance – FY 2024 Budget Adjustments

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the establishment of capital improvement program project account no. 980x255x242545, “Regional Target Gun Range - GF,” to provide resources for the City’s contribution to a regional target gun range; **AUTHORIZING** the transfer and return to source Fund 050 of \$8,715,000 from various existing General Capital Budget capital improvement program project accounts in accordance with Schedule A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$4,000,000 to an existing General Capital Budget capital improvement program project account in accordance with Schedule B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,900,000 to various General Capital Budget capital improvement program project accounts in accordance with Schedule C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$3,815,000 from the unappropriated surplus of General Fund 050 to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer; and further **DECLARING** the Regional Target Gun Range - GF project to be for a public purpose, all for the purpose of implementing the Mayor’s recommended changes to the FY 2024 Operating Budget and Capital Improvement Program.

ESW/CMZ(dmm)
Attachment
384422

EMERGENCY

City of Cincinnati

CMZ

An Ordinance No. _____ - 2023

EESW

AUTHORIZING the establishment of capital improvement program project account no. 980x255x242545, "Regional Target Gun Range - GF," to provide resources for the City's contribution to a regional target gun range; **AUTHORIZING** the transfer and return to source Fund 050 of \$8,715,000 from various existing General Capital Budget capital improvement program project accounts in accordance with Schedule A of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$4,000,000 to an existing General Capital Budget capital improvement program project account in accordance with Schedule B of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$6,900,000 to various General Capital Budget capital improvement program project accounts in accordance with Schedule C of the attached Schedule of Transfer; **AUTHORIZING** the transfer and appropriation of \$3,815,000 from the unappropriated surplus of General Fund 050 to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer; and further **DECLARING** the Regional Target Gun Range - GF project to be for a public purpose, all for the purpose of implementing the Mayor's recommended changes to the FY 2024 Operating Budget and Capital Improvement Program.

WHEREAS, the Mayor transmitted the City Manager's Recommended FY 2024 Budget to Council and included supplemental changes for the use of \$6,000,000 in tax credit revenue from the Cincinnati Southern Railway Board and \$4,715,000 in reallocation of existing FY 2023 capital budget resources; and

WHEREAS, the Mayor transmitted the City Manager's Recommended FY 2024 Budget to Council and included supplemental changes for capital expenditures of \$2,000,000 for street rehabilitation, \$2,000,000 for deferred capital maintenance at City facilities, \$2,225,000 for a regional target gun range, \$250,000 for the Cincinnati Recreation Commission for matching funds for a skate park, and \$400,000 to implement a bike plan; and

WHEREAS, the Mayor transmitted the City Manager's Recommended FY 2024 Budget to Council and included supplemental changes of \$3,815,000 in General Fund operating budget allocations included herein; and

WHEREAS, the Mayor transmitted the City Manager's Recommended FY 2024 Budget to Council and included supplemental changes to provide resources for initiatives that drive equitable financial opportunities, including \$1,500,000 for medical debt relief, \$375,000 for child savings accounts, and \$250,000 for a guaranteed income pilot study; and

WHEREAS, the Mayor transmitted the City Manager's Recommended FY 2024 Budget to Council and included supplemental changes to provide resources for community empowerment initiatives, including \$500,000 for the Boots on the Ground Fund Program, \$500,000 for the Safe & Clean Program, and \$500,000 for Neighborhood Catalytic Capital Improvement Program – Early Action Grants; and

WHEREAS, the Mayor transmitted the City Manager's Recommended FY 2024 Budget to Council and included supplemental changes of an additional \$190,000 in one-time leveraged support resources to provide funding in the amounts of \$25,000 for Elementz, \$25,000 for Q-Kidz, \$40,000 for MORTAR, and \$100,000 for Center for Closing the Health Gap; and

WHEREAS, passage of this ordinance will appropriate funds and authorize expenditures for the fiscal year beginning July 1, 2023 and ending June 30, 2024, pursuant to the Mayor's recommended changes to the FY 2024 Operating Budget and Capital Improvement Program; now, therefore,

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

Section 1. That the Director of Finance is hereby authorized to establish capital improvement program project account no. 980x255x242545, "Regional Target Gun Range - GF," to provide resources for the City's contribution to a regional target gun range.

Section 2. That \$8,715,000 is hereby transferred and returned to source Fund 050 from various existing General Capital Budget capital improvement program project accounts to close out or decrease certain existing capital improvement program project accounts according to Schedule A of the attached Schedule of Transfer.

Section 3. That \$4,000,000 is hereby transferred and appropriated to an existing project account according to Schedule B of the attached Schedule of Transfer.

Section 4. That \$6,900,000 is hereby transferred and appropriated to various project accounts according to Schedule C of the attached Schedule of Transfer.

Section 5. That \$3,815,000 from the unappropriated surplus of General Fund 050 is hereby transferred and appropriated to various operating budget accounts within the General Fund according to Schedule D of the attached Schedule of Transfer.

Section 6. That the Regional Target Gun Range - GF capital improvement program project is hereby declared to serve a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

Section 7. That Sections 1 through 6 shall become effective as of July 1, 2023.

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 need to have funding in place to carry out the City's Fiscal Year 2024 Operating Budget and Capital Improvement Program, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter are hereby returned to source in the amount of \$8,715,000.00 to the individual funds listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
ETS 091	230927	Highspeed/Broadband Access - GF	050	General Fund	5,000,000.00	285,000.00	4,715,000.00
Transp. & Eng Engineering 233	232368	Street Rehabilitation - GF	050	General Fund	4,000,000.00	0.00	4,000,000.00

That the amounts set forth hereinafter totaling \$4,000,000.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Transp. & Eng Engineering 233	858	Street Improvement Bond Fund	232308	Street Rehabilitation	17,137,000.00	21,137,000.00	4,000,000.00

That the amounts set forth hereinafter are hereby transferred and appropriated in the amount of \$6,900,000.00 for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Recreation Administration 199	050	General Fund	241900	Outdoor Facilities Renovation	367,000.00	617,000.00	250,000.00
Transp. & Eng Planning 232	050	General Fund	242357	Bicycle Transportation Program	281,000.00	681,000.00	400,000.00
Transp. & Eng Engineering 233	858	Street Improvement Bond Fund	242308	Street Rehabilitation	17,717,000.00	19,717,000.00	2,000,000.00
Public Services CFM 255	050	General Fund	242500	City Facility Renovation and Repairs	2,683,000.00	4,683,000.00	2,000,000.00
	050	General Fund	242545	Regional Target Gun Range - GF	0.00	2,250,000.00	2,250,000.00

SCHEDULE OF TRANSFER

SCHEDULE D. FY 2024 BUDGET ORDINANCE - MAYOR OPERATING BUDGET ADJUSTMENTS

General Fund 050									
REDUCTIONS	Fund	Agency	Appropriation Unit	\$ Amount	INCREASES	Fund	Agency	Appropriation Unit	\$ Amount
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS		050		3,815,000	CITY MANAGER'S OFFICE				
					OFFICE OF THE CITY MANAGER	050	101	7200	2,125,000
					OFFICE OF THE CITY MANAGER	050	101	7400	1,190,000
					DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT				
					ECONOMIC DEVELOPMENT	050	164	7200	500,000
Subtotal Supplemental Appropriations				3,815,000	Subtotal Supplemental Appropriations				3,815,000
TOTAL FUND REDUCTIONS					TOTAL FUND INCREASES				3,815,000



AFTAB PUREVAL

City of Cincinnati, Office of the Mayor

May 2023

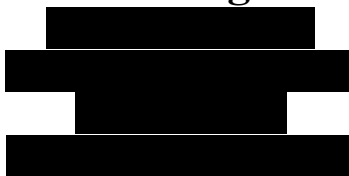
APPOINTMENT

I hereby appoint Nicholas Klingensmith to the Board of Housing Appeals for a term of three years. This appointment is submitted to City Council for its advice & consent pursuant to its Rules.



Mayor Aftab Pureval

Nicholas Klingensmith



Experience

Treleven & Klingensmith <i>Partner</i> <ul style="list-style-type: none">• Broad legal practice including both criminal and civil litigation• Manage offices in Cincinnati, Oxford and Amelia• Manage associate attorneys and staff• Voted Best Law Firm by readers of CityBeat in 2020, 2021 & 2022	2019-Present
Nicholas Klingensmith, Attorney at Law <i>Solo Practitioner</i>	2013-2019
Ernst & Associates <i>Associate Attorney</i>	2012-2013
City of Cincinnati <i>Assistant Prosecutor</i>	2010-2012
Hamilton County Common Pleas <i>Law Clerk, Honorable Melba D. Marsh</i>	2006-2010

Education

Juris Doctor <i>Salmon P. Chase College of Law</i> <ul style="list-style-type: none">• Class Rank: 12/42• Cum Laude	2009
Bachelor of Business Administration <i>University of Cincinnati</i> <ul style="list-style-type: none">• Major: Information Systems. Minor: International Business• Studied international business in Linz, Austria at the Johannes Kepler University	2003

Bar Admissions

Ohio
Kentucky, *Inactive*

Date: June 1 , 2023

To: Mayor Aftab Pureval and Vice Mayor Jan-Michele Lemon Kearney

From: Emily Smart Woerner, City Solicitor *ESW*

Subject: **Emergency Ordinance – FY 2023 Poet Laureate Stipend** 202301524

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer of the sum of \$10,000 from the balance sheet reserve account 050x2535, “Reserve for Operating Budget Contingencies,” to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager’s Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing The Mercantile Library with the City’s portion of the two-year stipend for the City of Cincinnati’s Poet Laureate.

ESW/IMD(dmm)
Attachment
384052

EMERGENCY

City of Cincinnati

IMD

113W

An Ordinance No. _____

- 2023

AUTHORIZING the transfer of the sum of \$10,000 from the balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050; and **AUTHORIZING** the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 for the purpose of providing The Mercantile Library with the City's portion of the two-year stipend for the City of Cincinnati's Poet Laureate.

WHEREAS, the City has previously provided support for the City of Cincinnati's Poet Laureate (the "Poet Laureate") and wishes to continue that support in partnership with The Mercantile Library; and

WHEREAS, support for the Poet Laureate is part of the City's multi-year pledge to support the arts, the value of spoken word, and the efforts of The Mercantile Library and the Poet Laureate program to bring more spoken word and poetry to our City; and

WHEREAS, poetry encourages self-reflection, connection, and community building; and

WHEREAS, poetry is accessible to all people in our City and encourages young people to find their voice; and

WHEREAS, Ordinance No. 56-2022 revised the City's Stabilization Funds Policy to define appropriate funding for the City's various reserve funds, which included the establishment of a "Reserve for Operating Budget Contingencies" account that can provide \$10,000 to support the Poet Laureate; now, therefore,

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

Section 1. That the transfer of the sum of \$10,000 from balance sheet reserve account 050x2535, "Reserve for Operating Budget Contingencies," to the unappropriated surplus of the General Fund 050 is hereby authorized.

Section 2. That the transfer and appropriation of the sum of \$10,000 from the unappropriated surplus of the General Fund 050 to the City Manager's Office General Fund non-personnel operating budget account no. 050x101x7400 is hereby authorized for the purpose

of providing The Mercantile Library with the City’s portion of the two-year stipend for the City of Cincinnati’s Poet Laureate.

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

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 The Mercantile Library with the City’s portion of the two-year stipend for the City of Cincinnati’s Poet Laureate.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

202301561
Date: June 7, 2023

To: Vice Mayor Jan-Michele Lemon Kearney and Councilmember Liz Keating
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Resolution – Honoring Neil Tilow**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING Neil F. Tilow and **EXPRESSING** the appreciation of the Mayor and this Council for Mr. Tilow's 49 years of dedicated service to the Talbert House and his continuing contributions to the Cincinnati community.

ESW/LES(dmm)
Attachment
384425

RESOLUTION NO. _____-2023

RECOGNIZING Neil F. Tilow and **EXPRESSING** the appreciation of the Mayor and this Council for Mr. Tilow's 49 years of dedicated service to the Talbert House and his continuing contributions to the Cincinnati community.

WHEREAS, Neil Tilow began his journey in 1982 as the CEO at the Talbert House, which provides a broad range of counseling and treatment programs in addictions, mental health, community corrections, workforce development, and homelessness; and

WHEREAS, during his tenure as President/CEO, Mr. Tilow grew the Talbert House from four programs with a \$1 million budget to multiple programs, social enterprises, and affiliations servicing Southwest Ohio with a budget of over \$90 million; and

WHEREAS, the Talbert House is one of largest non-profit organizations and serves as the largest employer in the social services industry sector in Southwest Ohio; and

WHEREAS, in 2022, the Talbert House served over 30,000 clients in person, with an additional 146,000 receiving prevention and hotline services; and

WHEREAS, in addition to receiving an Honorary Doctorate of Humanities from Xavier in 2023, Mr. Tilow has received awards from the International Community Justice Association, the Ohio Council of Behavioral Health & Family Services Providers, PreventionFIRST, and the Cincinnati Business Courier; and

WHEREAS, Mr. Tilow actively participates in the Greater Cincinnati community by serving on several boards, including Centerpoint Health Center, The Health Collaborative, Flywheel Social Hub, Lunken Airport, Last Mile Food Rescue, Mt. Auburn Community Development Corporation, and Building Crafts; and

WHEREAS, Mr. Tilow will continue to serve Talbert House as an executive advisor to the CEO for the next three years; and

WHEREAS, Mr. Tilow represents the kind of altruistic citizen the City of Cincinnati needs to grow in the right direction together, possessing noble dedication and passions that truly embody a selfless humanitarian; now, therefore,

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

Section 1. That the Mayor and this Council hereby recognize Neil F. Tilow for his 49 years of dedicated service to the Talbert House and significant contributions to the Cincinnati community.

Section 2. That this resolution be spread upon the minutes of Council and a copy be provided to Mr. Tilow through the offices of Vice Mayor Jan-Michele Lemon Kearney and Councilmember Liz Keating.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Vice Mayor Jan-Michele Lemon Kearney and Councilmember Liz Keating

Date: June 7, 2023

To: Councilmember Reggie Harris

From: Emily Smart Woerner, City Solicitor

EESW

202301600

Subject: Resolution – Recognizing Tristan Vaught as a 2023 Pride Month Honoree

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING Tristan Vaught as a 2023 Pride Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their continuous commitment to improving the lives of those around them, their work supporting and uplifting transgender youth, and their work providing resources to all, especially those in the LGBTQIA+ community.

EESW/IMD(dmm)
Attachment
384489

EESW

RESOLUTION NO. _____ - 2023

RECOGNIZING Tristan Vaught as a 2023 Pride Month honoree and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for their continuous commitment to improving the lives of those around them, their work supporting and uplifting transgender youth, and their work providing resources to all, especially those in the LGBTQIA+ community.

WHEREAS, Tristan Vaught moved to Cincinnati in June of 2003 from Evansville, Indiana, and began working as a carpenter with their dad; and

WHEREAS, Tristan Vaught attended the University of Cincinnati and received bachelor's degrees in Psychology and Women's Gender and Sexuality Studies, as well as a Master's degree in Women's Gender and Sexuality Studies; and

WHEREAS, Tristan Vaught now works as a Professor of Gender and Queer Studies at the University of Cincinnati; and

WHEREAS, Tristan Vaught was the first program coordinator at the LGBTQIA+ Resource Center at the University of Cincinnati in 2012 and went on to be the Inaugural Director of the Indiana University Purdue University of Indianapolis' LGBTQIA+ Resource Center; and

WHEREAS, Tristan Vaught also works as a consultant for over forty school districts, providing insight and solutions for accomplishing diversity, equity, inclusion, belonging, and accessibility goals; and

WHEREAS, in 2019, Tristan Vaught Co-Founded Transform Cincy with the late Nancy Dawson, who was an incredible friend, ally, and human, to provide critical resources to trans youth who are transitioning, including support groups and a full wardrobe of clothes they choose; 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 Tristan Vaught as a 2023 Pride Month honoree for their continuous commitment to improving the lives around them, their

work supporting and uplifting transgender youth, and their work providing resources to all, especially those in the LGBTQIA+ community.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Tristan Vaught through the office of Councilmember Reggie Harris.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmember Reggie Harris

202301550
Date: June 7, 2023

To: Councilmembers Mark Jeffeys and Reggie Harris
From: Emily Smart Woerner, City Solicitor *ESW*
Subject: **Resolution – Caracole Pride Honorary Resolution**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING Caracole as a 2023 Pride Month honoree, and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for the organization's decades-long commitment to and advocacy for the LGBTQIA+ community in the fight against HIV/AIDS.

ESW/CMZ(dmm)
Attachment
383879

EESW

RESOLUTION NO. _____ - 2023

RECOGNIZING Caracole as a 2023 Pride Month honoree, and **EXPRESSING** the appreciation of the Mayor and the Council of the City of Cincinnati for the organization's decades-long commitment to and advocacy for the LGBTQIA+ community in the fight against HIV/AIDS.

WHEREAS, Caracole has served the community since 1987, playing an essential role in helping improve the health and wellbeing of our region; and

WHEREAS, Caracole provides comprehensive services in prevention, housing, and care to individuals at risk for or living with HIV; and

WHEREAS, despite medical treatment breakthroughs, inequities in health care access, stigmas, racism, homophobia, transphobia, and criminalization of HIV remain barriers to ending the epidemic; and

WHEREAS, Caracole believes everyone deserves to be healthy—no matter who we are, what we do, where we come from, what we earn, how we look, or who we love; and

WHEREAS, Caracole is an exemplary provider that embraces the LGBTQIA+ community and advocates alongside other organizations to celebrate the spectrum of gender diversity, gender expression, and sexual orientation; and

WHEREAS, Caracole staff work daily to combat stigmas, discrimination, and injustice so that we all can live authentic and healthy lives; 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 Caracole as a 2023 Pride Month honoree for being a relentless advocate for health equity, helping Cincinnati become a place where everyone can live their best lives possible.

Section 2. That this resolution be spread upon the minutes of Council and that a copy be provided to Caracole through the office of Councilmember Mark Jeffreys.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmembers Mark Jeffreys and Harris

202301551
Date: June 7, 2023

To: Councilmember Mark Jeffeys
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – Apprenticeship Program**

Transmitted herewith is an emergency ordinance captioned as follows:

MODIFYING Section 320-1-P2, “Primary Apprenticeable Occupation” of Chapter 320, “Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers” of the Cincinnati Municipal Code to amend the definition of “Primary Apprenticeable Occupation.”

ESW/CMZ(dmm)
Attachment
384274

EMERGENCY

City of Cincinnati

CMZ

EESW

An Ordinance No. _____

-2023

MODIFYING Section 320-1-P2, "Primary Apprenticeable Occupation" of Chapter 320, "Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers" of the Cincinnati Municipal Code to amend the definition of "Primary Apprenticeable Occupation."

WHEREAS, on June 26, 2012, Council ordained Chapter 320 of the Cincinnati Municipal Code to provide requirements for those contractors who could be awarded construction contracts for the Department of Sewers based on significant capital work required to be completed; and

WHEREAS, Chapter 320 was amended to include construction contracts for the Greater Cincinnati Water Works that are \$400,000 or more; and

WHEREAS, one requirement of Chapter 320 is that bidders on such construction contracts identify the Primary Apprenticeable Occupation for the project, which is that occupation that will comprise the largest number of hours worked on that construction project; and

WHEREAS, Council wishes to clarify the definition of Primary Apprenticeable Occupation based on current implementation of Chapter 320; now, therefore,

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

Section 1. That Section 320-1-P2, "Primary Apprenticeable Occupation" of Chapter 320, "Compliance Guidelines for Construction Contracts Issued by Water Works and the Department of Sewers" of the Cincinnati Municipal Code is hereby amended to read as follows:

Sec. 320-1-P2. - Primary Apprenticeable Occupation.

"Primary Apprenticeable Occupation" shall mean the apprenticeable occupation that comprises the largest number of hours on the project, as determined by the number of construction hours expected to be performed in that apprenticeable occupation at the time the construction contract is executed. "Primary Apprenticeable Occupation" shall be determined by looking to past industry practices in the locality concerning which workers traditionally have done the work that will comprise the largest number of hours on the project, including review of the labor classifications traditionally assigned the work according to prevailing wage and federal Davis-Bacon laws.

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 clarify the definition of “Primary Apprenticeable Occupation” to be implemented on future construction contracts subject to Chapter 320 of the Cincinnati Municipal Code.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

202301560

Date: June 7, 2023

To: Councilmember Scotty Johnson

From: Emily Smart Woerner, City Solicitor *ESW*

Subject: **Resolution - Black Women's Support Association, Revolution Dance Theatre and the Cincinnati Federation of Colored Women's Clubs**

Transmitted herewith is a resolution captioned as follows:

RECOGNIZING the Black Women's Support Association, Revolution Dance Theatre, and the Cincinnati Federation of Colored Women's Clubs and **EXPRESSING** the appreciation of this Council for those organizations' collaborative women's empowerment efforts within Greater Cincinnati.

ESW/CNS(dmm)
Attachment
384216

RESOLUTION NO. _____ - 2023

RECOGNIZING the Black Women's Support Association, Revolution Dance Theatre, and the Cincinnati Federation of Colored Women's Clubs and **EXPRESSING** the appreciation of this Council for those organizations' collaborative women's empowerment efforts within Greater Cincinnati.

WHEREAS, the Black Women's Support Association is an extraordinary community-based association centered around holistic empowerment for women of all ages and backgrounds; and

WHEREAS, the Black Women's Support Association provides women with the opportunity to share and promote their needs, concerns, skills, and talents in a positive manner while promoting personal, spiritual, and economic growth; and

WHEREAS, Revolution Dance Theatre, the City's only African American Dance Company in residence at the Aronoff Center for the Arts, has built cultural diversity in the Cincinnati dance community, maintaining a commitment to work that raises the visibility of African American dance; and

WHEREAS, the Cincinnati Federation of Colored Women's Clubs, established in May 1904, is an affiliate of the National Association of Colored Women's Clubs and the Ohio Association of Colored Women's Clubs, and embraces the visions, struggles, setbacks, contributions, and triumphs of women dedicated to the "Lifting as We Climb" motto; now, therefore,

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

Section 1. That this Council recognizes the Black Women's Support Association, Revolution Dance Theatre, and the Cincinnati Federation of Colored Women's Clubs for their collaborative efforts to empower and bring visibility to the gifted African American women of the City.

Section 2. That this resolution be spread upon the minutes of Council and that copies be provided to the Black Women's Support Association, Revolution Dance Theatre, and the

Cincinnati Federation of Colored Women's Clubs through the office of Councilmember Scotty Johnson.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Submitted by Councilmember Scotty Johnson

Date: 06/07/2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Dewey's Run to Raise Dough 5K) 202301530**

In accordance with Cincinnati Municipal Code, Chapter 765; (Dewey's Pizza) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Dewey's Run to Raise Dough 5K
EVENT SPONSOR/PRODUCER: Dewey's Pizza
CONTACT PERSON: Katie Taylor
LOCATION: Starts and finishes at 3014 Madison Road. Run goes through Oakley and Norwood.
DATE(S) AND TIME(S): 8/13/2023 6:00AM to 1:00PM
EVENT DESCRIPTION: Dewey's Pizza is hosting our Run to Raise Dough 5K in Oakley with an after-party in Geier Esplanade!
ANTICIPATED ATTENDANCE: 500
ALCOHOL SALES: ☒ YES. ☐ NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 06/07/2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: (Pink Pre-Party)** **202301521**

In accordance with Cincinnati Municipal Code, Chapter 765; (Holy Grail) has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Pink Pre-Party
EVENT SPONSOR/PRODUCER: Holy Grail
CONTACT PERSON: Lori Salzarulo
LOCATION: E. Freedom Way (DORA Plaza) / Joe Nuxhall Way
DATE(S) AND TIME(S): 7/26/2023 2:00PM to 7:00PM
EVENT DESCRIPTION: Community event prior to the Pink concert.
ANTICIPATED ATTENDANCE: 850
ALCOHOL SALES: ☒ YES. ☐ NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (T.B.D.)

cc: Colonel Teresa A. Theetge, Police Chief

Date: 06/07/2023

202301522

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **SPECIAL EVENT PERMIT APPLICATION: (Paddlefest)**

202301522

In accordance with Cincinnati Municipal Code, Chapter 765; (Adventure Crew has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: Paddlefest
EVENT SPONSOR/PRODUCER: Adventure Crew
CONTACT PERSON: Shauna Steigerwald
LOCATION: 2944 Humbert Av. / 435 E. Mehring Way / 3540 Southside Av.
DATE(S) AND TIME(S): 8/4/2023 4:00pm to 09:30pm & 8/5/2023 6:00am to 2:00pm
EVENT DESCRIPTION: Annual outdoor party with paddling event on the Ohio River
ANTICIPATED ATTENDANCE: 2,000
ALCOHOL SALES: ☒ YES. ☐ NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: (Adventure Crew)

cc: Colonel Teresa A. Theetge, Police Chief

Date: June 7, 2023

To: Mayor and Members of City Council

202301535

From: Sheryl M. M. Long, City Manager

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

FINAL RECOMMENDATION REPORT

OBJECTIONS: None

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: 20298070005
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: DELIGHTMORE LLC
DBA: NONE LISTED
1205 ELM ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 9, 2023, Over-the-Rhine 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: July 4, 2023

Date: May 17, 2023
To: Colonel Teresa A. Theetge, Police Chief
From: P.O. Amanda Johnson, Neighborhood Liaison Unit
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-301
DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One
PERMIT #: 33140480010
TYPE OF PERMIT APPLIED FOR: Transfer of Ownership
PERMIT NAME & ADDRESS:

Name:	Dellightmore LLC
Address:	1205 Elm St

APPLICANTS NAME(S): Michael Forgas

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Amanda Johnson
Date:	5/17/23
Findings:	

COMMUNITY COUNCIL NOTIFIED:

Name 1: Amy Yokel	Date: 5/15/2023	Notified by: email
Phone:	E-mail: amy@otrchamber.com	
Name 2: Mike Sullivan	Date: 5/15/2023	Notified by: email
Phone:	E-mail: mike.sullivan@cushwake.com	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ NO OBJECTIONS
 ☐ OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

AJ *[signature]*

MO-67
5/17/28

No Objection
-mef/LTC4
5/14/23

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2360 FAX(614)844-3166

TO

20298070005		TRFO	DELIGHTMORE LLC
06 01 2022		TYPE	1205 ELM ST
05 03 2023			CINCINNATI OH 45202
D5 D6			
31	066	A	F29517
TAX DISTRICT		RECEIPT NO.	

FROM 05/05/2023

33140480010			GRATZI CATERING LLC
06 01 2022		TYPE	1205 ELM ST
05 03 2023			CINCINNATI OH 45202
D5 D6			
31	066		
TAX DISTRICT		RECEIPT NO.	



MAILED 05/05/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/05/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 2029807-0005**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 9, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is **requesting a 30 day extension** on the below cited liquor permit application:

Application No.: 20298070005
Permit Type: TRFO D5 D6
Name: DELIGHTMORE LLC
1205 ELM ST
CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 20298070005
Permit Type: TRFO D5 D6
Name: DELIGHTMORE LLC
1205 ELM ST
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/09/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/05/2023

Date: June 7, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301536

Subject: Liquor License – Transfer of Ownership

FINAL RECOMMENDATION REPORT

OBJECTIONS: NONE

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: 20298070015
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: DELIGHTMORE LLC
DBA: NONE LISTED
2366 KIPLING AV
CINCINNATI, OH 45239

On May 9, 2023, Mt. Airy Town 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: July 4, 2023

Date: May 18, 2023
To: Colonel Teresa A. Theetge, Police Chief
From: Sergeant Craig R. Copenhaver, District 5 Violent Crimes Squad
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-300

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Five

PERMIT #: 20298070015

TYPE OF PERMIT APPLIED FOR: Transfer of Ownership

PERMIT NAME & ADDRESS:

Name:	Delightmore LLC
Address:	2366 Kipling Ave

APPLICANTS NAME(S): Michael Forgus

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Police Officer John Wolff
Date:	5/18/23
Findings:	

COMMUNITY COUNCIL NOTIFIED:

Name 1: Phyllis Slusher	Date: 5/18/2023	Notified by: email
Phone:	E-mail: Pslusher@cinci.rr.com	

Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ **NO OBJECTIONS**
 ☐ **OBJECTION:** Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

CRC
CRC

AZ

M66-27
5/29/23 AOC

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2390 FAX(614)844-3188

TO

20298070015		TRFO	DELIGHTMORE LLC 2366 KIPLING AV CINCINNATI OH 45239
PERMIT NUMBER		TYPE	
06	01	2022	
ISSUE DATE			
05	03	2023	
FILING DATE			
D5 D6			
PERMIT CLASSES			
31	066	A	F29519
TAX DISTRICT		RECEIPT NO.	

FROM 05/05/2023

33140480001			GRATZI CATERING LLC DBA GRATZI CATERING 2366 KIPLING AV CINCINNATI OH 45239
PERMIT NUMBER		TYPE	
06	01	2022	
ISSUE DATE			
05	03	2023	
FILING DATE			
D5 D6			
PERMIT CLASSES			
31	066		
TAX DISTRICT		RECEIPT NO.	



MAILED 05/05/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN.

06/05/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 2029807-0015

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 9, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.:	20298070015
Permit Type:	TRFO D5 D6
Name:	DELIGHTMORE LLC 2366 KIPLING AV CINCINNATI OH 45239

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

For City Bulletin
Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 20298070015
Permit Type: TRFO D5 D6
Name: DELIGHTMORE LLC
2366 KIPLING AV
CINCINNATI OH 45239

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/09/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/05/2023

Date: June 7, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: Liquor License – Transfer of Ownership

FINAL RECOMMENDATION REPORT

OBJECTIONS: NONE

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: 20298070015
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: DELIGHTMORE LLS
DBA: NONE LISTED
2366 Kipling Av
Cincinnati, OH 45239

On May 9, 2023, Mt. Airy Town 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: July 4, 2023

Date: May 18, 2023
To: Colonel Teresa A. Theetge, Police Chief
From: Sergeant Craig R. Copenhaver, District 5 Violent Crimes Squad
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-300

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Five

PERMIT #: 20298070015

TYPE OF PERMIT APPLIED FOR: Transfer of Ownership

PERMIT NAME & ADDRESS:

Name:	Delightmore LLC
Address:	2366 Kipling Ave

APPLICANTS NAME(S): Michael Forgas

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Police Officer John Wolff
Date:	5/18/23
Findings:	

COMMUNITY COUNCIL NOTIFIED:

Name 1: Phyllis Slusher	Date: 5/18/2023	Notified by: email
Phone:	E-mail: Pslusher@cinci.rr.com	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ **NO OBJECTIONS**
 ☐ **OBJECTION:** Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

CRC
CRC

AC

M6-67
5/29/23 AOC

NOTICE TO LEGISLATIVE
AUTHORITY

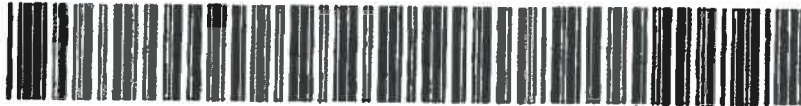
OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4008
REYNOLDSBURG, OHIO 43068-9008
(614)844-2380 FAX(614)844-3188

TO

20298070015		TRFO	DELIGHTMORE LLC
PERMIT NUMBER		TYPE	2366 KIPLING AV
06	01	2022	CINCINNATI OH 45239
ISSUE DATE			
05	03	2023	
FILING DATE			
D5	D6		
PERMIT CLASSES			
31	066	A	F29519
TAX DISTRICT			RECEIPT NO.

FROM 05/05/2023

33140480001			GRATZI CATERING LLC
PERMIT NUMBER		TYPE	DBA GRATZI CATERING
06	01	2022	2366 KIPLING AV
ISSUE DATE		CINCINNATI OH 45239	
05	03	2023	
FILING DATE			
D5	D6		
PERMIT CLASSES			
31	066		
TAX DISTRICT			RECEIPT NO.



MAILED 05/05/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/05/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES A TRFO 2029807-0015

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 9, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.:	20298070015
Permit Type:	TRFO D5 D6
Name:	DELIGHTMORE LLC 2366 KIPLING AV CINCINNATI OH 45239

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

City of Cincinnati

Council



Melissa Autry, CMC
Clerk of Council

For City Bulletin
Office of the Clerk

801 Plum Street, Suite 308
Cincinnati, Ohio 45202
Phone (513) 352-3246
Fax (513) 352-2578

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 20298070015
Permit Type: TRFO D5 D6
Name: DELIGHTMORE LLC
2366 KIPLING AV
CINCINNATI OH 45239

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/09/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/05/2023

Date: June 7, 2023

To: Mayor and Members of City Council

202301537

From: Sheryl M. M. Long, City Manager

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

FINAL RECOMMENDATION REPORT

OBJECTIONS: NONE

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: 20298070010
PERMIT TYPE: TRFO
CLASS: D1 D2 D3 D6
NAME: DELIGHTMORE LLC
DBA: NONE LISTED
1761 TENNESSEE UNIT A & B
CINCINNATI, OH 45229

On May 9, 2023, Paddock Hills Assembly 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: July 4, 2023

Date: May 16, 2023
To: Colonel Teresa A. Theetge, Police Chief
From: Sergeant Jeffrey Meister, District Four, Neighborhood Liaison Unit
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-302

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Four

PERMIT #: N/A

TYPE OF PERMIT APPLIED FOR: Transfer of Ownership

PERMIT NAME & ADDRESS:

Name:	Delightmore LLC
Address:	1761 Tennessee Ave, Cincinnati, Ohio, 45229

APPLICANTS NAME(S): Michael William Forcus

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Anthony Hill
Date:	5/16/23
Findings:	Transfer from one owner to the next

COMMUNITY COUNCIL NOTIFIED:

Name 1: Steve Munday	Date: 5/16/2023	Notified by: email
Phone: 513-476-3860	E-mail: steven.a.munday@gmail.com	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ NO OBJECTIONS
 ☐ OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

District Four has received Patrol Bureau Memo #23-302, a request for a liquor license transfer of ownership from Gratzi Catering LLC to Delightmore LLC located at 1761 Tennessee Av in Paddock Hills. This location was inspected by Officer Anthony Hill and the location was in compliance.

District Four has not objections.

JJM/S723

JJM/S723

1 p/d/LLC
MAY 16, 2023

5/17/23

NO OBJECTION ✓

Capt. Anthony Hill / CID

O-4

No objection

-m6/1204

5/11/23

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2380 FAX(614)844-3188

TO

20298070010		TRFO	DELIGHTMORE LLC
PERMIT NUMBER		TYPE	1761 TENNESSEE UNIT A & B
06	01	2022	CINCINNATI OH 45229
ISSUE DATE			
05	03	2023	
FILING DATE			
D1	D2	D3	D6
PERMIT CLASSES			
31	066	A	F29518
TAX DISTRICT	RECEIPT NO.		

FROM 05/05/2023

33140480015			GRATZI CATERING LLC
PERMIT NUMBER		TYPE	1761 TENNESSEE UNIT A & B
06	01	2022	CINCINNATI OH 45229
ISSUE DATE			
05	03	2023	
FILING DATE			
D1	D2	D3	D6
PERMIT CLASSES			
31	066		
TAX DISTRICT	RECEIPT NO.		



MAILED 05/05/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN.

06/05/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL

WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 2029807-0010

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 8, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.:	20298070010
Permit Type:	TRFO D1 D2 D3 D6
Name:	DELIGHTMORE LLC
	1761 TENNESSEE UNIT A & B
	CINCINNATI OH 45229

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513) 352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 20298070010
Permit Type: TRFO D1 D2 D3 D6
Name: DELIGHTMORE LLC
1761 TENNESSEE UNIT A & B
CINCINNATI OH 45229

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/08/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/05/2023

Date: June 7, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

202301538

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

FINAL RECOMMENDATION REPORT

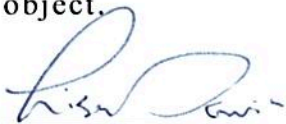
OBJECTIONS: NONE

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: 2029807
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: DELIGHTMORE LLC
DBA: NONE LISTED
1071 CELESTIAL ST
10TH FL
CINCINNATI, OH 45237

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 9, 2023, Mt. Adams Civic Association 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: July 4, 2023

Date: May 17, 2023
To: Colonel Teresa A. Theetge, Police Chief
From: P.O. Amanda Johnson, Neighborhood Liaison Unit
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-296
DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One
PERMIT #: 33140480006
TYPE OF PERMIT APPLIED FOR: Transfer of Ownership
PERMIT NAME & ADDRESS:

Name:	Delightmore LLC
Address:	1071 Celestial St

APPLICANTS NAME(S): Michael Forcus

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Amanda Johnson
Date:	5/17/23
Findings:	

COMMUNITY COUNCIL NOTIFIED:

Name 1: Frank Overmeyer	Date: 5/15/2023	Notified by: email
Phone:	E-mail: frankobermeyer@yahoo.com	
Name 2: Sandy Zimmerman	Date: 5/15/2023	Notified by: email
Phone:	E-mail: sandyz@nsbt.net	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ **NO OBJECTIONS**
 ☐ **OBJECTION:** Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

AJ 

Mack C 7
5/23/23

Mack C 7 5/25/23 ABC

**NOTICE TO LEGISLATIVE
AUTHORITY**

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3188

TO

2029807		TRFO		DELIGHTMORE LLC 1071 CELESTIAL ST 10TH FL CINCINNATI OH 45202
PERMIT NUMBER				
06	01	2022		
ISSUE DATE				
05	03	2023		
FILING DATE				
D5 D6				
PERMIT CLASSES				
31	066	A	F29516	
TAX DISTRICT			RECEIPT NO.	

FROM

33140480006				GRATZI CATERING LLC DBA VIEW AT MT ADAMS 1071 CELESTIAL ST 10TH FL CINCINNATI OH 45202
PERMIT NUMBER				
06	01	2022		
ISSUE DATE				
05	03	2023		
FILING DATE				
D5 D6				
PERMIT CLASSES				
31	066			
TAX DISTRICT			RECEIPT NO.	

MAILED 05/05/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN 06/05/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING
REFER TO THIS NUMBER IN ALL INQUIRIES

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 9, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is **requesting a 30 day extension** on the below cited liquor permit application:

Application No.: 2029807
Permit Type: TRFO D5 D6
Name: DELIGHTMORE LLC
1071 CELESTIAL ST
10TH FL
CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 2029807
Permit Type: TRFO D5 D6
Name: DELIGHTMORE LLC
1071 CELESTIAL ST
10TH FL
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/09/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/05/2023

Date: June 7, 2023

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: Liquor License – Transfer Exempt

202301539

FINAL RECOMMENDATION REPORT

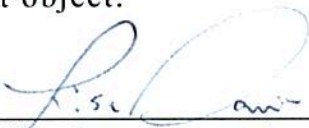
OBJECTIONS: NONE

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: 7369496
PERMIT TYPE: TREX
CLASS: D5 D6
NAME: RIPPLE WINE BAR LLC
DBA: NONE LISTED
2000 MADISON RD
CINCINNATI, OH 45208

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 9, 2023, East Walnut Hills Assembly 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: June 30, 2023

Date: May 20, 2023
To: Colonel Teresa A. Theetge, Police Chief
From: Police Officer Christine Barry, P64, District Two NLU
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-297

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Two

PERMIT #: 1489999

TYPE OF PERMIT APPLIED FOR: Transfer Exempt

PERMIT NAME & ADDRESS:

Name:	Ripple Wine Bar
Address:	2000 Madison Rd

APPLICANTS NAME(S): Matthew Haws

INSPECTION / INVESTIGATION INFORMATION:

Officer:	Christine Barry
Date:	5/20/23
Findings:	2000 Madison Rd is under construction and will be inspected upon completion.

COMMUNITY COUNCIL NOTIFIED:

Name 1: Brian Huwell	Date: 5/20/2023	Notified by: email
Phone: 513-257-4433	E-mail: brian@huwellinsurance.com	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ NO OBJECTIONS
 ☐ OBJECTION: Attached Letter with Community Council Letterhead

CAO

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

CB
CB

590

CAPT. [Signature] 040
5.29.23

No Objection (Pending Inspection Process)
- mg/LTC4
5/30/23

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2360 FAX(614)844-3166

TO

7369496		TREX	RIPPLE WINE BAR LLC
PERMIT NUMBER		TYPE	2000 MADISON RD
06	01	2022	CINCINNATI OH 45208
ISSUE DATE			
04	28	2023	
FILING DATE			
D5	D6		
PERMIT CLASSES			
31	066	A	F29504
TAX DISTRICT			RECEIPT NO.

FROM 05/02/2023

3322480			GRAND FINALE GROUP INC
PERMIT NUMBER		TYPE	DBA GRAND FINALE
06	01	2022	3 E SHARON RD 1ST & 2ND FL BSMT & PATIO
ISSUE DATE		GLENDALE OHIO 45246	
04	28	2023	
FILING DATE			
D5	D6		
PERMIT CLASSES			
31	143		
TAX DISTRICT			RECEIPT NO.



MAILED 05/02/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 06/02/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

A TREX 7369496

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 4, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:


Application No.: 7369496
Permit Type: TREX D5 D6
Name: RIPPLE WINE BAR LLC
2000 MADISON RD
CINCINNATI OH 45208

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513) 352-2578.

Thank you for your prompt attention.

Sincerely,



Melissa Autry, CMC
Clerk of Council

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 7369496
Permit Type: TREX D5 D6
Name: RIPPLE WINE BAR LLC
2000 MADISON RD
CINCINNATI OH 45208

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/04/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/02/2023

Date: June 7, 2023

To: Mayor and Members of City Council

202301540

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

FINAL RECOMMENDATION REPORT

OBJECTIONS: NONE

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: 1170450
PERMIT TYPE: NEW
CLASS: D5J
NAME: CSRG LLC
DBA: COURT STREET KITCHEN
9 E COURT ST
CINCINNATI, OH 45237

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 15, 2023, Downtown Residents 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: July 7, 2023

Date: Colonel Teresa A. Theetge, Police Chief

To:

From: Captain Adam Hennie, Central Business Section Commande

Copies to:

Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-311

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: Central Business Section

PERMIT #: 1170450

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	CSRG LLC COURT STREET KITCHEN
Address:	9 E COURT ST CINCINNATI OH 45202

APPLICANTS NAME(S): BRAHEAM SHTEIWI

INSPECTION / INVESTIGATION INFORMATION:

Officer:	PO MOORE
Date:	5/18/2023
Findings:	NO OBJECTION

COMMUNITY COUNCIL NOTIFIED:

Name 1: ALAN BUNKER	Date:	Notified by: email
Phone:	E-mail:	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ NO OBJECTIONS
 ☐ OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

NO OBJECTION

AD

MGK C7 5/25/23 ABC

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6806 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)844-2380 FAX(614)844-3188

TO

1170450		NEW	CSRG LLC DBA COURT STREET KITCHEN 9 E COURT ST CINCINNATI OH 45202
PERMIT NUMBER		TYPE	
ISSUE DATE			
04 17 2023			
FILING DATE			
D5J			
PERMIT CLASSES			
31	066	A	D79031
TAX DISTRICT		RECEIPT NO.	

FROM 05/09/2023

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT	RECEIPT NO.	



MAILED 05/09/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN.

06/09/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 1170450

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 11, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.:	1170450
Permit Type:	NEW D5J
Name:	CSRG LLC DBA COURT STREET KITCHEN 9 E COURT ST CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 1170450
Permit Type: NEW D5J
Name: CSRG LLC
DBA COURT STREET KITCHEN
9 E COURT ST
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/11/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/09/2023

Date: June 7, 2023

To: Mayor and Members of City Council

202301541

From: Sheryl M. M. Long, City Manager

Subject: **Liquor License – New**

FINAL RECOMMENDATION REPORT

OBJECTIONS: Cincinnati Police Department objects. The location is locked, unoccupied, and unable to be inspected. Attempts to make contact with the applicants have been unsuccessful.

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: 47894910005
PERMIT TYPE: NEW
CLASS: C1 C2
NAME: MCCONNELLS FOODS LLC
DBA: NONE LISTED
2095 E SEYMOUR AVE
CINCINNATI, OH 45237

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 8, 2023, Bond Hill 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: June 30, 2023

Date: May 23, 2023
 To: Colonel Teresa A. Theetge, Police Chief
 From: Sergeant Jeffrey Meister, District Four, Neighborhood Liaison Unit
 Copies to:
 Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-295

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District Four

PERMIT #: N/A

TYPE OF PERMIT APPLIED FOR: New

PERMIT NAME & ADDRESS:

Name:	MCCONNELLS FOODS LLC
Address:	2095 E SEYMOUR AV

APPLICANTS NAME(S): PARMINDER S. TUSSEER

INSPECTION / INVESTIGATION INFORMATION:

Officer:	TRENT CRUTCHER
Date:	5-22-23
Findings:	UNABLE TO MAKE CONTACT WITH APPLICANT

COMMUNITY COUNCIL NOTIFIED:

Name 1: JACQUELINE EDMERSON	Date: 5/22/2023	Notified by: email
Phone: 513-602-5745	E-mail: PRESIDENT@BONDHILL.ORG	
Name 2:	Date:	Notified by: (select from menu)
Phone:	E-mail:	

DISPOSITION OF THE COMMUNITY COUNCIL:

☐ NO OBJECTIONS
 ☐ OBJECTION: Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☐ NO OBJECTIONS

☒ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

District Four has received Patrol Bureau Memo #23-295, a request for a new liquor license by McConnells Foods LLC, located at 2095 E Seymour Avenue in Bond Hill. The location is locked and unoccupied and unable to be inspected, additionally Officer Crutcher and Sergeant Meister have been unsuccessful contacting the applicants in person by visiting the location and phone. District Four cannot complete its inspection..

Sergeant Meister contacted the Bond Hill Community Council. Their decision on approval will be advised once an inspection is done.

JJM/S723

5/23/23

UNABLE TO INSPECT @
5TH TIME.

Capt. M. L. G. / 1010
D-4

Spoke w/04. OBJECTION
UNTEL COMMUNICATION w/
APPLICANT CAN BE ESTABLISHED
INSPECTION COMPLETED.
MAG C7 ABC

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-8005
(614)844-2380 FAX(614)844-3188

TO

47894910005		NEW	MCCONNELLS FOODS LLC 2095 E SEYMOUR AVE CINCINNATI OH 45237
PERMIT NUMBER		TYPE	
ISSUE DATE			
04 25 2023			
FILING DATE			
C1 C2			
PERMIT CLASSES			
31	066	A	D77210
TAX DISTRICT			RECEIPT NO.

FROM 05/02/2023

PERMIT NUMBER		TYPE
ISSUE DATE		
FILING DATE		
PERMIT CLASSES		
TAX DISTRICT		RECEIPT NO.



MAILED 05/02/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN.

06/02/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A NEW 4789491-0005

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 4, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, **is requesting a 30day extension** on the below cited liquor permit application:

Application No.:	47894910005
Permit Type:	NEW C1 C2
Name:	MCCONNELLS FOODS LLC 2095 E SEYMOUR AVE CINCINNATI OH 45237

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 47894910005
Permit Type: NEW C1 C2
Name: MCCONNELLS FOODS LLC
2095 E SEYMOUR AVE
CINCINNATI OH 45237

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/04/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/02/2023

Date: 6/7/2023

202301543

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager
Subject: **SPECIAL EVENT PERMIT APPLICATION: 2023 Holy Cross Immaculata Festival**

In accordance with Cincinnati Municipal Code, Chapter 765; Amy Obermeyer, Holy Cross Immaculata Church has submitted a Special Event Permit Application Form to the Chief of Police. The Special Event Permit Application has been reviewed by the following department(s): (Cincinnati Police Department, Fire Department, Health Department, Parks Department, Department of Building and Inspections, Department of Community and Economic Development, Department of Finance, Department of Public Services, and Department of Transportation and Engineering). There are no objections to issuing the Special Events Permit.

The particulars of the requested event are as indicated:

EVENT NAME/TITLE: 2023 Holy Cross Immaculata Festival
EVENT SPONSOR/PRODUCER: Holy Cross Immaculata Church
CONTACT PERSON: Amy Obermeyer
LOCATION: 30 Guido Street
DATE(S) AND TIME(S): 08/04/2023 5:00pm—08/05/2023 11:30pm
EVENT DESCRIPTION: Annual summer festival
ANTICIPATED ATTENDANCE: 800
ALCOHOL SALES: ☒ YES. ☐ NO.
TEMPORARY LIQUOR PERMIT HOLDER IS: Holy Cross Immaculata Church

cc: Colonel Teresa A. Theetge, Police Chief

Date: June 7, 2023

To: Mayor and Members of City Council

202301573

From: Sheryl M. M. Long, City Manager

Subject: Liquor License – Transfer of Ownership

FINAL RECOMMENDATION REPORT

OBJECTIONS: NONE

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: 2852945
PERMIT TYPE: TRFO
CLASS: D5 D6
NAME: 4EG BD MGT LLC
DBA: NONE LISTED
1150 MAIN ST
CINCINNATI, OH 45202

As of today's date, the Department of Buildings & Inspections has declined comment with their investigation.

On May 10, 2023, Over-the-Rhine 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: July 4, 2023

Date: May 30, 2023
To: Colonel Teresa A. Theetge, Police Chief
From: P.O. Carroll A Todd, Neighborhood Liaison Unit
Copies to:
Subject: **RENEWAL, TRANSFER OR ISSUANCE OF LIQUOR LICENSES**

PATROL BUREAU MEMO #: 23-303

DISTRICT INVESTIGATING LIQUOR PERMIT PREMISE: District One

PERMIT #: 2852945

TYPE OF PERMIT APPLIED FOR: Transfer of Ownership

PERMIT NAME & ADDRESS:

Name:	4EG BD MGT LLC
Address:	1150 Main Street Cincinnati, Ohio 45202

APPLICANTS NAME(S): David Halpern, Brian Hubert, Ben Klopp, Gegory Hubert, Gregory Olson, Daniel Cronican, Robert Deck, Cynthia Olson

INSPECTION / INVESTIGATION INFORMATION:

Officer:	P.O. Carroll A Todd
Date:	05/30/2023
Findings:	N/A

COMMUNITY COUNCIL NOTIFIED:

Name 1: Danny Klingler	Date: 5/16/2023	Notified by: email
Phone:	E-mail: dannyklingler@gmail.com	
Name 2: Amy Yokel	Date: 5/16/2023	Notified by: email
Phone:	E-mail: Amy@otrchamber.com	

DISPOSITION OF THE COMMUNITY COUNCIL:

☒ **NO OBJECTIONS**
 ☐ **OBJECTION:** Attached Letter with Community Council Letterhead

DISPOSITION OF THE DISTRICT:

☒ NO OBJECTIONS ☐ OBJECTION: If objection checked, a narrative is required below

REASON FOR OBJECTION:

CAT *AMS* *SSS*

Mat c 7
5/31/23

No objection
- ms/LTC4
6/1/23

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
8808 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3168

2852945		TRFO	4EG BD MGT LLC
PERMIT NUMBER		TYPE	1150 MAIN ST
06	01	2023	CINCINNATI OH 45202
ISSUE DATE			
05	03	2023	
FILING DATE			
D5 D6			
PERMIT CLASSES			
31	066	A	F29514
TAX DISTRICT		RECEIPT NO.	

FROM 05/05/2023

7038805			JACK POTTS LLC
PERMIT NUMBER		TYPE	DBA THE DRINKERY
06	01	2023	1150 MAIN ST
ISSUE DATE			CINCINNATI OH 45202
05	03	2023	
FILING DATE			
D5 D6			
PERMIT CLASSES			
31	066		
TAX DISTRICT		RECEIPT NO.	



MAILED 05/05/2023

RESPONSES MUST BE POSTMARKED NO LATER THAN. 05/05/2023

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES

A TRFO 2852945

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE

(Signature)

(Title) - ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CINCINNATI CLERK OF COUNCIL
CITY HALL
801 PLUM ST ROOM 308
CINCINNATI OHIO 45202

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

May 9, 2023

OHIO DIVISION OF LIQUOR CONTROL
LICENSING SECTION
NEW PERMIT SECTION
6606 TUSSING ROAD
P O BOX 4005
REYNOLDSBURG, OH 43068-9005

Dear Ohio Division of Liquor Control:

The Council of the City of Cincinnati, State of Ohio, is requesting a 30 day extension on the below cited liquor permit application:

Application No.:	2852945
Permit Type:	TRFO D5 D6
Name:	4EG BD MGT LLC 1150 MAIN ST CINCINNATI OH 45202

Pursuant to R.C. 4303.26(A), City of Cincinnati City Council, through its Clerk of Council (collectively, hereinafter "the City"), respectfully requests an additional 30 days in which to respond to the Ohio Division of Liquor Control regarding whether the City will request a hearing on the subject liquor permit application. The City makes such time extension request for good cause and not for unnecessary delay. Specifically, the City requires additional time for each of its various departments and the applicable community council to review and investigate the liquor application by performing all necessary inspections and research including, but not limited to, permit applicant interviews, site premises inspections, background investigations, and historical investigations regarding the history of the permit premises and the subject location. Moreover, such extension of time would provide the applicable community council an opportunity to meet, vote, and respond back to the City by the deadline. Therefore, the City requires such time extension in order to perform its due diligence in this matter. The City respectfully requests this time extension in good faith, for good cause, and not for unnecessary delay.

Please fax the confirmation back to us as soon as possible at (513)352-2578.

Thank you for your prompt attention.

Sincerely,

Melissa Autry, CMC
Clerk of Council

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

For City Bulletin

Liquor Permit Application

From the Department of Liquor Control advising of permit application for the following:

Application No.: 2852945
Permit Type: TRFO D5 D6
Name: 4EG BD MGT LLC
1150 MAIN ST
CINCINNATI OH 45202

Pursuant to Section 4303.261 of the Ohio Revised Code, Council must notify the Department of Liquor Control within thirty days if there is an objection to the above permit.

Notice of Application was received by the Clerk of Council's Office

05/09/2023

MELISSA AUTRY, CMC Clerk of Council

The last day for the State to receive an objection is

06/05/2023

June 7, 2023

202301544

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

Subject: **Emergency Ordinance – ESTABLISHING the classification and salary range schedule for the new employment classification of Assistant Supervisor of Wastewater Collection Maintenance**

Attached is an Emergency Ordinance captioned:

ESTABLISHING the classification and salary range schedule for the new employment classification of Assistant Supervisor of Wastewater Collection Maintenance; and **ORDAINING** Section 769 of Division 0C, Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code to reflect this new employment classification.

The Human Resources Director has approved this request for this ordinance to establish the classification of Assistant Supervisor of Wastewater Collection Maintenance, and to establish the classification and salary range. The recommended salary range is based upon a market study to identify current scopes of work and future career paths for the particular classification structure. The City’s Human Resources Department conducted a market analysis to evaluate the classification and compensation for the Assistant Supervisor of Wastewater Collection Maintenance position. This classification is necessary to ensure retention of staff in this specialized area of work and ensure promotional opportunities within the classification.

The Administration recommends passage of this Emergency Ordinance.

cc: Latisha Hazell, Interim Human Resources Director



EMERGENCY

MSS

-2023

ESTABLISHING the classification and salary range schedule for the new employment classification of Assistant Supervisor of Wastewater Collection Maintenance; and **ORDAINING** Section 769 of Division 0C, Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code to reflect this new employment classification.

WHEREAS, the City’s Department of Human Resources in consultation with the Metropolitan Sewer District has determined that it is necessary to create a new Assistant Supervisor of Wastewater Collection Maintenance classification to recruit and retain quality employees; and

WHEREAS, the Assistant Supervisor of Wastewater Collection Maintenance classification and salary range is necessary to ensure consistency in the knowledge, skills, and abilities required to carry out the duties and tasks prescribed for the position; and

WHEREAS, creation of the Assistant Supervisor of Wastewater Collection Maintenance position and salary range provides an opportunity to increase organizational effectiveness while maintaining a standard of excellence and a clear pathway for continued growth and career progression for employees; and

WHEREAS, the Department of Human Resources has performed due diligence and conducted appropriate internal comparisons to ensure that the new classification and salary range are consistent with the scope of work and the level of responsibility of the position of Assistant Supervisor of Wastewater Collection Maintenance, with factors considered throughout the evaluation process including scope of responsibility, judgment and independent action, accountability, and supervisory responsibility; and

WHEREAS, adopting the new classification title and salary range for the position is based upon a market analysis and internal cost of living adjustment comparisons as approved by Council; now, therefore,

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

Section 1. That Section 769 of Division 0C, Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code is ordained as follows to establish the new classification and salary range of Assistant Supervisor of Wastewater Collection Maintenance:

Assistant Supervisor of Wastewater Collection Maintenance	
Steps	Annual
1	\$67,532.982 (Minimum)
2	\$69,558.971
3	\$71,645.737
4	\$73,795.112
5	\$76,008.966
6	\$78,289.236
7	\$80,637.910
8	\$83,057.050
9	\$85,548.765
10	\$88,115.227
11	\$90,758.685 (Maximum)

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

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 to establish the classification and salary range of Assistant Supervisor of Wastewater Collection Maintenance to recruit and retain qualified employees in the Metropolitan Sewer District.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council

202301552

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – ESTABLISHING the classification and salary range schedule for the new employment classification Lead Arborist

Attached is an Emergency Ordinance captioned:

ESTABLISHING the classification and salary range schedule for the new employment classification Lead Arborist, and **ORDAINING** Section 873 of Division 0C, Chapter 307 of the Cincinnati Municipal Code to reflect this new employment classification.

The Human Resources Director has approved this request for this ordinance to establish the classification of Lead Arborist and to establish the classification and salary range. The recommended salary range is based upon a market study to identify current scopes of work and future career paths for the classification structure. The Cincinnati Park Board Human Resources Division conducted a market analysis to evaluate the classifications and compensations for the Lead Arborist position. This classification is necessary to ensure retention of staff in this specialized area of work and ensure promotional opportunities within the classifications.

The Administration recommends passage of this Emergency Ordinance.

cc: Latisha Hazell, Interim Human Resources Director



EMERGENCY

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-2023

ESTABLISHING the classification and salary range schedule for the new employment classification Lead Arborist, and **ORDAINING** Section 873 of Division 0C, Chapter 307 of the Cincinnati Municipal Code to reflect this new employment classification.

WHEREAS, the Cincinnati Park Board has determined that it is necessary to create a new Lead Arborist classification specification to recruit and retain quality employees; and

WHEREAS, the Lead Arborist classification specification is necessary to ensure consistencies in the knowledge, skills, and abilities required to carry out the duties and tasks prescribed for the position; and

WHEREAS, the Lead Arborist position and salary range provides an opportunity to increase effectiveness while maintaining a standard of excellence and a clear pathway for continued growth and career progression for employees; and

WHEREAS, the Department of Human Resources and the Cincinnati Park Board Human Resources Division have performed due diligence and conducted appropriate internal comparisons to ensure that the new classification and salary range are consistent with the scope of services and the level of responsibility of the position of Lead Arborist, considering throughout the evaluation process factors including the scope of responsibility, judgment and independent action, accountability, and supervisory responsibility; and

WHEREAS, this class specification evaluation, salary validation, and classification for the position of Lead Arborist is essential to improve recruitment and retention of tree crew members by aligning the current classification with the pay scale and skillset of similar classifications within the City of Cincinnati and comparable municipalities, including title and industry standards for tree care; and

WHEREAS, it has been determined that adoption of the new salary range and classification title for the position of Lead Arborist is based upon a market analysis, an internal classification review, and internal cost of living adjustment comparisons as approved by Council; now, therefore,

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

Section 1. That Section 873 of Division 0C, Chapter 307 of the Cincinnati Municipal Code is hereby ordained as follows:

Lead Arborist

Steps	Annual
1	\$54,912.73 (Minimum)
2	\$56,560.11
3	\$58,256.92
4	\$60,004.62
5	\$61,804.76
6	\$63,658.90
7	\$65,568.67
8	\$67,535.73
9	\$69,561.80
10	\$71,648.66
11	\$73,798.11 (Maximum)

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of 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 Lead Arborist in order to recruit and retain qualified employees.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council

202301562

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Police: FY 2023 Violence Against Women Act (VAWA) Grant

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

This Ordinance authorizes the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety (ODPS), Office of Criminal Justice Services (OCJS), FY 2023 Violence Against Women Act (VAWA) Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project (DVLEAP), in collaboration with Women Helping Women (WHW). This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

This grant is available through the Ohio Department of Public Safety, Office of Criminal Justice Services for the purpose of supporting the Domestic Violence Law Enforcement Advocate Project (DVLEAP). DVLEAP is a collaboration between the Cincinnati Police Department (CPD) and Women Helping Women (WHW). WHW provides crisis intervention services for victims of domestic violence throughout the police investigation and court process.

The grant application deadline was June 5, 2023, but no funds will be accepted without approval of the City Council.

There are no new FTEs associated with this grant. The grant does require a local match of \$20,000, to be provided by WHW.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



-2023

AUTHORIZING the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program (ALN 16.588) to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

WHEREAS, Women Helping Women (“WHW”) provides crisis intervention services for victims of domestic violence throughout the police investigation and court process; and

WHEREAS, the Domestic Violence Law Enforcement Advocate Program (“DVLEAP”) is a collaboration between the Cincinnati Police Department and WHW; and

WHEREAS, a grant of up to \$60,000 is available from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program, which will be used to provide funding for DVLEAP; and

WHEREAS, the grant requires matching funds of \$20,000, to be provided by WHW; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, the grant application deadline was June 5, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as set forth on pages 156-163 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 in FY 2023, and accept and appropriate a grant of up to \$60,000, effective FY 2024 pending award timing, from the Ohio Department of Public Safety, Office of Criminal Justice Services, FY 2023 Violence Against Women Act Grant Program, to support the Domestic Violence Law Enforcement Advocate Project, in collaboration with Women Helping Women.

Section 2. That the Director of Finance is authorized to deposit the grant funds into Law Enforcement Grant Fund 368, Project Account No. 23VAWA, effective FY 2024 pending award timing.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of the grant and Sections 1 and 2.

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

June 7, 2023

To: Mayor and Members of City Council

202301563

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – DOTE: Streetcar OTP2 Grant Application

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

Approval of this Ordinance would authorize the City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program (OTP2), awarded by the Ohio Department of Transportation (ODOT), to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

The City intends to apply for the OTP2 grant by the application deadline of June 2, 2023, but no grant funds will be accepted without approval by the City Council. The grant does not require local matching resources. However, the Department of Transportation and Engineering (DOTE) intends to apply for the grant with a 1.5% local match offer, totaling up to \$64,365, to improve the City's competitive advantage. Matching resources may come from existing and future capital improvement program project accounts. There are no new FTEs/full time equivalents associated with this grant.

This grant application is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability," and strategy 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 City Manager to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program, awarded by the Ohio Department of Transportation, to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

WHEREAS, grant resources of up to \$4,291,000 are available from the Ohio Department of Transportation's Ohio Transit Partnership Program ("OTP2") which, if awarded, will be used to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system; and

WHEREAS, the City intends to apply for the OTP2 grant by the application deadline of June 2, 2023, but no grant funds will be accepted without approval by Council; and

WHEREAS, while this grant does not require local matching resources, the City intends to apply for the grant with a 1.5 percent local match totaling up to \$64,365 to improve the City's competitive advantage, and matching resources may come from existing and future capital improvement program project accounts; and

WHEREAS, there are no new FTEs/full time equivalents associated with this grant; and

WHEREAS, this grant application is in accordance with the "Connect" goal to "[d]evelop an efficient multi-modal transportation system that supports neighborhood livability" and strategy 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 City Manager is authorized to apply for grant resources of up to \$4,291,000 from the Ohio Transit Partnership Program ("OTP2"), awarded by the Ohio Department of Transportation ("ODOT"), to provide resources for preventative maintenance, equipment, and facility and technology upgrades for the streetcar system.

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

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

June 7, 2023

To: Mayor and Members of City Council 202301564

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Police: Acceptance of In-Kind Donation of Water from the Heidelberg Distributing Company**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department's Special Weapons and Tactics Team.

This Emergency Ordinance authorizes the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department's Special Weapons and Tactics Team (SWAT).

The Heidelberg Distributing Company has generously donated 85 cases of water to the Cincinnati Police Department to be utilized by the Special Weapons and Tactics Team.

This donation does not require matching funds or additional FTEs.

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 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to ensure timely acceptance of the donation.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



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AUTHORIZING the City Manager to accept an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department's Special Weapons and Tactics Team.

WHEREAS, the Heidelberg Distributing Company has generously donated 85 cases of water to the Cincinnati Police Department to be utilized by the Special Weapons and Tactics Team; and

WHEREAS, there are no match requirements or new FTEs/full time equivalents associated with acceptance of this in-kind 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 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 an in-kind donation of 85 cases of water valued at \$808.35 from the Heidelberg Distributing Company to be used by the Cincinnati Police Department's Special Weapons and Tactics Team.

Section 2. That the appropriate City officials are hereby authorized to do all things necessary and proper to carry out the provisions of Section 1.

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 ensure timely acceptance of the donation.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council 202301565

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Police: Acceptance of Monetary Donation from the Rotary Club of Cincinnati**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for operation of the Cincinnati Police Department Public Safety Cadet Program; and **AUTHORIZING** the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.

This Emergency Ordinance authorizes the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for the operation of the Cincinnati Police Department (CPD) Public Safety Cadet Program. This Emergency Ordinance further authorizes the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.

The Rotary Club of Cincinnati has graciously donated \$1,000 to support the operation of the CPD Public Safety Cadet Program. The CPD Public Safety Cadet Program, formerly titled the Explorers Program, gives students ages fourteen through twenty the opportunity to explore a career in law enforcement by working and training with members of the Cincinnati Police Department.

This donation does not require additional FTEs or matching funds.

Acceptance of this donation is 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 209-212 of Plan Cincinnati (2012).

The reason for the emergency is the need to ensure timely acceptance of the donation from the Rotary Club of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



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- 2023

AUTHORIZING the City Manager to accept and appropriate a donation of \$1,000 from the Rotary Club of Cincinnati to be used for operation of the Cincinnati Police Department Public Safety Cadet Program; and **AUTHORIZING** the Director of Finance to deposit the donation into Public Safety Special Projects Fund 456.

WHEREAS, the Rotary Club of Cincinnati has graciously offered to donate \$1,000 to support the operation of the Cincinnati Police Department (“CPD”) Public Safety Cadet Program; and

WHEREAS, the CPD Public Safety Cadet Program, formerly titled the Explorers Program, gives students ages fourteen through twenty the opportunity to explore a career in law enforcement by working and training with members of the CPD; and

WHEREAS, acceptance of this donation requires no matching funds, and no FTEs/full time equivalents are associated with this donation; and

WHEREAS, acceptance of this donation is 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 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 donation of \$1,000 from the Rotary Club of Cincinnati to provide resources for operation of the Cincinnati Police Department Public Safety Cadet Program.

Section 2. That the Director of Finance is authorized to deposit the donated funds into Public Safety Special Projects Fund 456.

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.

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 need to ensure timely acceptance of the donation from the Rotary Club of Cincinnati.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023
202301566

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Parks: Department of Natural Resources (DNR) Headquarters (HQ) Site Renovation

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$126,986 from the unappropriated surplus of Park Board Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” for the purpose of providing resources for improvements to the former District 5 police station site located at 1012 Ludlow Avenue.

To renovate the former District 5 police station site to house the Parks Department’s Department of Natural Resources, on May 18, 2023, the Cincinnati Park Board Commissioners approved the use of Park Board Permanent Improvement Fund 752 resources as follows: (1) \$100,000 to repair the catch basin and associated piping drainage outlet from a large portion of the parking lot and the roof of the building and (2) \$26,986 to widen the driveway at the former District 5 police station to accommodate tree trucks and other large vehicles that need to access the site. Resources will be reimbursed to the Park Board after the current headquarters property at 3215 Reading Road is sold to the Centers for Disease Control and Prevention (CDC).

Investing in a new headquarters for the Cincinnati Park Board Natural Resources Team is in accordance with the “Sustain” goal to “[m]anage our financial resources” as described on pages 199-205 of Plan Cincinnati (2012).

The reason for the emergency is the immediate need to enter into any contracts necessary to avoid project delays.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



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AUTHORIZING the transfer and appropriation of the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.

WHEREAS, in order to renovate the former District 5 police station to house the Parks Department’s Department of Natural Resources, on May 18, 2023 the Cincinnati Park Board Commissioners approved the use of \$100,000 from Park Board Permanent Improvement Fund 752 to repair the catch basin and associated piping drainage outlet from a large portion of the parking lot and the roof of the building; and

WHEREAS, the Board of Park Commissioners also approved the use of \$26,986 from Park Board Permanent Improvement Fund 752 to widen the driveway at the former District 5 police station to accommodate tree trucks and other large vehicles that need to access the site; and

WHEREAS, these Park Board resources will be reimbursed when the payment from the Centers for Disease Control and Prevention is received for the sale of property on 3215 Reading Road; and

WHEREAS, investing in a new headquarters for the Cincinnati Park Board Natural Resources Team is in accordance with the “Sustain” goal to “[m]anage our financial resources” as described on pages 199-205 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 the sum of \$126,986 from the unappropriated surplus of Park Board Permanent Improvement Fund 752 to existing capital improvement program project account no. 980x203x232032, “DNR Team HQ Renovation,” is hereby authorized to provide resources for improvements to the former District 5 police station site, including on-site stormwater drainage and widening the driveway, located at 1012 Ludlow Avenue.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1.

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 enter into any contracts necessary to avoid project delays.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202301567

Subject: Emergency Ordinance – Authorizing a Property Sale and Development Agreement with Airecon Properties, LLC

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to execute a *Property Sale and Development Agreement* with Airecon Properties, LLC, for the sale of City-owned real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, for construction of a 5,000 square foot expansion of the manufacturing facility located on the adjoining property.

BACKGROUND/CURRENT CONDITIONS

The City of Cincinnati owns the parcels located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati. The City initially acquired these properties in 1998 and 1999 to create space for expanding existing manufacturing companies. However, the City of Cincinnati's Department of Transportation & Engineering ("DOTE") later determined the properties were possibly needed for a realignment of the intersection of Brotherton, Erie, and Red Bank Expressway, causing the City to retain the subject parcels. More recently, DOTE altered its needs analysis related to the Eastern Corridor Implementation Plan and allowed the properties for sale.

Since 2016, and pursuant to Ordinance Number 345-2015, the City has leased 5299-5307 Brotherton Court to Airecon Manufacturing Corporation ("Airecon") for an initial term of 10 years. Since then, Airecon has used the leased parcels for outdoor storage for their adjacent manufacturing facility. The remaining City-owned lots are vacant and currently overgrown with vegetation.

An appraisal of the properties conducted by the City of Cincinnati's Real Estate Services Division determined the fair market value to be \$126,000. Accordingly, the City decided that eliminating competitive bidding in connection with the sale of the City-owned property is appropriate due to Airecon's lease control, the resulting efficiencies from single management and ownership, and the sale proceeds being more valuable than the revenues of the current long-term lease.

Following the sale of the City-owned parcels, Airecon plans to consolidate the lots and improve the property, including initial property improvements, such as clearing overgrown sections of vegetation, leveling and installing gravel, and then constructing a 5,000-square-foot building adjacent to the existing manufacturing facility, which will

enable increased manufacturing capacity, enhanced material flow, and improved ingress and egress around the property. Beyond the described improvements, the Property Sale and Development Agreement requires that 4036 Erie Court be sold from Airecon to Naro Limited Partnership, the adjacent property owner and real estate development affiliate of Mayers Electric for future expansion.

DEVELOPER INFORMATION

Airecon Properties, LLC is the real estate development affiliate of Airecon Manufacturing Corporation. Since 1979, Airecon Manufacturing Corporation has specialized in industrial ventilation and custom sheet metal engineering, fabrication, installation, and service. Airecon's employees consist of sales and engineering staff, service technicians, and office administration personnel and are managed by Josh Jacobs and Dana Depenbrock.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance for the Developer to close on the subject property and begin construction on the project as soon as possible.

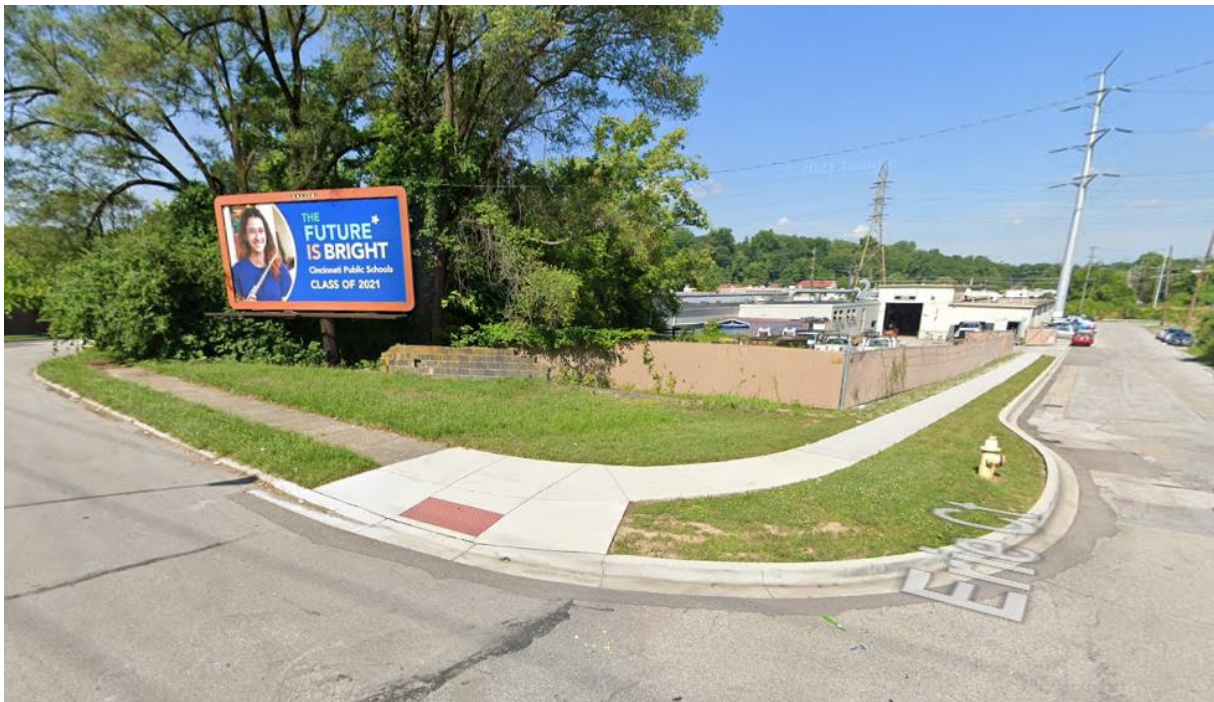
Attachment: Project Outline

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

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	Airecon Manufacturing Expansion
Street Address	4036-4046 Erie Court and 5299-5307 Brotherton Court
Property Condition	The parcels at 5299-5307 Brotherton Court have been leased to Airecon since 2016 for outdoor storage and ingress/egress for shop operations. The properties at 4036-4046 Erie Court are vacant.
Neighborhood	Madisonville
Incentive Application Process	Direct Sale of City Land
Recent or other projects by Developer	N/A
Approval at Planning Commission/Neighborhood support	<ul style="list-style-type: none"> - Approval of sale by City Planning Commission on 10/7/2022 - Public engagement meeting held with Madisonville stakeholders, the Developer, and City Planning on 9/26/2022
Plan Cincinnati Goals	Achieves the Compete Initiative Area Goal 1 (pages 103-113)

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Proposed Incentive	Fair Market Value Sale of City Land to Airecon (\$126,000)
Additional Incentives	N/A
Construction Cost & Private investment committed	Project Costs - \$886,000 in total project costs (\$700,000 in hard construction costs and \$60,000 in machinery and equipment costs)
Sq. Footage by Use	5,000 sf – manufacturing
Number of units and rental ranges	N/A
Jobs created/retained and payroll (living wage)	Retain 45 existing full-time equivalent permanent jobs with an approximate annual payroll of \$3,500,000. Create 6-8 full-time equivalent permanent jobs with an approximate annual payroll of \$580,000.
“But For”	N/A
Cash on Cash Return for developer (Market return between 8-12%, depending on investment risk)	N/A
LEED or other environmental build	Non-LEED
Neighborhood VTICA	N/A
Total Public Benefit (Benefits Realized vs Taxes Forgone)	N/A
Projected New Income Tax Revenue	\$10,440
MBE/WBE Goals	N/A
Transit Access/Walkability	The project is in proximity to the Red Bank Road; The Project also is in proximity to the Metro Route 28.
Geography	The project sits in an SBA Hub Zone and Opportunity Zone.
Historic Preservation/Existing Building Renovation	N/A
Public Infrastructure Improvements	N/A

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AUTHORIZING the City Manager to execute a Property Sale and Development Agreement with Airecon Properties, LLC, for the sale of City-owned real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, for construction of a 5,000 square foot expansion of the manufacturing facility located on the adjoining property.

WHEREAS, the City owns certain real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in Madisonville, which is under the management and control of the City's Department of Community and Economic Development (the "City Property"); and

WHEREAS, Airecon Properties, LLC ("Developer") desires to purchase the City Property, as more particularly described and depicted in the Property Sale and Development Agreement (the "Agreement") attached to this ordinance as Attachment A, to consolidate with adjoining real property owned by Airecon Manufacturing Corp. ("Airecon Manufacturing"), an affiliate of Developer (together with the City Property, the "Project Site"), and thereafter construct a 5,000 square foot expansion of the manufacturing facility owned by Airecon Manufacturing, at an estimated total project cost of approximately \$886,000 (the "Project"); and

WHEREAS, the City and Airecon Manufacturing are parties to a Lease dated January 29, 2016, pursuant to which Airecon Manufacturing currently leases a portion of the City Property (the "Lease"); and

WHEREAS, Developer estimates that the Project will (i) retain approximately 45 full-time equivalent permanent jobs with an approximate annual payroll of \$3,500,000; and (ii) will create approximately 6-8 full-time equivalent permanent jobs following completion of construction of the Project with an approximate annual payroll of \$580,000; and

WHEREAS, the City desires that the City Property be put to its highest and best use; and

WHEREAS, the City's Real Estate Services Division has determined, by appraisal, that the fair market value of the City Property is approximately \$126,000, which Developer has agreed to pay; 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, the City has determined that: (i) the City Property is not needed for municipal purposes; (ii) the Project is in the vital and best interests of the City and the health, safety, and welfare of its residents; (iii) it is in the best interest of the City to eliminate competitive bidding in connection with the City's sale of the City Property to Developer because Airecon Manufacturing currently controls a portion of the City Property pursuant to the Lease and owns the adjoining property, and consolidation of the Project Site will put the City Property to the highest and best use; and (iv) the City's sale of the City Property to Developer to complete the Project will create jobs and stimulate economic growth in the Madisonville neighborhood of Cincinnati, thereby contributing to the social and economic viability and stability of the neighborhood; and

WHEREAS, City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the City's sale of the City Property at its meeting on October 7, 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, in substantially the form attached to this ordinance as Attachment A (the "Agreement"), pursuant to which the City will sell to Airecon Properties, LLC ("Developer") certain real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati (the "City Property"), a portion of which is currently leased to Developer's affiliate, for Developer to (a) consolidate with adjoining property Developer owns or controls (together with the City Property, the "Project Site"); and (b) construct a 5,000 square foot expansion of the manufacturing facility at the Project Site, at an estimated total project cost of approximately \$886,000 (the "Project").

Section 2. That the City Property is not needed for municipal purposes.

Section 3. That the fair market value of the City Property, as determined by appraisal by the City's Real Estate Services Division, is approximately \$126,000, which Developer has agreed to pay.

Section 4. That eliminating competitive bidding in connection with the City's sale of the City Property to Developer is in the best interest of the City because Developer owns the adjoining property and Developer's affiliate currently controls a portion of the City Property pursuant to an

existing lease with the City, and consolidation within the Project Site will put the City Property to the highest and best use.

Section 5. That proceeds from the sale of the City Property 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 Manager and other City officials are authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement, including, without limitation, executing any and all ancillary agreements, amendments, deeds, plats, covenants, terminations, releases, and other documents.

Section 7. 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 to enable the City's sale of the City Property to occur as soon as possible to enable Developer to promptly move forward with the Project without delay, which will result in the stimulation of economic growth in the Madisonville neighborhood, and enabling the City Property to be put to its highest and best use, all for the economic benefit of the City, at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Contract No. _____

PROPERTY SALE AND DEVELOPMENT AGREEMENT

by and between the

CITY OF CINCINNATI,

and

AIRECON PROPERTIES, LLC

Project Name: Airecon Manufacturing

(sale of City-owned real property
for expansion of manufacturing facility in Madisonville neighborhood)

PROPERTY SALE AND DEVELOPMENT AGREEMENT

This Property Sale and Development 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 address of which is 801 Plum Street, Cincinnati, Ohio 45202 (the “**City**”), and **AIRECON PROPERTIES, LLC**, an Ohio limited liability company, the address of which is 5271 Brotherton Road, Cincinnati, Ohio 45227 (“**Developer**”).

Recitals:

A. The City owns certain real property located at 4036-4046 Erie Court and 5299-5307 Brotherton Court in the Madisonville neighborhood of Cincinnati, which property is more particularly described on Exhibit A (Legal Description – Sale Property) hereto and depicted on Exhibit B (Property/Site Plan) hereto (the “**Sale Property**”).

B. Airecon Manufacturing Corp. (“**Airecon Manufacturing**”), an affiliate of Developer, owns property neighboring and adjacent to the Sale Property and located at 5271 Brotherton Court, which is depicted on Exhibit B hereto (the “**Airecon Property**,” together with the Sale Property, the “**Property**”).

C. The City and Airecon Manufacturing are parties to a *Lease* dated January 29, 2016 (the “**Lease**”), pursuant to which Airecon Manufacturing leases a portion of the Sale Property for an initial term of 10 years.

D. Developer desires to purchase the Sale Property, for consolidation with the Airecon Property, and thereafter make improvements to the Property, including initial property improvements, such as clearing overgrown sections of vegetation, leveling, and installing gravel, and then constructing a 5,000 square foot building adjacent to Airecon Manufacturing’s existing manufacturing facility, which will enable increased manufacturing capacity, enhanced material flow, and improved ingress and egress around the Property, all of which is more particularly described on Exhibit C (Statement of Work, Budget, and Sources of Funds) hereto, at an estimated total project cost of approximately \$886,000 (the “**Project**”).

E. Developer has committed to commence on-site construction at the Property no later than February 1, 2024 (the “**Construction Commencement Date**”), and to complete onsite construction at the Property no later than December 31, 2027 (the “**Construction Completion Date**”).

F. Developer estimates that the Project will retain approximately 45 existing full-time equivalent permanent jobs with an approximate annual payroll of \$3,500,000, and will create approximately 6-8 full-time equivalent permanent jobs following completion of construction of the Project with an approximate annual payroll of \$580,000.

G. The City’s Real Estate Services Division has determined, by appraisal, that the fair market value of the Sale Property is approximately \$126,000, which Developer has agreed to pay.

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. The City has determined that eliminating competitive bidding in connection with the sale of the Sale Property is appropriate because (i) Developer’s affiliate effectively controls the Sale Property already via the Lease, (ii) consolidating ownership of the Sale Property with the management and practical control of the Sale Property will result in efficiencies and simplify title, and (iii) the City will receive up-front compensation for the sale that is more valuable to it than the long-term revenues it expects to realize under the Lease.

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 has determined that the Sale Property is not needed for a municipal purpose and that the sale of the Sale Property will not be detrimental to the public interest.

L. The parties acknowledge that the Lease will need to be terminated prior to the City's transfer of the Sale Property to Developer. Both the City and Airecon Manufacturing agree to terminate the Lease in anticipation of the transfer of the Sale Property to Developer.

M. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property at its meeting on October 7, 2022.

N. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. _____-2023, passed on _____, 2023.

O. NARO Limited Partnership, an Ohio limited partnership ("**Naro LP**"), owns property neighboring the Sale Property and has agreed to purchase a portion of the Sale Property from Developer, more specifically the 4026 Erie Court parcel. For the purposes of this Agreement, the Sale Property less the Naro Property after Developer subdivides the Sale Property shall be referred to as the "**Remainder Property**."

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Purchase Price.** Subject to the terms and conditions set forth herein, the City hereby agrees to sell the Sale Property to Developer, and Developer hereby agrees to purchase the Sale Property from the City, for a purchase price of \$126,000 (the "**Purchase Price**"). Developer acknowledges that it is familiar with the condition of the Sale Property and, at Closing (as defined below), the City shall convey the Sale Property to Developer in "as is" condition. The City makes no representations or warranties to Developer with respect to the condition of the Sale 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 Sale Property.

2. **Closing; Conditions to Closing.**

(A) **Conditions.** The purchase of the Sale Property by Developer and the sale and conveyance of the Sale Property by the City to Developer (the "**Closing**") shall not occur unless and until each of the following conditions (collectively, the "**Conditions**") have been satisfied or waived in writing by the City, at the City's sole and absolute discretion; *provided, however*, that if the, in its sole and absolute discretion, determines that one or more of the Conditions would be more appropriately handled at Closing or post-Closing, the City may, if appropriate, include such Conditions in the City's Deed (as defined below) to Developer or handle such Conditions post-Closing:

- (i) **Title & Survey:** Developer shall have approved the title to the Sale Property as set forth in a commitment of title insurance obtained by Developer from Center Title, LLC, and, if obtained by Developer, an ALTA property survey of the Sale Property;
- (ii) **Evidence of Clear Title to the Airecon Property:** Developer must present evidence, satisfactory to the City, that Developer has acquired title or will acquire title to the Airecon Property in fee simple absolute, and that said title is free, clear, and unencumbered;
- (iii) **Geotechnical & Environmental Condition:** Developer shall be satisfied that the geotechnical and environmental condition of the Sale Property is acceptable for the development of the Project;

- (iv) *Conceptual Drawings:* Developer shall have submitted to the City conceptual drawings, followed by preliminary plans and specifications for the Project;
- (v) *Project Plans:* Developer shall have submitted its plans for the Project to DCED and received approval of the same from DCED;
- (vi) *Permits:* Developer shall have secured all zoning and permitting approvals necessary to construct the Project;
- (vii) *Coordinated Report Conditions:* Developer shall have satisfied the conditions of the sale set forth in the City's Coordinated Reports associated with the sale of the Sale Property, some of which are summarized in Section 11 below;
- (viii) *Sale Agreement.* Developer shall have provided the City with a copy of the sale agreement between Developer and Naro LP for the Naro Property;
- (ix) *Plats, Legal Descriptions and Deed:* Developer shall have provided the City with all plats and legal descriptions as required by the Department of Transportation and Engineering ("**DOT**"), the Department of City Planning and Engagement, and the Hamilton County Auditor and Recorder in connection with the City's sale of the Sale Property, including, but not limited to:
 - a. an acceptable deed of record evidencing Developer as the vested legal owner as to the Airecon Property;
 - b. an acceptable legal description with closure of the Sale Property to accompany the transfer and recording of the Quitclaim Deed in substantially the form attached as Exhibit D (*Form of Quitclaim Deed*) hereto (the "**City's Deed**");
- (x) *Termination of Lease:* the City and Airecon Manufacturing shall have terminated the Lease, effective as of the date of Closing, having executed the Termination of Lease in substantially the form attached as Exhibit E (*Form of Termination of Lease*) hereto;
- (xi) *Continued Compliance:* Developer shall be in compliance with all obligations under this Agreement and all representations made by Developer under this Agreement or any other document executed between Developer and the City related to the Project shall continue to be true and accurate; and
- (xii) *Other Information:* Developer shall have provided such other information and documents pertaining to Developer or the Project as the City may reasonably require.

The above items (i) through (xii) may sometimes be referred to as "**Due Diligence Materials.**"

All of the Due Diligence Materials and documents referred to in this paragraph (A) shall be performed and obtained, as the case may be, at no cost to the City.

(B) Developer's Right of Entry. Prior to Closing, Developer may enter the Sale Property during reasonable business hours to conduct tests and inspections related to the Project. Developer shall promptly repair any damage to the Sale Property resulting from its inspections, and Developer shall hold the City harmless from any loss or expense arising out of Developer's activities on the Sale Property. Entry shall be at the sole risk of Developer. DCED shall cooperate with Developer in Developer's inspections, studies, and in obtaining all required approvals (it being acknowledged by Developer that the City makes no representations or assurances regarding the granting of any required approvals).

(C) Copies of Due Diligence Materials to Be Provided to City. Without limitation of Developer's other obligations, prior to Closing, and as such Due Diligence Materials are obtained by Developer, Developer, at no cost to the City, shall provide DCED with copies of the inspection, engineering, and environmental reports, title reports, surveys, and other materials prepared by third party professionals obtained by Developer prior to Closing that pertain to the Project or the Property, or are otherwise related to anything authorized pursuant to the terms and conditions of this Agreement.

(D) Right to Terminate. If prior to Closing, either party determines, after exercising reasonable good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period of time, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all of the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **180 days** of the Effective Date, the City, in its sole and absolute discretion, may terminate this Agreement and all rights and obligations of the parties hereunder by giving written notice thereof to Developer.

(E) Closing Date. Subject to the terms and conditions of this Agreement, the Closing shall take place on October 31, 2023, or such earlier or later date upon which the City and Developer mutually agree.

(F) Closing Costs and Closing Documents. At the Closing, (i) Developer shall pay the Purchase Price; (ii) the City shall convey all of its right, title, and interest in and to the Sale Property to Developer by the City's Deed substantially in the form of Exhibit D hereto; and (iii) in the event of an agreed sale of a portion of the Sale Property to Naro LP, Developer shall promptly file with the Hamilton County Auditor and Recorder the Subdivision Plat, if required, to subdivide the Sale Property into the Naro Property and the Remainder Property. Developer shall pay all conveyance fees, if any, parcel fees, transfer taxes, if any, 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. 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 Sale Property thereafter becoming due. At Closing, the City and Developer 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).

Notwithstanding Developer's sale of the Naro Property to Naro LP, Developer shall not transfer title to the Sale Property or any portion thereof prior to the completion of construction without the City's prior written consent, as may be provided by the Director of DCED. Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing. Notwithstanding the foregoing, at its option, Developer may transfer the Sale Property to itself in order to consolidate the subject parcels. 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.

(G) Maintenance of Property Between Closing and Prior to Construction Commencement. Between the Closing and Construction Commencement (as defined below), Developer, at no expense to the City, shall maintain the Sale Property in presentable condition, including keeping the site reasonably free of debris and other unsightly materials.

(H) Environmental Indemnity. As a material inducement to the City to enter into this Agreement, Developer does hereby agree that, with respect to any environmental condition on or otherwise affecting the Sale Property that exists at or prior to the time of the City's execution of this Agreement (herein, a "**Pre-existing Environmental Condition**"), and regardless of whether or not such Pre-existing Environmental Condition is described in any environmental assessment or any other environmental report that may have been previously furnished by Developer to the City or otherwise obtained by the City, Developer shall (i) at no expense to the City, promptly take all steps necessary to remediate such Pre-existing Environmental Condition, within a reasonable time after discovery, to the satisfaction of the City's Office of Environment and Sustainability, and (ii) defend, indemnify, and hold the City harmless from and against any and all

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actions, suits, claims, losses, costs (including, without limitation, reasonable attorneys' fees), demands, judgments, liability, and damages suffered or incurred by or asserted against the City as a result of or arising from any such Pre-existing Environmental Condition. Developer's remediation and indemnity obligations under this paragraph shall survive the completion of the Project.

3. Commencement and Completion of Project.

(A) Commencement and Completion of Construction. Following Closing, Developer shall (i) apply for and receive the required building permits from the City's Department of Buildings and Inspections ("B&I") for construction of the Project; (ii) either provide sufficient evidence of financial capability to self-fund construction and completion of the Project, or close on financing sufficient to complete the Project (as evidenced by documentation satisfactory to the City; (iii) commence on-site construction of the Project in accordance with the City-approved plans no later than the Construction Commencement Date; and (iv) complete construction of the Project in accordance with the City-approved plans and specifications and all other City approvals no later than the Construction Completion Date.

(B) Extension of Terms. The Director of DCED may, in his or her sole discretion, extend the Construction Commencement Date, and/or the Construction Completion Date by up to 12 months by providing written notice to Developer.

(C) Plans and Specifications. Developer shall complete the Project in accordance with City-approved plans and specifications that are consistent with Exhibit C. Once the City's DCED Director has approved Developer's plans, Developer shall not make any material changes thereto without the Director's prior written consent.

(D) Contractors and Subcontractors. In performing work on the Property, Developer shall not solicit bids from any contractors or subcontractors who are identified as being debarred by the federal or state government or who are identified as being debarred on the City's Vendor's Performance list.

(E) Applicable Laws. Developer shall obtain, pay for, and maintain all necessary building permits and other 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 on Exhibit F (*Additional Requirements*) hereto. The City makes no representations or other assurances to Developer that Developer will be able to obtain whatever variances, permits, or other approvals from B&I, DOTE, other City departments, City Planning Commission, or City Council that may be required in connection with the Project.

(F) Inspection of Work. During construction at the Property, 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 under this Agreement. If the City determines that the work is not substantially in accordance with the City-approved plans and specifications or other requirements of this Agreement, is not in compliance with all applicable laws, or is not performed in a good and workmanlike manner, the City shall have the right, in its reasonable judgment and after giving Developer reasonable prior written notice thereof, to stop such work and order its replacement at Developer's expense.

(G) Mechanics' Liens. Developer shall not permit any mechanics' liens or other liens to be filed against the Property during construction. If a mechanic's lien shall at any time be filed, Developer shall, within 30 days after notice of the filing thereof, cause the same to be discharged of record.

(H) Reporting During Construction. Upon the City's request throughout construction, Developer shall provide the City with reports describing the status of the Project, including, without limitation, information about whether the Project is on budget and on schedule and containing such additional pertinent information thereto as the City may from time-to-time reasonably request. Developer shall submit a final report to the City upon completion of the Project.

(I) 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 construction has been completed.

4. Insurance; Indemnity.

(A) Insurance. Throughout 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/\$2,000,000 aggregate, naming the City as an additional insured, (ii) builder's risk insurance in the amount of 100% of the value of the improvements constructed, (iii) worker's compensation insurance in such amount as required by law, (iv) all insurance as may be required by Developer's construction lenders, and (v) such other insurance as may be reasonably required by the City's Division of Risk Management. 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 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 Developer's 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 under this Agreement to be maintained by Developer, 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 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) 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 the request of Developer in connection with the Project. Developer's obligations under this paragraph shall survive termination of this Agreement with respect to Claims suffered, incurred, asserted, or arising prior to the date of termination. As used herein, "**Claims**" means, collectively, any and all actions, suits, claims, losses, costs (including, without limitation, attorneys' fees), demands, judgments, liability, and damages.

5. Casualty; Eminent Domain. If after Closing, the Project or the Property is damaged or destroyed by fire or other casualty during Developer's construction, or if any portion of the Property is taken by exercise of eminent domain (federal, state, or local), Developer shall repair and restore the affected property, as expeditiously as possible, and to the extent practicable, to substantially the same condition in which the Property was in immediately prior to such occurrence. To the extent the City's participation is required, the City and Developer shall jointly participate in filing claims and taking such other actions pertaining to the payment of proceeds resulting from such occurrence. If the proceeds are insufficient to fully repair and restore the Property, the City shall not be required to make up the deficiency, Developer shall handle all construction in accordance with the applicable requirements set forth herein, including, without limitation, obtaining the City's approval of the plans and specifications for the improvements if they deviate from the original City-approved plans. Developer shall not be relieved of any obligations, financial

or otherwise, under this Agreement during any period in which the Project or the Property is being repaired or restored.

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 or observe any obligation, duty, or responsibility under this Agreement, or any other agreement to which Developer and the City are parties, and failure by Developer or the Developer’s affiliate to correct such failure within 30 days after Developer’s receipt of written notice thereof from the City (the “**Cure Period**”); *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, 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 of the 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 that is not cured or corrected within the Cure Period, the City shall be entitled to: (i) if the default occurs prior to Closing, terminate this Agreement by giving Developer written notice thereof, (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 event of 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, including, without limitation, pursuing an action for specific performance. 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 UPS, Federal Express, or other recognized courier service, 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
Attention: Director of the Department of
Community and Economic Development
Centennial Plaza Two, Suite 700
805 Central Avenue,
Cincinnati, Ohio 45202

To Developer:

Airecon Properties, LLC
5271 Brotherton Road,
Cincinnati, Ohio 45227
Attention: Josh Jacobs

Also to Developer's counsel:

Scott M. Slovin, Esq.
Wood and Lamping LLP
600 Vine Street, Suite 2500
Cincinnati, Ohio 45202

If Developer sends a notice to the City alleging that the City is in default under this Agreement, Developer shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, Ohio 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 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 herein. 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) Developer's execution, delivery, and performance of this Agreement and the transactions contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or Developer's organizational documents, or any mortgage, 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, or its parents, subsidiaries, or affiliates, at law or in equity or before or by any governmental authority that, if determined adversely, would impair the financial condition of such entity or its ability to perform its obligations with respect to the matters contemplated herein.

(v) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute, or governmental proceedings or investigation affecting Developer that could reasonably be expected to interfere substantially with its normal operations or materially and adversely affect its financial condition or its completion of the Project.

(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 owe 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 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, 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 {00373229-11}

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. Developer shall retain all Records and Reports for a period of 3 years after the completion of the Project.

(B) City’s Right to Inspect and Audit. During construction and for a period of 3 years after completion of the Project, 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 obligations under this Agreement without the prior written consent of the City, which may be withheld in the City’s sole and absolute discretion, and any attempt to do so without the City’s consent shall, at the City’s option, render this Agreement null and void.

(B) Entire Agreement. This Agreement (including the exhibits hereto) contains 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.

(C) Amendments and Waivers. This Agreement may be amended, waived, or otherwise modified only by a written amendment signed by both 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 Third-Party Beneficiaries. No third-party beneficiary rights are created by this Agreement.

(I) No Brokers. Developer and the City represent to one another that each of them has not dealt with a real estate broker, salesperson, or other person who might claim entitlement to a fee or other compensation from either party as a result of the parties’ execution of this Agreement.

(J) No Recording. This Agreement shall not be recorded in the Hamilton County Recorder’s Office.

(K) Time. Time is of the essence with respect to the performance by Developer of its obligations under this Agreement.

(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) 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.

(N) 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.

(O) 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.

(P) Termination of Lease. The City and Airecon Manufacturing, by executing this Agreement, terminate the Lease, effective as of the Closing Date. Airecon Manufacturing shall pay to the City any unpaid Rent (as defined in the Lease) pro rata through and including the date of Closing.

11. Coordinated Report Conditions. Per Coordinated Reports #04-2020 and #28-2021, Developer shall abide by and satisfy the following additional conditions unless and until each of the following additional conditions have been satisfied or waived in writing by the City, at the City's sole and absolute discretion:

(A) Metropolitan Sewer District of Greater Cincinnati ("MSDGC"):

- (1) A Request for Availability for Sewer Service ("**RASS**") is required. The MSDGC RASS will determine the availability of a sewer, need for sewer extensions or existing sewer rerouting, and outline any additional MSDGC project requirements that could impact a development or redevelopment and its associated project schedule if not considered early in project planning. Such considerations may include the need to:
 1. Obtain any MSDGC tap or special permits,
 2. Provide additional public sanitary sewer easements,
 3. Obtain an Ohio EPA Permit to Install,
 4. Utilize licensed and bonded sewer tappers with MSDGC,
 5. Arrange sewer construction inspection scheduling,
 6. Provide project on-site separation of flow requirements,
 7. Obtain a MSDGC Excavation/Fill permit and bond,
 8. Comply with MSDGC detention requirements per Section 303 of the MSDGC Rules and Regulations,
 9. Provide for a grease interception system, and/or
 10. 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.

- (2) Developer shall submit to MSDGC a development master plan showing the details requested by MSDGC to understand the entire Project. Developer may be required to abandon or relocate the existing public sewer infrastructure, as determined by MSDGC.
- (3) Records indicate there is an existing 8" private sewer located at the rear of parcels 036-0006-0199-00, 036-0006-0200-00, and 036-0006-0201-00. The condition of the private sewer is unknown.

(B) Greater Cincinnati Water Works ("GCWW"):

- (1) There are three active 3/4" water service lines attached to parcels 036-0006-0207-00 (H-83530), 036-0006-0206-00 (H-86230), and 036-0006-0205-00 (H-86229). Records indicate the branch material in the right of way is copper and the branch material with these parcels is lead. In accordance with Cincinnati Municipal Code Chapter 401 Division M, lead service lines within the parcels must be replaced with copper service lines.
- (2) There are three inactive 5/8" lead water service branches (H-60456, H-30207 and H-18577) attached to portions of the Sale Property. Because the existing water service branches are lead, these branches cannot be repurchased or reactivated. Developer must purchase new water service branches for these portions of the Sale Property.
- (3) 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 mains in their area to meet their future water demands. GCWW's approval of the Coordinated Reports for the sale of the Sale Property in no way relieves Developer of its responsibility to potentially upgrade the water system to meet its future fire and domestic water demands. This work will be performed at the expense of Developer and not at the expense of the City.
- (4) All conditions of water service to the Sale 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 the Sale Property is subject to all rules, regulations, and current practices and policies of GCWW.

(C) Buildings & Inspections: Developer shall have received an approved zoning use of the Sale Property prior to Closing, which would include either being granted appropriate variances or a site development permit ready for issuance. Developer shall also prepare a consolidation plat of the Airecon Property and Sale Property to record after closing, at the sole expense of Developer.

(D) Altafiber (Cincinnati Bell): The existing underground telephone facilities must remain in place, in service, and able to be accessed. Any damage done to the existing facilities, or any work done to relocate the existing facilities, will be at the sole expense of Developer.

12. Exhibits. The following exhibits are attached hereto and made a part hereof:

- Exhibit A – *Legal Description – Sale Property*
- Exhibit B – *Property/Site Plan*
- Exhibit C – *Statement of Work, Budget, and Sources of Funds*
- Exhibit D – *Form of Quitclaim Deed*
- Exhibit E – *Form of Termination of Lease*
- Exhibit F – *Additional Requirements* (incl. Addendum I - City's Prevailing Wage Determination)

Executed by the parties on the dates indicated below their respective signatures, effective as of the later of such dates (the “**Effective Date**”).

CITY OF CINCINNATI,
an Ohio municipal corporation

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

Date: _____, 2023

AIRECON PROPERTIES, LLC,
an Ohio limited liability company

By: _____
Joshua M. Jacobs, Sole Member

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 Property Sale and Development Agreement

Legal Description – Sale Property

Address: 4036 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0199-00

Situate in the City of Cincinnati, in the County of Hamilton and State of Ohio, in Section Twenty-two (22) and a portion of Section Sixteen (16) Township Four (4) fractional range two (2), of the Miami Purchase and being all of Lot Number Eight (8) of the Subdivision made by S. C. Betts as recorded in Plat Book 25, page 38, of the Hamilton County, Ohio Plat Records. Said Lot Number Eight (8) fronts forty-two and 20/100 (42.20) feet on the northwesterly side of Erie Avenue and extends back northwestwardly between parallel lines, to a depth of one hundred (100) feet.

Address: 4040 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0200-00

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, and being known and designated as Lot No. 9 of S. C. Betts Subdivision in Sections 16 and 22, Town 4, Fractional Range 2, of the Miami Purchase, as per plat thereof recorded in Plat Book No. 25, page 38, in the Recorder's Office of Hamilton County, Ohio. Said Lot No. 9 being 42.20 feet on the north side of Erie Avenue and extending back northwardly, between parallel lines, 100 feet in depth, being the same width in rear as in front.

ALSO, an easement in Lot No. 8 of said S. C. Betts Subdivision in Sections 16 and 22, Town 4, Fractional Range 2, of the Miami Purchase, Cincinnati, Hamilton County, Ohio, as per plat thereof recorded in Plat Book 25, page 38, Hamilton County, Ohio, Recorder's Office. Said easement in said Lot No. 8 having been granted by Cora Ludden and husband to Louis C. Hopkins, by instrument dated November 23, 1927, and recorded November 25, 1927.

The above conveyance of Lot No. 9 is subject to an easement granted therein by Louis C. Hopkins and wife of Cora Ludden in a driveway between said Lots Nos. 8 and 9, recorded in Deed Book 1981, page 435, of the Deed Records of Hamilton County, Ohio.

Address: 4044 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0201-00

Situate in the City of Cincinnati, County of Hamilton, and State of Ohio; being part of Lot No. 10 of S.C. Bett's Subdivision recorded in Plat Book 25, Page 38 and described as follows:

Beginning on the northerly line of Erie Court at the southwest corner of said Lot No. 10; thence North 37°02' West, 100 feet; thence North 52°58' East 22.66 feet; thence North 81°15' East 23.73 feet to a point 2 feet, at right angles, West of the northeast corner of said lot; thence South 37°02' East parallel with the east line of said lot 88.76 feet to Erie Avenue; thence South 52°58' West with Erie Court 43.50 feet to the beginning, and known as No. 4044 Erie Court, Cincinnati, Ohio.

Address: 4046 Erie Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0202-00

PARCEL ONE: Real Estate situated in the City of Cincinnati, County of Hamilton and State of Ohio and known, numbered and designated as Lot no. 11, of the subdivision recorded in Plat Book No. 25, page 38, Hamilton County, Ohio Records made by S. C. Betts as part of Lot no. 3 of Gilmore and Brotherton's subdivision and part of lot no. 2 of Charles Langdon's Estate, in Section 22, and a portion of section 16, Township 4, Fractional Range 2 of the Miami Purchase, the premises hereby conveyed being more particularly described as follows:

Commencing at a point in the north line of Erie Avenue a distance of four hundred and seventy-nine and eighty seven hundredths (479.87) feet east of the east right-of-way line of the Richmond Division of the Pennsylvania Railway, thence north and at right angles to Erie Avenue a distance of ninety-one and eighty-six hundredths (91.86) feet to a point; thence north eighty-one degrees and fifteen minutes east a distance of sixty-two and forty hundredths (62.40) feet to a point; thence south ten degrees east a distance of twenty and forty-five hundredths (20.45) feet to a point, thence south seventeen degrees and nine minutes east a distance of sixteen and sixteen hundredths (16.16) feet to a point; thence south thirty-seven degrees, sixty-two minutes east a distance of twenty five (25) feet to point in the north line of Erie Avenue, thence west along said north line of Erie Avenue a distance of thirty-nine and fifty hundredths (39.50) feet to the place of beginning and being part of the same premises conveyed to said Straudie C. Betts by C. Grane & Co. By deed recorded in Deed Book 1249, page 302 of Hamilton County, Ohio records.

PARCEL II: Real estate situated in Township 4, Fractional Range 2, of the Miami Purchase in the City of Cincinnati, County of Hamilton and State of Ohio and being more particularly described as follows:

Two (2) feet off the east side of Lot No. 10 of S.C. Betts Subdivision, as the same is recorded Plat Book 25, Page 38 of the Hamilton County, Ohio Records, said east two (2) feet adjoining Lot No. 11 of said subdivision and having a depth of 87.78 feet more or less to the rear end of Lot No. 10 of said subdivision, as recorded in Deed Book 4302, page 294 of the Deed Records of Hamilton County, Ohio.

Address: 5299 Brotherton Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0207-00

Situate in the City of Cincinnati, Hamilton County, Ohio, being known, numbered and designated as Lot No. Sixteen (16) of the Subdivision made by S.C. Betts of part of Lot No. 3 of Gilmore and Brotherton's Subdivision, and part of Lot No. 2 of Charles Langdon's estate in Section 22, and a part of Section 16, Township 4, Fractional Range 2 of the Miami Purchase as recorded in Plat Book 25, Page 38, of the Recorder's Office of said county, the premises hereby conveyed being more particularly described as follows:

Commencing at a point in the southwesterly line of Brotherton Road one hundred and sixty nine and 46/100 (169.46) feet west of its intersection with the north line of Erie Avenue thence south 17 degrees 21 minutes west a distance of eighty-eight and 81/100 (88.81) feet to a point; thence south 81 degrees 15 minutes west to a distance of twenty eight and 05/100 (28.05) feet to a point; thence north 72 degrees and 39 minutes west, a distance of eighteen and 81/100 (18.81) feet to a point, thence north 17 degrees and 21 minutes east a distance of one hundred (100) feet to a point in the southwesterly line of Brotherton Road; thence southeastwardly and along the last named line a distance of forty four (44) feet to the place of beginning.

Address: 5301 Brotherton Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0206-00

Situated in the City of Cincinnati, Hamilton County, State of Ohio, and being known, numbered and designated as Lot No. 15 of the subdivision made by S.C. Betts of part of Lot 3 of Gilmore and Brotherton's Subdivision and a part of Lot 2 of Charles Langdon's Estate in Section 22, and a portion in Section 16, Township 4, Fractional Range 2 of the Miami Purchase being more particularly described as follows: Commencing at a point in the southwesterly line of Brotherton Road, 130.46 feet west of its intersection with the North line of Erie Avenue; thence south $17^{\circ}21'$ west a distance of 18 feet to a point; thence south $7^{\circ}17'$ west, a distance of 22 feet to a point; thence south 10° east a distance of 24.20 feet to a point; thence south $81^{\circ}15'$ west a distance of 60.05 feet to a point; thence north $17^{\circ}21'$ east a distance of 88.81 feet to the southwesterly line of Brotherton Road; thence southeasterly along the last named line a distance of 30 feet of the place of the beginning.

Address: 5307 Brotherton Court, Cincinnati, Ohio 45227
Auditor's Parcel No.: 036-0006-0205-00

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, and known numbered and designated as Lot No. Fourteen (14) of the Subdivision made by S.C. Betts of Part of Lot Three (3) of the Gilmore and Brotherton's Subdivision and part of Lot Two (2) of Charles Langdon's Estate, in Section 22, and a portion of Section 16, Township 4, Fractional Range 2 of the Miami Purchase, said Subdivision of S.C. Betts being recorded in Plat Book 25, Page 38, Hamilton County, Ohio Records.

Property/Site Plan

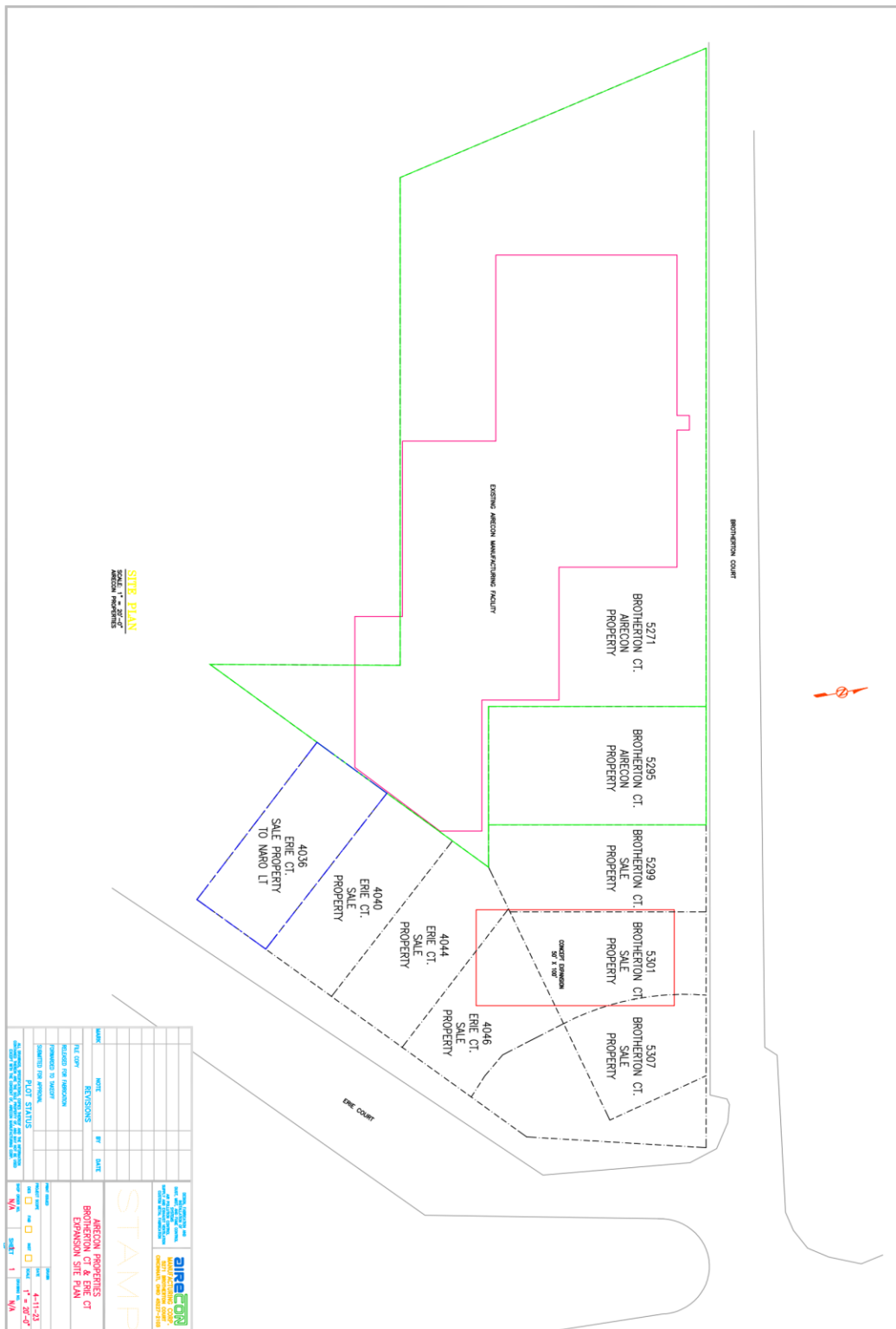


Exhibit C
to Property Sale and Development Agreement

Statement of Work, Budget, and Sources of Funds

Statement of Work

Developer shall be responsible for initial improvements to the Sale Property, which will include the clearing of overgrown sections of vegetation, leveling, and installing gravel. Developer shall also continue to provide regular upkeep and maintenance. Following the clearing of the Sale Property, Developer will construct an approximately 5,000 square foot building. The new building will enable increased manufacturing capacity, enhanced material flow, and improved ingress and egress around the Property.

Budget

TOTAL USES OF FUNDS

Acquisition	\$126,000
Site Improvements	\$100,000
Construction	\$600,000
Machinery & Equipment	\$60,000
TOTAL	\$886,000

TOTAL SOURCES OF FUNDS (LEVERAGE)

Cash	\$600,000
Primary Financing Loan	\$286,000
TOTAL	\$886,000

Exhibit D
to Property Sale and Development Agreement

Form of Quitclaim Deed
Final at Closing to be approved by Developer's legal counsel and title company

[SEE ATTACHED]

----- space above for recorder -----

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "**City**"), having an address of 801 Plum Street, for valuable consideration paid, hereby grants and conveys to **AIRECON PROPERTIES, LLC**, an Ohio limited liability company, whose address is 5271 Brotherton Road, Cincinnati, Ohio 45227 ("**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	Auditor's Parcel No.	Prior Instrument Reference
4036 Erie Court, Cincinnati, Ohio 45227	036-0006-0199-00	Official Record 7721, Page 1786
4040 Erie Court, Cincinnati, Ohio 45227	036-0006-0200-00	Official Record 7755, Page 2439
4044 Erie Court, Cincinnati, Ohio 45227	036-0006-0201-00	Official Record 8051, Page 2722
4046 Erie Court, Cincinnati, Ohio 45227	036-0006-0202-00	Official Record 7755, Page 2429
5299 Brotherton Court, Cincinnati, Ohio 45227	036-0006-0207-00	Official Record 8095, Page 2235
5301 Brotherton Court, Cincinnati, Ohio 45227	036-0006-0206-00	Official Record 8095, Page 2244
5307 Brotherton Court, Cincinnati, Ohio 45227	036-0006-0205-00	Official Record 8095, Page 2254

This conveyance was authorized by Ordinance No. _____, passed by Cincinnati City Council on _____.

Prior instrument references: Official Record _____, Page _____, Hamilton County, Ohio Records.

[Signature Page Follows]

Executed on _____, 2023.

CITY OF CINCINNATI

By: _____

Name: _____

Title: _____

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 municipal corporation.

Notary Public
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department
801 Plum Street, Suite 214
Cincinnati, Ohio 45202

Exhibits. The following exhibit is attached hereto and made a part hereof:
Exhibit A – Legal Description

Exhibit A
to Quitclaim Deed

Legal Description

[TO BE ATTACHED TO EXECUTION VERSION OF DEED]

Exhibit E
to Property Sale and Development Agreement

Form of Termination of Lease

[TO BE ATTACHED]

Exhibit F
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 Conferring 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.¹

(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

¹ Note: DCED is currently evaluating revisions to this SBE section due to recent legislative changes adopted by Council. If DCED implements these policy changes prior to the execution of this Agreement, this section will be revised.
{00373229-11}

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.

{00373229-11}

(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

June 7, 2023
202301568

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – CMO: Community Based Violence Intervention and Prevention Initiative Grant from U.S. Department of Justice

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

Approval of this Ordinance authorizes the City Manager apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative (CBVIPI) through the U.S. Department of Justice (DOJ), Bureau of Justice Assistance (BJA) (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

The City already applied for this grant to meet the deadline of May 25, 2023, but no grant resources will be accepted without City Council approval.

This grant does not require matching funds or new FTEs/full time equivalents.

Applying for the Community Based Violence Intervention and Prevention Initiative grant is in accordance with the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our neighborhoods” as described on pages 156-163 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 apply for a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

WHEREAS, a grant of up to \$2,000,000 is available from FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045); and

WHEREAS, the grant would provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime; and

WHEREAS, this grant does not require matching funds, and there are no new FTEs/full time equivalents; and

WHEREAS, the City has already applied for the grant by the deadline of May 25, 2023, but no grant resources will be accepted without Council approval; and

WHEREAS, applying for the Community Based Violence Intervention and Prevention Initiative grant is in accordance the “Live” goal to “[c]reate a more livable community” and strategy to “[s]upport and stabilize our neighborhoods” as described on pages 156-163 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 a grant of up to \$2,000,000 from the FY 2023 Community Based Violence Intervention and Prevention Initiative through the U.S. Department of Justice, Bureau of Justice Assistance (ALN 16.045) to provide resources to plan, implement, and evaluate evidence-informed community violence intervention strategies within a neighborhood experiencing chronic and disproportionate levels of violent crime.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to comply with the terms of Section 1.

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

June 7, 2023

To: Mayor and Members of City Council 202301569

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – FY 2024 Budget: General Fund
Appropriation for the African American Chamber of Commerce**

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation of funds and authorization of expenditures of \$350,000 from General Fund 050 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, Schedule 1, to provide for the current expenses and other expenses of the City of Cincinnati.

This Emergency Ordinance provides leveraged support funding for the African American Chamber of Commerce in the amount of \$350,000 as included in the Recommended FY 2024 General Fund Operating Budget according to the attached Schedule of Appropriation.

The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City including leveraged support for the African American Chamber of Commerce.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

CNS

- 2023

PROVIDING for the appropriation of funds and authorization of expenditures of \$350,000 from General Fund 050 as leveraged support for the African American Chamber of Commerce for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, Schedule 1, to provide for the current expenses and other expenses of the City of Cincinnati.

WHEREAS, funds must be appropriated from the General Fund for the purposes identified by this ordinance to provide for the usual daily operations of various departments of the City during the fiscal year beginning July 1, 2023 and ending June 30, 2024; and

WHEREAS, leveraged support funding of \$350,000 is being provided to the African American Chamber of Commerce as part of the Recommended FY 2024 General Fund Operating Budget; and

WHEREAS, the leveraged support funding will be appropriated to the City Manager's Office operating budget account no. 050x101x7400; now, therefore,

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

Section 1. That, in order to provide for the current expenses and other expenses of the City from the General Fund during the fiscal year beginning July 1, 2023 and ending June 30, 2024, there is appropriated out of the monies in the treasury, or any accruing revenues of the City available for such purposes, \$350,000 as set forth in the attached Schedule of Appropriation, Schedule 1, to provide leveraged support funding for the African American Chamber of Commerce.

Section 2. That the appropriate City officials are authorized to do all things necessary and proper to carry out Section 1.

Section 3. That the effective date of this ordinance shall be July 1, 2023.

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 to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City including leveraged support for the African American Chamber of Commerce.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION (AFRICAN AMERICAN CHAMBER OF COMMERCE LEVERAGED SUPPORT)
FY 2024 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the General Fund (050) for the fiscal year 2024, the sums set forth in the columns designated 7100, 7500 Salaries and Benefits, Non-Personnel 7200-7400, Properties 7600, Debt 7700 and Total Appropriation:

Department and Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
General Fund							
City Manager							
City Manager's Office	050	101		350,000			350,000
Total General Fund			-	350,000	-	-	350,000

June 7, 2023

To: Mayor and Members of City Council 202301570

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – FY 2024 Budget: General Fund Operating Budget**

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$502,140,750 for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, to provide for the current expenses and other expenses of the City of Cincinnati; **AUTHORIZING** the transfer of \$3,522,800 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City's FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and of \$1,182,270 related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$20,467,640 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; **AUTHORIZING** the transfer of \$850,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative; **AUTHORIZING** the transfer of \$18,430 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP; **AMENDING** the Sections of Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code regarding the compensation schedules of employees in Divisions 0, 5, 7 (LAW), 8, and 9 by applying a four percent wage adjustment for non-represented employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036, and a three percent wage adjustment for non-represented employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 (LAW) and 9 not receiving the four percent wage adjustment, to collectively constitute the new Classification and Salary Range Schedule for these classifications and to provide for wage adjustments effective June 25, 2023; **MODIFYING** the Division designation of the Zoning Hearing Examiner in the Law Department by

moving the employment classification to Division 7 (LAW), to ensure consistency within the employment classifications in the Law Department; and REVISING the Department of Buildings and Inspections fee schedule to reflect the annual consumer price index adjustment of eight percent applied to fees charged for services related to property permitting and maintenance.

The reason for the emergency is to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City of Cincinnati.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

MSS

- 2023

PROVIDING for the appropriation of funds and authorization of expenditures from General Fund 050 in the amount of \$502,140,750 for the fiscal year beginning July 1, 2023 and ending June 30, 2024, reflecting a portion of the Recommended FY 2024 General Fund Operating Budget totaling \$502,490,750, per the attached Schedule of Appropriation, to provide for the current expenses and other expenses of the City of Cincinnati; **AUTHORIZING** the transfer of \$3,522,800 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City's FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and of \$1,182,270 related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$20,467,640 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department; **AUTHORIZING** the transfer of \$850,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative; **AUTHORIZING** the transfer of \$18,430 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP; **AMENDING** the sections of Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code regarding the compensation schedules of employees in Divisions 0, 5, 7 (LAW), 8, and 9 by applying a four percent wage adjustment for non-represented employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036, and a three percent wage adjustment for non-represented employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 (LAW) and 9 not receiving the four percent wage adjustment, to collectively constitute the new Classification and Salary Range Schedule for these classifications and to provide for wage adjustments effective June 25, 2023; **MODIFYING** the Division designation of the Zoning Hearing Examiner in the Law Department by moving the employment classification to Division 7 (LAW), to ensure consistency within the employment classifications in the Law Department; and **REVISING** the Department of Buildings and Inspections fee schedule to reflect the annual consumer price index adjustment of eight percent applied to fees charged for services related to property permitting and maintenance.

WHEREAS, it is necessary to appropriate resources from the General Fund for the purposes set forth herein to provide for the usual daily operations of various departments of the City of Cincinnati during the fiscal year beginning July 1, 2023 and ending June 30, 2024; and

WHEREAS, due to the COVID-19 pandemic, one-time resources of \$28,200,000 from American Rescue Plan (ARP) stimulus funds are available to reimburse expenses or provide revenue replacement for the FY 2024 General Fund Operating Budget; and

WHEREAS, the Recommended FY 2024 General Fund Operating Budget includes a four percent wage adjustment for Non-Represented Employees in Division 0 as well as classifications LAW186, LAW191, LAW193, LAW217, LAW224, LAW225, LAW930, D9035, and D9036; and

WHEREAS, the Recommended FY 2024 General Fund Operating Budget includes a three percent wage adjustment for Non-Represented Employees in Divisions 5 and 8 as well as the remaining classifications in Divisions 7 and 9 not receiving the four percent wage adjustment; and

WHEREAS, it is necessary to modify the Division designation of the Zoning Hearing Examiner in the Law Department by moving that employment classification to Division 7 to ensure consistency within the employment classifications in the Law Department, all of which are currently in Division 7 other than the City Solicitor, which position is properly in Division 5 (“Department Head or equivalent”) and the Zoning Hearing Examiner, which position is currently in Division 0 (“Middle Management”); and

WHEREAS, Ordinance No. 152-2017, passed June 21, 2017, authorized the Department of Buildings and Inspections to collect fees for services related to permitting and property maintenance according to an established fee schedule to augment the Department’s ability to ensure the safety and maintenance of buildings, to provide enhanced services, and to improve its technology infrastructure; and

WHEREAS, consistent with the Recommended FY 2024 General Fund Operating Budget, it is necessary to adjust the fees charged by the Department of Buildings and Inspections by eight percent based on the annual consumer price index adjustment for calendar year 2022 to ensure that the fees charged reasonably account for increased costs of service delivery due to inflationary increases and to continue to allow the Department to accomplish the purposes intended; now, therefore,

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

Section 1. That, to provide for the current expenses and other expenses of the City of Cincinnati from General Fund 050 during the fiscal year beginning July 1, 2023 and ending June 30, 2024, \$502,140,750 is appropriated out of the monies in the treasury or any accruing revenues of the City available for such purposes as set forth in the attached Schedule of Appropriation, Schedule 1, attached hereto and made a part hereof, for the purposes therein indicated.

Section 2. That \$3,522,800 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Bond Retirement Fund 151 to pay the City’s FY 2024 General Fund debt service obligations of \$2,340,530 related to the Ohio Police and Fire Pension Fund and debt service obligations of \$1,182,270 related to the Early Retirement Incentive Program (“ERIP”).

Section 3. That \$20,467,640 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416 to provide for the FY 2024 General Fund Operating Budget portion of the expenses of the Cincinnati Health Department.

Section 4. That \$850,000 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Citizens Job Fund 308 to provide resources for the Career Pathways Initiative.

Section 5. That \$18,430 is transferred from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Enterprise Technology Solutions Fund 702 to provide resources for debt service for the ERIP.

Section 6. That Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code is amended for employees in Divisions 0, 5, 7 (LAW), 8, and 9 as indicated on the Non-Represented Salary Schedule, attached hereto as Exhibit A and made a part hereof, reflecting a four percent adjustment for each classification in Division 0 as well as classifications LAW186, LAW191, LAW 193, LAW217, LAW224, LAW 225, LAW930, D9035, and D9036, and a three percent adjustment for each classification in Divisions 5 and 8 and the remaining classifications in Division 7 (LAW) and 9 not receiving the four percent adjustment.

Section 7. That the Division designation of the Zoning Hearing Examiner in the Law Department is hereby modified by moving the employment classification to Division 7 to ensure consistency within the employment classifications in the Law Department, as reflected in the attached Exhibit A.

Section 8. That the Department of Buildings and Inspections fee schedule related to property permitting and maintenance, which Council authorized in Ordinance No. 152-2017, is

revised as reflected in the Fee Schedule attached hereto as Exhibit B and made a part hereof, which increases the current fees by eight percent for FY 2024 based on the annual consumer price index adjustment based on calendar year 2022 inflation.

Section 9. That the appropriate City officials are authorized to do all things necessary and proper to implement the provisions of Sections 1 through 8.

Section 10. That the effective date of Sections 6 and 7 shall be June 25, 2023.

Section 11. That the effective date of Sections 1 through 5 and Section 8 shall be July 1, 2023.

Section 12. 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 to ensure that necessary funding is in place prior to the beginning of Fiscal Year 2024, which begins on July 1, 2023, for the current expenses and other expenses of the City of Cincinnati.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

**SCHEDULE OF APPROPRIATION
FY 2024 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1. That there be appropriated from the General Fund (050) for the fiscal year 2024, the sums set forth in the columns designated 7100, 7500 Salaries and Benefits, Non-Personnel 7200-7400, Properties 7600, Debt 7700 and Total Appropriation:

Department and Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
General Fund							
City Council							
Councilmember L. Keating	050	012	130,160	5,040			135,200
Councilmember S. Walsh	050	015	130,160	5,040			135,200
Councilmember J. Cramerding	050	018	130,160	5,040			135,200
City Councilmembers	050	019	1,122,410				1,122,410
Councilmember R. Harris	050	021	130,160	5,040			135,200
Councilmember M. Jeffreys	050	022	130,160	5,040			135,200
Councilmember S. Johnson	050	023	130,160	5,040			135,200
Councilmember M. Owens	050	025	130,160	5,040			135,200
Councilmember V. Parks	050	027	130,160	5,040			135,200
Councilmember J-M Kearney	050	029	130,160	5,040			135,200
City Council Total			2,293,850	45,360			2,339,210
Office of the Mayor							
Office Of The Mayor	050	031	1,030,860	16,750			1,047,610
Clerk of Council							
Office Of The Clerk Of Council	050	041	616,750	207,450			824,200
Enterprise Technology Solutions							
Enterprise Technology Solutions	050	091	6,348,720	873,190			7,221,910
City Manager							
City Manager's Office	050	101	3,610,390	17,205,340			20,815,730
Office Of Budget & Evaluation	050	102	944,700	87,220			1,031,920
Emergency Communications Center	050	103	14,824,410	1,126,020			15,950,430
Office Of Environment and Sustainability	050	104	1,138,600	2,267,740			3,406,340
Office of Procurement	050	107	1,302,490	300,720			1,603,210
Performance and Data Analytics	050	108	1,682,610	175,050			1,857,660
Internal Audit	050	109	497,460	14,180			511,640
City Manager Total			24,000,660	21,176,270			45,176,930
Law							
Law - Civil	050	111	6,170,630	646,120			6,816,750
Law - Administrative Hearings & Prosecution	050	112	3,712,460	261,010			3,973,470
Law Total			9,883,090	907,130			10,790,220
Human Resources							
Human Resources	050	121	3,802,100	530,390			4,332,490
Finance							
Office of The Director	050	131	358,520	20,330			378,850
Accounts and Audits	050	133	1,685,840	137,940			1,823,780
Treasury	050	134	1,005,680	362,370			1,368,050
Risk Management	050	135		442,660			442,660
Income Tax	050	136	3,426,440	473,580			3,900,020
Finance Total			6,476,480	1,436,880			7,913,360
Community & Economic Development							
Director's Office and Administration	050	161	876,940	287,940			1,164,880
Housing Division	050	162	183,880	601,160			785,040
Economic Development and Major/Special Projects Division	050	164	1,046,150	1,367,350			2,413,500
Community & Economic Development Total			2,106,970	2,256,450			4,363,420
City Planning and Engagement							
City Planning & Zoning	050	171	1,515,720	84,370			1,600,090

Department and Agency	Fund	Agency	Salaries and Benefits 7100, 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Citizen Complaint Authority							
Citizen Complaint Authority	050	181	1,335,270	51,520			1,386,790
Recreation							
West Region	050	191	2,550,450	454,990			3,005,440
East Region	050	192	2,038,660	358,840			2,397,500
Central Region	050	193	2,340,440	374,940			2,715,380
Maintenance	050	194	2,867,620	1,121,880			3,989,500
Athletics	050	197	2,440,040	385,310			2,825,350
Support Services	050	199	3,395,780	308,210	20,000		3,723,990
Recreation Total			15,632,990	3,004,170	20,000		18,657,160
Parks							
Office of The Director	050	201	546,310	12,650			558,960
Operations and Facility Management	050	202	4,483,390	3,484,410			7,967,800
Administration and Program Services	050	203	1,869,720	188,320			2,058,040
Parks Total			6,899,420	3,685,380			10,584,800
Buildings & Inspections							
Buildings & Inspections, Licenses & Permits	050	211	10,502,880	2,594,930			13,097,810
Property Maintenance Code Enforcement	050	212	238,820	74,970			313,790
Buildings & Inspections Total			10,741,700	2,669,900			13,411,600
Police							
Patrol Bureau	050	222	107,793,460	7,959,800			115,753,260
Investigations Bureau	050	225	19,564,480	1,813,260			21,377,740
Support Bureau	050	226	15,378,110	8,466,640			23,844,750
Administration Bureau	050	227	14,103,910	5,430,910			19,534,820
Police Total			156,839,960	23,670,610			180,510,570
Transportation & Engineering							
Office of The Director	050	231	583,890	103,630			687,520
Transportation Planning	050	232	378,940	247,310			626,250
Engineering	050	233	212,310	3,760			216,070
Traffic Engineering	050	239		1,891,230			1,891,230
Transportation & Engineering Total			1,175,140	2,245,930			3,421,070
Public Services							
Office of The Director	050	251	949,990	100,830			1,050,820
Traffic And Road Operations	050	252	121,840				121,840
Neighborhood Operations	050	253	6,967,480	5,035,640			12,003,120
City Facility Management	050	255	106,280	2,783,680			2,889,960
Fleet Services	050	256	187,410	1,050			188,460
Public Services Total			8,333,000	7,921,200			16,254,200
Fire							
Fire - Response	050	271	121,487,650	9,654,190			131,141,840
Fire - Support Services	050	272	15,151,620	1,782,370			16,933,990
Fire Total			136,639,270	11,436,560			148,075,830
Economic Inclusion							
Economic Inclusion	050	281	1,315,990	120,230			1,436,220

Department and Agency	Fund	Agency	Salaries and	Non-Personnel	Properties	Debt	Total
			Benefits				
			7100, 7500	7200-7400	7600	7700	Appropriation
Non-Departmental Accounts							
Contribution To City Pension	050	911	875,380				875,380
Contribution to Total Benefit Arrangement (CRS)	050	915	1,050				1,050
Public Employees Assistance Program (PEAP)	050	919	600,410				600,410
Workers' Compensation Insurance	050	921	4,720,140				4,720,140
Police & Fire Fighters' Insurance	050	922		316,130			316,130
State Unemployment Compensation	050	923	150,000				150,000
Lump Sum Payments	050	924	1,193,290				1,193,290
Tuition Reimbursement	050	928		100,000			100,000
Audit And Examiner's Fees	050	941		461,500			461,500
Hamilton County Auditor & Treasurer Fees	050	942		500,000			500,000
General Fund Overhead	050	944	89,840				89,840
Election Expense	050	946		551,510			551,510
CRA Application Fees	050	947		15,000			15,000
Judgments Against The City	050	951		900,000			900,000
Enterprise Software and Licenses	050	952		10,711,260			10,711,260
Memberships & Publications	050	953		267,010			267,010
Other City Obligations	050	959		280,550			280,550
Downtown Special Improvement District	050	963		10,000			10,000
The Port (Greater Cincinnati Redevelopment Authority)	050	968		700,000			700,000
Reserve For Contingencies	050	990		350,000			350,000
Non-Departmental Accounts Total			7,630,110	15,162,960			22,793,070
Total General Fund			404,618,050	97,502,700	20,000		502,140,750

**SCHEDULE OF APPROPRIATION
FY 2024 GENERAL FUND OPERATING BUDGET**

SCHEDULE 1 - PART II. Estimated receipts, surplus, and expenditures of the General Fund for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

<u>RECEIPTS AND SURPLUS</u>	<u>AMOUNT</u>	<u>EXPENDITURES & BALANCES</u>	<u>AMOUNT</u>
Taxes		Total Salary and Benefits.....	\$404,618,050
Real and Tangible Property	\$36,364,390		
City Earnings	\$344,000,000		
Other Taxes	<u>\$10,175,500</u>		
Total Taxes.....	\$390,539,890		
		Other Expenses	
Other Receipts		Departmental	\$82,339,740
Licenses and Permits	\$27,161,040	Non-Departmental	\$14,812,960
Courts and Use of Money and Property	\$12,468,680	Reserve for Contingencies	\$350,000
Revenue from Other Agencies	\$16,251,440		
Charges for Current Service	\$37,622,140	Properties	\$20,000
Casino Revenue	\$10,000,000		
Miscellaneous Revenue	<u>\$33,106,430</u>	Debt Service	<u>\$0</u>
Total Other Receipts.....	<u>\$136,609,730</u>	Total Other Expenses, Properties, and Debt.....	<u>\$97,522,700</u>
TOTAL RECEIPTS.....	\$527,149,620	TOTAL EXPENDITURES.....	\$502,140,750
TRANSFERS IN	\$200,000	TRANSFERS OUT.....	\$24,858,870
Estimated Balance July 1, 2023	<u>\$17,964,560</u>	Estimated Balance June 30, 2024	<u>\$18,314,560</u>
TOTAL RECEIPTS AND SURPLUS	<u><u>\$545,314,180</u></u>	TOTAL EXPENDITURES AND BALANCE	<u><u>\$545,314,180</u></u>

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-001	D0	001	Administrative Specialist	26.589208	40.423981	27.652776	42.040940
307-008	D0	008	Administrative Technician	20.138474	30.616832	20.944013	31.841506
307-009	D0	009	Investigator	31.663270	47.954440	32.929800	49.872618
307-013	D0	013	Senior Administrative Spclst	31.541961	47.954440	32.803639	49.872618
307-042	D0	042	Computer Programmer/Analyst	20.927059	28.816563	21.764142	29.969225
307-043	D0	043	Senior Comptr Programmer/Anlys	31.541961	47.954440	32.803639	49.872618
307-058	D0	058	Community Dvlpmnt & Plan Anal-EXM	26.589208	40.423981	27.652776	42.040940
307-066	D0	066	Development Officer	26.589208	36.613329	27.652776	38.077862
307-080	D0	080	Graphic Designer	26.589208	40.423981	27.652776	42.040940
307-089	D0	089	Human Resources Analyst	26.589208	40.423981	27.652776	42.040940
307-092	D0	092	Internal Auditor	26.589208	40.423981	27.652776	42.040940
307-094	D0	094	Management Analyst	26.589208	40.423981	27.652776	42.040940
307-146	D0	146	Comm Econ Development Analyst	20.858361	40.423981	21.692695	42.040940
307-148	D0	148	Comm Econ Develop Sr Analyst	25.813266	47.954440	26.845796	49.872618
307-149	D0	149	Senior Human Resources Analyst	31.542426	47.954440	32.804123	49.872618
307-150	D0	150	Senior Internal Auditor	31.542426	47.954440	32.804123	49.872618
307-151	D0	151	Supvr of Prk/Rec Maint & Const	31.542426	47.954440	32.804123	49.872618
307-152	D0	152	Senior City Planner	31.542426	47.954440	32.804123	49.872618
307-154	D0	154	Senior CommDev & Plan Anl-EXM	31.542426	47.954440	32.804123	49.872618
307-156	D0	156	Senior Development Officer	31.542426	47.954440	32.804123	49.872618
307-162	D0	162	Human Resources Info Sys Anal	31.538166	47.957239	32.799692	49.875529
307-177	D0	177	Senior Management Analyst	31.542426	47.954439	32.804123	49.872617
307-190	D0	190	Zoning Hearing Examiner	46.808494	63.191474	48.680834	65.719133
307-200	D0	200	Dietitian	23.683087	32.611610	24.630410	33.916075
307-219	D0	219	PEAP Coordinator	45.638892	63.504762	47.464448	66.044952
307-220	D0	220	Psychologist	31.955767	44.003095	33.233998	45.763219
307-222	D0	222	Intelligence Analyst	24.223501	32.970001	25.192441	34.288801
307-228	D0	228	Assistant Dental Director	31.542426	43.433914	32.804123	45.171270
307-232	D0	232	Intelligence Analyst Supervisor	26.586001	36.738693	27.649441	38.208241
307-247	D0	247	PEAP Counselor	28.738501	46.546501	29.888041	48.408361
307-248	D0	248	Physician Assistant	33.387588	44.870116	34.723091	46.664921
307-258	D0	258	Accountant	26.589208	40.423981	27.652776	42.040940
307-265	D0	265	City Planner	26.589208	40.423981	27.652776	42.040940
307-271	D0	271	Physical Therapist	24.927736	34.325497	25.924845	35.698517
307-299	D0	299	Asst Health Laboratory Mgr	31.542426	43.433914	32.804123	45.171270
307-322	D0	322	Recycling Operations Tech	18.978120	25.307731	19.737245	26.320040
307-323	D0	323	Training Coordinator	31.542426	47.954440	32.804123	49.872618
307-336	D0	336	Housing Services Coordinator	21.856638	22.619726	22.730904	23.524516
307-438	D0	438	Supervisor of Building Permits	26.173548	36.040973	27.220490	37.482611
307-443	D0	443	Zoning Supervisor	29.891344	41.160383	31.086997	42.806799
307-575	D0	575	Development Officer 4	34.015571	47.954440	35.376194	49.872618
307-761	D0	761	Water Security Supervisor	28.827090	42.227828	29.980174	43.916941
307-763	D0	763	Security Supervisor	20.138474	27.730679	20.944013	28.839906
307-824	D0	824	Information Technology Coor	20.927059	28.816563	21.764142	29.969225
307-864	D0	864	Landscape Architect	27.003702	37.184098	28.083850	38.671462
307-963	D0	963	Park Planner	34.015571	46.839436	35.376194	48.713013
307-004	D5	004	ETS Director	56.029598	84.501246	57.710486	87.036284
307-012	D5	012	Director of Communications	46.711467	66.483056	48.112811	68.477548
307-014	D5	014	Executive Mgr of Police Relatns	46.412801	62.657412	47.805185	64.537134
307-016	D5	016	Assistant to the City Manger	43.047672	62.295145	44.339102	64.163999
307-019	D5	019	Assistant Safety Director	46.412812	62.657293	47.805197	64.537012
307-020	D5	020	City Manager	127.539617	162.116265	131.365805	166.979752
307-022	D5	022	CommDev & Planning Director	56.029598	75.639961	57.710486	77.909160
307-032	D5	032	Deputy City Manager	65.465607	88.378570	67.429575	91.029927
307-033	D5	033	Environmental Programs Manager	48.877317	66.483056	50.343637	68.477548
307-037	D5	037	Exec Assistant Police Chief	75.447442	77.013077	77.710865	79.323469
307-040	D5	040	Budget Director	56.029600	77.909136	57.710488	80.246410
307-059	D5	059	Dir of Perform & Data Analytic	56.029598	84.501246	57.710486	87.036284
307-074	D5	074	CCA Director	56.029598	77.909136	57.710486	80.246410
307-075	D5	075	Cntrct Cmp & Adm Hrng Off	43.047672	58.114351	44.339102	59.857782
307-108	D5	108	Assistant Finance Director	51.447455	71.194453	52.990878	73.330286

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-114	D5	114	Director of Economic Inclusion	61.915609	77.909136	63.773077	80.246410
307-115	D5	115	Finance Director	56.029598	84.501246	57.710486	87.036284
307-120	D5	120	Retirement Director	56.029598	77.909136	57.710486	80.246410
307-153	D5	153	Dep Dir Perf & Data Analytics	48.393296	65.824807	49.845095	67.799551
307-155	D5	155	Human Resources Director	56.029598	77.909136	57.710486	80.246410
307-158	D5	158	Asst Human Resources Director	46.412812	62.657293	47.805197	64.537012
307-170	D5	170	City Solicitor	65.465607	101.229700	67.429575	104.266591
307-204	D5	204	Assistant Health Commissioner	48.877317	65.984374	50.343637	67.963905
307-205	D5	205	Health Commissioner	65.465699	101.229700	67.429670	104.266591
307-365	D5	365	Fire Chief	65.465609	89.335170	67.429577	92.015225
307-389	D5	389	Police Chief	65.465609	89.335170	67.429577	92.015225
307-446	D5	446	Buildings & Inspections Dir	67.191960	84.501246	69.207718	87.036284
307-450	D5	450	Asst Building & Insp Director	40.414366	54.559394	41.626797	56.196176
307-490	D5	490	City Planning Director	56.029598	84.501245	57.710486	87.036282
307-525	D5	525	Deputy Public Works Director	48.877317	71.194453	50.343637	73.330286
307-527	D5	527	Deputy Sewers Director	48.877317	65.984373	50.343637	67.963904
307-530	D5	530	Sewers Director	56.029598	84.501246	57.710486	87.036284
307-534	D5	534	Dep Dir of Economic Inclusion	48.877228	66.483056	50.343545	68.477548
307-535	D5	535	Deputy Director	48.877119	71.194453	50.343433	73.330286
307-554	D5	554	Asst Neighborhood Svcs Directr	40.414366	54.559394	41.626797	56.196176
307-556	D5	556	Deputy CommDev & Planning Dir	48.877317	65.984375	50.343637	67.963906
307-559	D5	559	Assistant Recreation Director	45.062395	66.483056	46.414267	68.477548
307-560	D5	560	Recreation Director	56.029598	84.501246	57.710486	87.036284
307-735	D5	735	Water Works Director	68.199838	84.501246	70.245834	87.036284
307-828	D5	828	Emergency Comm Center Director	56.029599	84.501248	57.710487	87.036286
307-865	D5	865	Parks Director	59.813085	84.501246	61.607477	87.036284
307-888	D5	888	Public Services Director	56.029598	84.501246	57.710486	87.036284
307-891	D5	891	Assistant City Manager	65.465608	101.229700	67.429576	104.266591
307-970	D5	970	Transportation & Eng Director	56.029598	84.501246	57.710486	87.036284
307-981	D5	981	Employment & Training Manager	48.877317	65.984373	50.343637	67.963904
307-982	D5	982	Director of Water and Sewers	71.152009	106.988496	73.286570	110.198151
307-984	D5	984	Director Community & Econ Dev	61.915609	77.909136	63.773077	80.246410
307-985	D5	985	Deputy Dir Community & Econ De	48.877317	71.194384	50.343637	73.330216
307-989	D5	989	Deputy Director Water & Sewers	53.566599	71.194453	55.173597	73.330286
307-991	D5	991	Executive Project Director	57.832201	103.415063	59.567167	106.517515
307-993	D5	993	Director of Procurement	56.029598	77.909136	57.710486	57.710486
307-997	D5	997	Economic Development Director	56.029598	75.639961	57.710486	77.909160
307-015	D8	015	Regional Computer Center Mgr	56.575838	76.377387	58.273113	78.668708
307-041	D8	041	Supervising Management Analyst	37.079193	53.919328	38.191569	55.536908
307-045	D8	045	Info Technology Asst Manager	39.732885	58.107237	40.924871	59.850454
307-046	D8	046	Information Technology Manager	44.888499	62.295145	46.235154	64.163999
307-078	D8	078	Chief Investigator	37.079193	53.919328	38.191569	55.536908
307-109	D8	109	Airport Manager	39.732885	58.107237	40.924871	59.850454
307-110	D8	110	Division Manager	44.888105	62.295145	46.234748	64.163999
307-113	D8	113	Risk Manager	39.732885	53.639397	40.924871	55.248579
307-131	D8	131	Supvg Environ/Safety Spec	37.079193	53.919328	38.191569	55.536908
307-134	D8	134	Asst Commercial Svcs Supt	35.090345	47.371965	36.143056	48.793124
307-135	D8	135	Commercial Services Supt	44.888499	62.295145	46.235154	64.163999
307-141	D8	141	Supervising Buyer	37.079193	53.919328	38.191569	55.536908
307-145	D8	145	City Purchasing Agent	39.732885	53.639397	40.924871	55.248579
307-159	D8	159	Supvg Human Resources Analyst	37.079193	53.919328	38.191569	55.536908
307-160	D8	160	Police Academy Manager	42.030726	56.741769	43.291648	58.444022
307-168	D8	168	Asst Treatment Superintendent	39.732885	58.107237	40.924871	59.850454
307-178	D8	178	Medical Director	78.414285	110.876533	80.766714	114.202829
307-185	D8	185	Supvg Comm Dev & Plang Anl-EXM	37.079193	53.919328	38.191569	55.536908
307-201	D8	201	Occupational/Safety Hlth Coord	44.769578	62.295145	46.112665	64.163999
307-202	D8	202	Public Wks Opr Asst Supt	39.732885	53.639397	40.924871	55.248579
307-208	D8	208	City Architect	45.916904	66.483056	47.294411	68.477548
307-216	D8	216	Principal Engineer	42.213287	58.107237	43.479686	59.850454
307-218	D8	218	Envrnmntl/Solid Wst Prgrams Crd	42.030941	58.107237	43.291869	59.850454

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-227	D8	227	Dental Director	87.330032	104.697724	89.949933	107.838655
307-231	D8	231	Parks/Rec Superintendent	43.581480	62.295145	44.888924	64.163999
307-233	D8	233	Pharmacy Director	59.826346	71.673145	61.621136	73.823339
307-236	D8	236	Supervising Real Property Spec	37.079193	53.919328	38.191569	55.536908
307-237	D8	237	Public Information Officer	33.044636	51.222101	34.035975	52.758764
307-242	D8	242	Health Programs Manager	37.079193	53.919328	38.191569	55.536908
307-249	D8	249	Public Health Practitioner	70.064028	94.586438	72.165948	97.424031
307-252	D8	252	Dentist	72.705834	93.180973	74.887009	95.976403
307-253	D8	253	Public Wks Opr Superintendent	44.888499	62.295145	46.235154	64.163999
307-254	D8	254	Supervising Accountant	37.079193	53.919328	38.191569	55.536908
307-255	D8	255	Supervising Architect	37.079193	53.919328	38.191569	55.536908
307-256	D8	256	Treatment Superintendent	44.888499	62.295145	46.235154	64.163999
307-257	D8	257	Public Wrks/Utilities Supt	44.888499	62.295145	46.235154	64.163999
307-259	D8	259	Environmental Services Directr	35.090345	50.254907	36.143056	51.762554
307-260	D8	260	Regional Comp Ctr Asst Mgr	48.269322	65.163582	49.717402	67.118490
307-261	D8	261	Public Health Internist	70.064028	94.586438	72.165948	97.424031
307-262	D8	262	Public Health Pediatrician	70.064028	94.586438	72.165948	97.424031
307-263	D8	263	Public Health Physician	70.064028	94.586438	72.165948	97.424031
307-282	D8	282	Nursing Director	44.888499	62.295145	46.235154	64.163999
307-286	D8	286	Supervising Chemist	37.079193	53.919328	38.191569	55.536908
307-300	D8	300	Health Laboratory Director	35.090345	47.371965	36.143056	48.793124
307-304	D8	304	Treatment Supervisor	37.079193	53.919328	38.191569	55.536908
307-307	D8	307	Supervising Epidemiologist	37.221806	53.919328	38.338460	55.536908
307-308	D8	308	Pension Fund Manager	53.711256	72.510504	55.322594	74.685819
307-321	D8	321	Finance Manager	48.269322	66.483056	49.717402	68.477548
307-435	D8	435	Supervising Inspector	36.548546	50.254907	37.645002	51.762554
307-486	D8	486	Supervising City Planner	37.079193	53.919328	38.191569	55.536908
307-487	D8	487	Urban Conservator	37.079193	53.919328	38.191569	55.536908
307-509	D8	509	Geotechnical Engineer	37.079193	53.919328	38.191569	55.536908
307-515	D8	515	Supervising Engineer	37.079193	53.919328	38.191569	55.536908
307-518	D8	518	Principal Architect	42.213287	58.107237	43.479686	59.850454
307-519	D8	519	City Engineer	50.069032	66.483056	51.571103	68.477548
307-529	D8	529	Supvg Bldg Plans Exam Code Anl	37.079193	53.919328	38.191569	55.536908
307-531	D8	531	City Traffic Engineer	45.916904	66.483056	47.294411	68.477548
307-539	D8	539	Water Works Chief Engineer	45.916904	62.295145	47.294411	64.163999
307-540	D8	540	Facilities Maintenance Manager	39.732885	53.639397	40.924871	55.248579
307-541	D8	541	Asst Facilities Mntnce Manager	35.090345	50.254907	36.143056	51.762554
307-542	D8	542	Facilities Manager	44.888499	62.295145	46.235154	64.163999
307-544	D8	544	Sewers Chief Engineer	45.916904	62.295145	47.294411	64.163999
307-551	D8	551	Supvg Parks/Recreation Cordntr	37.079193	53.919328	38.191569	55.536908
307-558	D8	558	Supervisor of Golf	37.079193	53.919328	38.191569	55.536908
307-576	D8	576	Development Manager	37.079193	53.919328	38.191569	55.536908
307-646	D8	646	Traffic Services Manager	37.079193	50.056909	38.191569	51.558617
307-683	D8	683	City Stormwater Management Eng	45.916904	62.295145	47.294411	64.163999
307-685	D8	685	Asst Fleet Services Manager	35.090345	50.254907	36.143056	51.762554
307-686	D8	686	Fleet Services Manager	42.030941	56.741769	43.291869	58.444022
307-692	D8	692	Parking Superintendent	42.030941	58.107237	43.291869	59.850454
307-710	D8	710	Wastewater Collection Supt	44.888499	60.599473	46.235154	62.417457
307-729	D8	729	Industrial Waste Superintendnt	44.888499	60.599473	46.235154	62.417457
307-764	D8	764	Asst Water Distribution Supt	35.090345	47.371965	36.143056	48.793124
307-765	D8	765	Water Distribution Supt	44.888499	60.599473	46.235154	62.417457
307-822	D8	822	Emergency Response Coordinator	37.079193	50.056909	38.191569	51.558617
307-826	D8	826	Emergency Comm Asst Mgr	37.079192	53.919327	38.191568	55.536907
307-827	D8	827	Emergency Communications Mgr	42.871337	57.876604	44.157477	59.612902
307-880	D8	880	Printing Services & Stores Mgr	35.090345	50.254907	36.143056	51.762554
307-948	D8	948	Asst Convention Center Manager	35.090345	47.371965	36.143056	48.793124
307-950	D8	950	Convention Center Manager	42.030941	56.741769	43.291869	58.444022
307-983	D8	983	Employment & Training Supv.	37.079193	53.919328	38.191569	55.536908
307-986	D8	986	Optometrist	62.195729	79.965844	64.061601	82.364819
307-999	D8	999	Internal Audit Manager	39.732886	58.107237	40.924872	59.850454

Exhibit A: Non-Represented Salary Schedule with Wage Adjustment

CMC Section	Division	Grade	Title	Existing Minimum	Existing Maximum	New Minimum	New Maximum
				Hourly Rate	Hourly Rate	Hourly Rate	Hourly Rate
307-023	D9	023	Council Assistant	11.875900	57.699844	12.450000	59.430840
307-024	D9	024	Chief Deputy Clerk of Council	33.434985	50.045480	34.438034	51.546844
307-025	D9	025	Clerk of Council	42.726810	56.638781	44.008614	58.337945
307-035	D9	035	Deputy Clerk	20.727000	31.049261	21.556081	32.291232
307-036	D9	036	Assistant Chief Deputy Clerk	27.174471	37.568941	28.261449	39.071698
307-157	LAW	157	Chief Counsel	45.314014	81.140735	46.673434	83.574957
307-166	LAW	166	Assistant City Solicitor	26.082747	47.113975	26.865229	48.527394
307-167	LAW	167	Senior Asst City Solicitor	30.741869	73.570285	31.664125	75.777394
307-169	LAW	169	Deputy City Solicitor	56.575840	88.993066	58.273115	91.662857
307-186	LAW	186	Support Services Manager	31.541959	43.433911	32.803637	45.171267
307-187	LAW	187	Law Chief of Staff	56.575840	88.993066	58.273115	91.662857
307-188	LAW	188	Real Estate Manager	42.030937	62.295145	43.291865	64.163999
307-190	LAW	190	Zoning Hearing Examiner			48.212749	65.087218
307-191	LAW	191	Asst to the City Solicitor	30.334470	47.113975	31.244504	48.527394
307-193	LAW	193	Support Services Specialist	19.743599	40.423983	20.533343	42.040942
307-217	LAW	217	Legal Assistant	19.743599	40.423983	20.533343	42.040942
307-223	LAW	223	Chief Appraiser	37.079195	53.919328	38.191571	55.536908
307-224	LAW	224	Real Estate Specialist	26.589210	36.613326	27.652778	38.077859
307-225	LAW	225	Senior Real Estate Specialist	34.015572	48.028811	35.376195	49.949963
307-930	LAW	930	Law Clerk	12.106500	20.173148	12.590760	20.980074
307-931	LAW	931	Administrative Hearing Officer	31.417716	73.570285	32.360247	75.777394
307-998	LAW	998	Spvg Real Estate Specialist	37.079194	50.056906	38.191570	51.558613



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BUILDING PERMIT FEES				APPLICATION EXTENSION	
NEW CONSTRUCTION - ADDITION - ALTERATION - REPAIR				RCO Applications	\$144.00
FIRE PROTECTION - RETAINING WALLS - SITE IMPROVEMENT				OBC Applications	\$214.00
Project Valuation	Permits without plans	RCO Project with plans*	OBC Project with plans	ZONING RELATED SERVICES	
\$ 2,000.00	\$ 96.00	\$ 156.00	\$ 305.00	Certificate of Appropriateness	\$136.00
\$ 3,000.00	\$ 125.00	\$ 156.00	\$ 305.00	Zoning Certificate of Compliance	\$136.00
\$ 4,000.00	\$ 156.00	\$ 156.00	\$ 305.00	Zoning Verification Letter	\$136.00
\$ 5,000.00	\$ 184.00	\$ 184.00	\$ 305.00	DeMinimus Variance/Minor Use Permits (FBC)	\$267.00
\$ 6,000.00	\$ 210.00	\$ 210.00	\$ 305.00	FLOODPLAIN DEVELOPMENT	
\$ 7,000.00	\$ 233.00	\$ 233.00	\$ 305.00	Floodplain Development Permit fee	\$136.00
\$ 8,000.00	\$ 255.00	\$ 255.00	\$ 305.00	RESIDENTIAL CERTIFICATE OF OCCUPANCY/INSPECTION	
\$ 9,000.00	\$ 283.00	\$ 283.00	\$ 305.00	RCO Certificates (first dwelling unit)	\$58.00
\$ 10,000.00	\$ 305.00	\$ 305.00	\$ 305.00	Each additional unit	\$16.00
\$ 11,000.00	\$ 323.00	\$ 323.00	\$ 323.00	OBC Certificates (first dwelling unit)	\$79.00
\$ 12,000.00	\$ 345.00	\$ 345.00	\$ 345.00	Each additional unit	\$17.00
\$ 13,000.00	\$ 361.00	\$ 361.00	\$ 361.00	Maximum fee	\$181.00
\$ 14,000.00	\$ 381.00	\$ 381.00	\$ 381.00	NON-RESIDENTIAL & RESIDENTIAL W/O DWELLING UNITS	
\$ 15,000.00	\$ 401.00	\$ 401.00	\$ 401.00	RCO and OBC Certificates (first 5000 sqft)	\$153.00
\$ 16,000.00	\$ 421.00	\$ 421.00	\$ 421.00	Each additional 5000 sqft	\$18.00
\$ 17,000.00	\$ 440.00	\$ 440.00	\$ 440.00	Maximum fee	\$514.00
\$ 18,000.00	\$ 461.00	\$ 461.00	\$ 461.00	TIME LIMITED CERTIFICATE OF OCCUPANCY	
\$ 19,000.00	\$ 479.00	\$ 479.00	\$ 479.00	5% of building permit fee for first three months plus 5% of building permit fee for each additional month thereafter.	Minimum fee \$115.00 Maximum fee \$736.00
\$ 20,000.00	\$ 500.00	\$ 500.00	\$ 500.00	ENGINEERING CHANGE (changes to plans following permit issuance)	
\$ 21,000.00	\$ 519.00	\$ 519.00	\$ 519.00	Processing fee	\$64.00
\$ 22,000.00	\$ 535.00	\$ 535.00	\$ 535.00	Approval fee	\$92.00
\$ 23,000.00	\$ 558.00	\$ 558.00	\$ 558.00	REVISION FEE (including revisions to plan and revisions to engineering changes)	
\$ 24,000.00	\$ 576.00	\$ 576.00	\$ 576.00	RCO Permits	\$79.00
\$ 25,000.00	\$ 595.00	\$ 595.00	\$ 595.00	OBC Permits	\$225.00
\$ 26,000.00	\$ 612.00	\$ 612.00	\$ 612.00	RE-INSPECTION FEE	
\$ 27,000.00	\$ 624.00	\$ 624.00	\$ 624.00	Per inspection following second failed inspection	\$153.00
\$ 28,000.00	\$ 640.00	\$ 640.00	\$ 640.00	INVESTIGATION FEE (for projects commenced without a permit)	
\$ 29,000.00	\$ 655.00	\$ 655.00	\$ 655.00	The inspection fee is equal to the applicable permit fee and is charged in addition to the permit fee.	Maximum fee \$1,542.00
\$ 30,000.00	\$ 670.00	\$ 670.00	\$ 670.00	PERMIT REFUNDS	
\$ 31,000.00	\$ 686.00	\$ 686.00	\$ 686.00	One half of a fully paid permit fee is refundable if work has not begun under the permit and the refund is requested prior to permit expiration. All other refunds are subject to approval in the discretion of the director of buildings and inspections and may only be issued for good cause shown.	
\$ 32,000.00	\$ 700.00	\$ 700.00	\$ 700.00	PERMIT RENEWAL	
\$ 33,000.00	\$ 713.00	\$ 713.00	\$ 713.00	Prior to their expiration, permits may be renewed for one-half of the original permit fee.	Minimum fee \$76.00 Maximum fee \$613.00
\$ 34,000.00	\$ 730.00	\$ 730.00	\$ 730.00	SCANNING FEES	
\$ 35,000.00	\$ 744.00	\$ 744.00	\$ 744.00	Sheets greater than 8 1/2" X 11"	\$10.00 /SHEET
\$ 36,000.00	\$ 760.00	\$ 760.00	\$ 760.00	Sheets no larger than 8 1/2" X 11"	\$3.00 /SHEET
\$ 37,000.00	\$ 776.00	\$ 776.00	\$ 776.00	TENTS	
\$ 38,000.00	\$ 789.00	\$ 789.00	\$ 789.00	Per 10,000 sqft per month	\$153.00
\$ 39,000.00	\$ 803.00	\$ 803.00	\$ 803.00	REVIEW BY APPOINTMENT	
\$ 40,000.00	\$ 818.00	\$ 818.00	\$ 818.00	RCO Applications	\$110.00
\$ 41,000.00	\$ 834.00	\$ 834.00	\$ 834.00	OBC Applications	\$590.00
\$ 42,000.00	\$ 851.00	\$ 851.00	\$ 851.00	PERMIT PROCESSING FEE	
\$ 43,000.00	\$ 863.00	\$ 863.00	\$ 863.00	All permits applications are assessed a one time non-refundable fee that is due at the time of application.	
\$ 44,000.00	\$ 881.00	\$ 881.00	\$ 881.00	RCO Applications	\$43.00
\$ 45,000.00	\$ 895.00	\$ 895.00	\$ 895.00	OBC Applications	\$120.00
\$ 46,000.00	\$ 908.00	\$ 908.00	\$ 908.00	This fee does not apply to plumbing and HVAC repair/replacement applications not requiring plans.	
\$ 47,000.00	\$ 922.00	\$ 922.00	\$ 922.00	Premium Services - The fee is in addition to the regular permit fee and any other fees that may accrue	
\$ 48,000.00	\$ 938.00	\$ 938.00	\$ 938.00	RCO AFTER HOURS AND WEEKEND PLANS EXAMINATION	\$110 per application plus (\$144+PE rate)/HR
\$ 49,000.00	\$ 954.00	\$ 954.00	\$ 954.00	OBC AFTER HOURS AND WEEKEND PLANS EXAMINATION	\$619 per application plus (\$153+PE rate)/HR
\$ 50,000.00	\$ 969.00	\$ 969.00	\$ 969.00	EXPRESS PLAN EXAMINATION***	\$736 per application plus \$1176/HR
FOR ALL VALUATIONS OVER \$50,000 = \$969 + \$10.54 x (VALUATION/\$1,000)				SAME DAY PERMIT ISSUANCE FOLLOWING APPROVAL FROM ALL AGENCIES	\$371 per application

Project Area and Valuation Calculations For All Permits

- Project area and valuation is rounded up to nearest increment.
- Project valuations shall be evaluated using applicants' estimated value of improvements and costs of construction published by the Engineering News-Record except as follows:
 - Retaining Walls: Portions of walls greater than 5' in height above grade shall be valued at \$423/lnft and portions of walls less than 5' in height above grade shall be valued at \$285/lnft.

Scheduled Fees are Subject to Additional Surcharges As Indicated

- 3% State Surcharge added to OBC permits as required
- 1% State Surcharge added to RCO permits as required
- 3% Technology Surcharge added to all scheduled fees excluding Administrative Hearings fees
- 1% Financial Recovery Fee added to all scheduled fees excluding Administrative Hearings fees
- 5% Planning Surcharge on all Construction, Plumbing and HVAC permits
- 1% Training Surcharge added to all scheduled fees excluding Administrative Hearings fees

*RCO refers throughout to the Residential Code of Ohio

**OBC refers throughout to the Ohio Building Code

***Except that plans meeting defined walkthrough criteria established by the director of buildings and inspections shall not incur fees in addition to regular permit fees.



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HVAC FEE SCHEDULE*			PLUMBING FEES			WRECKING FEES		EXCAVATION/FILL FEES
Estimated Valuation	OBC Projects without plans and new RCO installations	OBC Projects with plans	Number of Fixtures	Replace Fixture Fee	New Fixture Fee	Wrecking Area (x1000sqft)	Building Demo Fee	Excavation and Fill Area (X1000cy)
			1	\$ 61.00	\$ 87.00	1	\$ 97.00	\$ 215.00
\$ 2,000.00	\$ 92.00	\$ 313.00	2	\$ 90.00	\$ 116.00	2	\$ 149.00	\$ 277.00
\$ 3,000.00	\$ 137.00	\$ 313.00	3	\$ 119.00	\$ 145.00	3	\$ 201.00	\$ 339.00
\$ 4,000.00	\$ 181.00	\$ 313.00	4	\$ 148.00	\$ 174.00	4	\$ 253.00	\$ 401.00
\$ 5,000.00	\$ 225.00	\$ 313.00	5	\$ 177.00	\$ 203.00	5	\$ 305.00	\$ 463.00
\$ 6,000.00	\$ 261.00	\$ 313.00	6	\$ 206.00	\$ 232.00	6	\$ 357.00	\$ 525.00
\$ 7,000.00	\$ 299.00	\$ 313.00	7	\$ 235.00	\$ 261.00	7	\$ 409.00	\$ 587.00
\$ 8,000.00	\$ 335.00	\$ 352.00	8	\$ 264.00	\$ 290.00	8	\$ 461.00	\$ 649.00
\$ 9,000.00	\$ 371.00	\$ 391.00	9	\$ 293.00	\$ 319.00	9	\$ 513.00	\$ 711.00
\$ 10,000.00	\$ 409.00	\$ 428.00	10	\$ 322.00	\$ 348.00	10	\$ 565.00	\$ 773.00
\$ 11,000.00	\$ 437.00	\$ 462.00	11	\$ 351.00	\$ 377.00	11	\$ 617.00	\$ 835.00
\$ 12,000.00	\$ 469.00	\$ 492.00	12	\$ 380.00	\$ 406.00	12	\$ 669.00	\$ 897.00
\$ 13,000.00	\$ 500.00	\$ 523.00	13	\$ 409.00	\$ 435.00	13	\$ 721.00	\$ 959.00
\$ 14,000.00	\$ 529.00	\$ 556.00	14	\$ 438.00	\$ 464.00	14	\$ 773.00	\$ 1,021.00
\$ 15,000.00	\$ 561.00	\$ 590.00	15	\$ 467.00	\$ 493.00	15	\$ 825.00	\$ 1,083.00
\$ 16,000.00	\$ 593.00	\$ 623.00	16	\$ 496.00	\$ 522.00	16	\$ 877.00	\$ 1,145.00
\$ 17,000.00	\$ 623.00	\$ 656.00	17	\$ 525.00	\$ 551.00	17	\$ 929.00	\$ 1,207.00
\$ 18,000.00	\$ 655.00	\$ 687.00	18	\$ 554.00	\$ 580.00	18	\$ 981.00	\$ 1,269.00
\$ 19,000.00	\$ 686.00	\$ 720.00	19	\$ 583.00	\$ 609.00	19	\$ 1,033.00	\$ 1,331.00
\$ 20,000.00	\$ 716.00	\$ 752.00	20	\$ 612.00	\$ 638.00	20	\$ 1,085.00	\$ 1,393.00
\$ 21,000.00	\$ 745.00	\$ 785.00	21	\$ 641.00	\$ 667.00	21	\$ 1,137.00	\$ 1,455.00
\$ 22,000.00	\$ 777.00	\$ 814.00	22	\$ 670.00	\$ 696.00	22	\$ 1,189.00	\$ 1,517.00
\$ 23,000.00	\$ 807.00	\$ 849.00	23	\$ 699.00	\$ 725.00	23	\$ 1,241.00	\$ 1,579.00
\$ 24,000.00	\$ 836.00	\$ 881.00	24	\$ 728.00	\$ 754.00	24	\$ 1,293.00	\$ 1,641.00
\$ 25,000.00	\$ 868.00	\$ 910.00	25	\$ 757.00	\$ 783.00	25	\$ 1,345.00	\$ 1,703.00
\$ 26,000.00	\$ 893.00	\$ 938.00	26	\$ 786.00	\$ 812.00	26	\$ 1,397.00	\$ 1,765.00
\$ 27,000.00	\$ 918.00	\$ 962.00	27	\$ 815.00	\$ 841.00	27	\$ 1,449.00	\$ 1,827.00
\$ 28,000.00	\$ 945.00	\$ 992.00	28	\$ 844.00	\$ 870.00	28	\$ 1,501.00	\$ 1,889.00
\$ 29,000.00	\$ 967.00	\$ 1,015.00	29	\$ 873.00	\$ 899.00	29	\$ 1,553.00	\$ 1,951.00
\$ 30,000.00	\$ 993.00	\$ 1,043.00	30	\$ 902.00	\$ 928.00	30	\$ 1,605.00	\$ 2,013.00
\$ 31,000.00	\$ 1,017.00	\$ 1,068.00	31	\$ 931.00	\$ 957.00	31	\$ 1,657.00	\$ 2,075.00
\$ 32,000.00	\$ 1,043.00	\$ 1,094.00	32	\$ 960.00	\$ 986.00	32	\$ 1,709.00	\$ 2,137.00
\$ 33,000.00	\$ 1,068.00	\$ 1,123.00	33	\$ 989.00	\$ 1,015.00	33	\$ 1,761.00	\$ 2,199.00
\$ 34,000.00	\$ 1,092.00	\$ 1,148.00	34	\$ 1,018.00	\$ 1,044.00	34	\$ 1,813.00	\$ 2,261.00
\$ 35,000.00	\$ 1,115.00	\$ 1,171.00	35	\$ 1,047.00	\$ 1,073.00	35	\$ 1,865.00	\$ 2,323.00
\$ 36,000.00	\$ 1,141.00	\$ 1,197.00	36	\$ 1,076.00	\$ 1,102.00	36	\$ 1,917.00	\$ 2,385.00
\$ 37,000.00	\$ 1,166.00	\$ 1,224.00	37	\$ 1,105.00	\$ 1,131.00	37	\$ 1,969.00	\$ 2,447.00
\$ 38,000.00	\$ 1,190.00	\$ 1,250.00	38	\$ 1,134.00	\$ 1,160.00	38	\$ 2,021.00	\$ 2,509.00
\$ 39,000.00	\$ 1,217.00	\$ 1,279.00	39	\$ 1,163.00	\$ 1,189.00	39	\$ 2,073.00	\$ 2,571.00
\$ 40,000.00	\$ 1,242.00	\$ 1,304.00	40	\$ 1,192.00	\$ 1,218.00	40	\$ 2,125.00	\$ 2,633.00
\$ 41,000.00	\$ 1,266.00	\$ 1,332.00	41	\$ 1,221.00	\$ 1,247.00	41	\$ 2,177.00	\$ 2,695.00
\$ 42,000.00	\$ 1,290.00	\$ 1,354.00	42	\$ 1,250.00	\$ 1,276.00	42	\$ 2,229.00	\$ 2,757.00
\$ 43,000.00	\$ 1,315.00	\$ 1,381.00	43	\$ 1,279.00	\$ 1,305.00	43	\$ 2,281.00	\$ 2,819.00
\$ 44,000.00	\$ 1,340.00	\$ 1,407.00	44	\$ 1,308.00	\$ 1,334.00	44	\$ 2,333.00	\$ 2,881.00
\$ 45,000.00	\$ 1,364.00	\$ 1,434.00	45	\$ 1,337.00	\$ 1,363.00	45	\$ 2,385.00	\$ 2,943.00
\$ 46,000.00	\$ 1,390.00	\$ 1,459.00	46	\$ 1,366.00	\$ 1,392.00	46	\$ 2,437.00	\$ 3,005.00
\$ 47,000.00	\$ 1,413.00	\$ 1,486.00	47	\$ 1,395.00	\$ 1,421.00	47	\$ 2,489.00	\$ 3,067.00
\$ 48,000.00	\$ 1,440.00	\$ 1,512.00	48	\$ 1,424.00	\$ 1,450.00	48	\$ 2,541.00	\$ 3,129.00
\$ 49,000.00	\$ 1,463.00	\$ 1,537.00	49	\$ 1,453.00	\$ 1,479.00	49	\$ 2,593.00	\$ 3,191.00
\$ 50,000.00	\$ 1,491.00	\$ 1,566.00	50	\$ 1,482.00	\$ 1,508.00	50	\$ 2,645.00	\$ 3,253.00
HVAC FEE SCHEDULE (Valuations>\$50,000)			PLUMBING FEE SCHEDULE			WRECKING FEES		E/F FEE SCHEDULE
\$50,001 TO \$100,000 = \$1566 + \$20.01/\$1000			Each additional fixture			\$ 29.00		First 100 cy \$153
\$100,001 TO \$500,000 = \$2567 + \$16.93/\$1000						Each additional 1000 sqft \$52		Each additional 1000cy \$62
\$500,001 OR MORE = \$9339 + \$15.4/\$1000								

*HVAC Replacement in RCO Projects

REPLACE EQUIPMENT/CONNECT TO AN EXISTING BRANCH UNIT

\$106 FOR THE FIRST UNIT + \$42 EACH ADDITIONAL UNIT

ADD EQUIPMENT CONNECTION TO NEW BRANCH CIRCUIT

\$83 FOR THE FIRST UNIT + \$42 EACH ADDITIONAL UNIT

COMBINATION OF ABOVE

\$106 FOR THE FIRST UNIT + \$42 FOR EACH ADDITIONAL UNIT



CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
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Elevator Permit Fees	
NEW CONSTRUCTION - ADD - ALT - REPAIRS	
Estimated Valuation	Permit Fee
\$2,000.00	\$ 96.00
\$3,000.00	\$ 125.00
\$4,000.00	\$ 156.00
\$5,000.00	\$ 184.00
\$6,000.00	\$ 210.00
\$7,000.00	\$ 233.00
\$8,000.00	\$ 255.00
\$9,000.00	\$ 283.00
\$10,000.00	\$ 305.00
\$11,000.00	\$ 323.00
\$12,000.00	\$ 345.00
\$13,000.00	\$ 361.00
\$14,000.00	\$ 381.00
\$15,000.00	\$ 401.00
\$16,000.00	\$ 421.00
\$17,000.00	\$ 440.00
\$18,000.00	\$ 461.00
\$19,000.00	\$ 479.00
\$20,000.00	\$ 500.00
\$21,000.00	\$ 519.00
\$22,000.00	\$ 535.00
\$23,000.00	\$ 558.00
\$24,000.00	\$ 576.00
\$25,000.00	\$ 595.00
\$26,000.00	\$ 612.00
\$27,000.00	\$ 624.00
\$28,000.00	\$ 640.00
\$29,000.00	\$ 655.00
\$30,000.00	\$ 670.00
\$31,000.00	\$ 686.00
\$32,000.00	\$ 700.00
\$33,000.00	\$ 713.00
\$34,000.00	\$ 730.00
\$35,000.00	\$ 744.00
\$36,000.00	\$ 760.00
\$37,000.00	\$ 776.00
\$38,000.00	\$ 789.00
\$39,000.00	\$ 803.00
\$40,000.00	\$ 818.00
\$41,000.00	\$ 834.00
\$42,000.00	\$ 851.00
\$43,000.00	\$ 863.00
\$44,000.00	\$ 881.00
\$45,000.00	\$ 895.00
\$46,000.00	\$ 908.00
\$47,000.00	\$ 922.00
\$48,000.00	\$ 938.00
\$49,000.00	\$ 954.00
\$50,000.00	\$ 969.00
FOR ALL VALUATIONS OVER \$50,000 = \$969 + \$10.54 x (VALUATION/\$1,000)	

Fee Schedule Certificates of Operation	
Floor	Yearly Total
1 THRU 5	\$ 250.00
6	\$ 280.00
7	\$ 310.00
8	\$ 340.00
9	\$ 370.00
10	\$ 400.00
11	\$ 430.00
12	\$ 460.00
13	\$ 490.00
14	\$ 520.00
15	\$ 550.00
16	\$ 580.00
17	\$ 610.00
18	\$ 640.00
19	\$ 670.00
20	\$ 700.00
21	\$ 730.00
22	\$ 760.00
23	\$ 790.00
24	\$ 820.00
25	\$ 850.00
26	\$ 880.00
27	\$ 910.00
28	\$ 940.00
29	\$ 970.00
30	\$ 1,000.00
31	\$ 1,030.00
32	\$ 1,060.00
33	\$ 1,090.00
34	\$ 1,120.00
35	\$ 1,150.00
36	\$ 1,180.00
37	\$ 1,210.00
38	\$ 1,240.00
39	\$ 1,270.00
40	\$ 1,300.00
41	\$ 1,330.00
42	\$ 1,360.00
43	\$ 1,390.00
44	\$ 1,420.00
45	\$ 1,450.00
46	\$ 1,480.00
47	\$ 1,510.00
Additional floors = \$30 per floor	
Escalators	\$ 348.00
Ash Hoists	\$ 92.00
Manlift	\$ 182.00
Special Purpose Elevator	\$ 209.00
Sidewalk Lifts	\$ 106.00
Stairway Chair Lifts	\$ 78.00
Dumbwaiters (Cart Lift)	\$ 92.00
Moving Walk	\$ 348.00
Pallet Lift	\$ 92.00
Stage Lift	\$ 263.00
Material Lift	\$ 92.00
Wheel Chair Lifts	\$ 78.00
LULA	\$ 101.00
Processing Fees - Commercial	\$ 120.00
Processing Fees - Residential	\$ 43.00
Safety Test Reports	\$ 39.00
Reinspection Fee (after first failed inspection)	\$ 83.00
Non-compliance fee	\$ 83.00
Seal Out of Service	\$ 84.00
Late Fee	\$ 32.00



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Administrative Hearing Fees	
Historic Conservation Board Hearing (Alterations and Demolitions)	\$500.00
Historic Conservation Board Hearing (Postponement or Continuance at Applicant's Request After Mailing Notice)	\$50.00
Zoning Hearing Examiner (Use Variance Applications)	\$900.00
Zoning Hearing Examiner (RCO Project Applications)	\$300.00
Zoning Hearing Examiner (All Other Applications)	\$500.00
Zoning Hearing Examiner (Postponement or Continuance at Applicant's Request After Mailing Notice)	\$50.00
Zoning Board of Appeals (All Appeals)	\$300.00
Board of Housing Appeals (VBML Appeals; Vacant Foreclosed Property Appeals)	\$250.00
Board of Housing Appeals (Property Maintenance and Code Enforcement Appeals; Community Reinvestment Area Tax Exemption Appeals)	\$100.00
Board of Building Appeal (RCO Projects)	\$59.00
Board of Building Appeal (OBC Projects)	\$100.00



CITY OF CINCINNATI
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Property Maintenance Fees

Periodic Inspection Fee For Compliance w/Conditions Of Approval	\$331.00
Façade Examination Report Review Fee	\$132.00
Fire Escape Examination Report Review Fee	\$132.00
Director Determinations for VBML Waiver and Fee Deductions	\$163.00

Quarterly Code Enforcement Monitoring Fee	Days in Non-Compliance	Quarterly Fees
	61-150	\$43.00
	151-240	\$60.00
	241-330	\$78.00
	331-420	\$96.00
	421-510	\$113.00
	511-600	\$130.00
	601-690	\$148.00
	691-780	\$165.00
	781 or >	\$188.00

June 7, 2023
202301571

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DCED: Madtree Brewing Coal Boiler Remediation and Public Parking Improvements, TIF Funding

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and appropriation of \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 to provide resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and **DECLARING** expenditures related to the remediation of the coal boiler to be a public purpose and constitute 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 20-Oakley Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

Approval of this Emergency Ordinance authorizes the transfer and appropriation of \$75,000 from Oakley District Equivalent Fund 499 to the Department of Community and Economic Development (DCED) Oakley District Equivalent Fund non-personnel operating budget account no. 499x164x7200 for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements.

In a letter dated April 7, 2023, the Oakley Community Council expressed its unanimous support of the use of \$75,000 Tax Increment Financing (TIF) for the MadTree Coal Boiler Remediation and Demolition Project on Madison Road. Oakley Equivalent Fund 499 has sufficient resources to cover the cost. The remediation of the coal boiler at MadTree Brewing Co. will directly benefit District 20 – Oakley Incentive District in the Oakley community.

With the assistance of The Port and with the recommendation of the Department of Community and Economic Development, MadTree Brewing Co. received a \$150,000 State Brownfield Remediation Grant from the Ohio Department of Development (ODOD) to cover approximately 67 percent of the project cost for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements.

The remediation of the coal boiler at MadTree Brewing Co. is in accordance with the “Live” goal to “[c]reate a more livable community” and the “Compete” goal to “[c]ultivate our position as the most vibrant and economically healthiest part of our region” as described on pages 156 and 114, respectively, of Plan Cincinnati (2012).

The reason for the emergency is the need to have funding in place to carry out the remediation in the City's Fiscal Year 2024, which begins July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



EMERGENCY

AKS

- 2023

AUTHORIZING the transfer and appropriation of \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 to provide resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and **DECLARING** expenditures related to the remediation of the coal boiler to be a public purpose and constitute 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 20-Oakley Incentive District, subject to compliance with Ohio Revised Code Sections 5709.40 through 5709.43.

WHEREAS, with the assistance of The Port and the recommendation of the Department of Community and Economic Development, MadTree Brewing Co. received a \$150,000 State Brownfield Remediation Grant from the Ohio Department of Development to cover approximately 67 percent of the project cost for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements; and

WHEREAS, in a letter dated April 7, 2023, the Oakley Community Council expressed its unanimous support of the use of \$75,000 Tax Increment Financing (TIF) for the MadTree Coal Boiler Remediation and Demolition Project on Madison Road; and

WHEREAS, the remediation of the coal boiler at MadTree Brewing Co. will directly benefit District 20 – Oakley Incentive District in the Oakley community; and

WHEREAS, Oakley Equivalent Fund 499 has sufficient resources available to cover this cost; and

WHEREAS, the remediation of the coal boiler at MadTree Brewing Co. is in accordance with the “Live” goal to “[c]reate a more livable community” and the “Compete” goal to “[c]ultivate our position as the most vibrant and economically healthiest part of our region” as described on pages 156 and 114, respectively, 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 \$75,000 from the unappropriated surplus of Oakley Equivalent Fund 499 to the Department of Community and Economic Development non-personnel operating budget account no. 499x164x7200 is authorized for the purpose of

providing resources for remediation of the coal boiler at MadTree Brewing Co. and public parking improvements.

Section 2. That Council declares that the remediation of the coal boiler at MadTree Brewing Co. (a) constitutes a “Public Infrastructure Improvement” (as defined by Section 5709.40(A)(8) of the Ohio Revised Code (“R.C.”)), that will benefit and/or serve the District 20 – Oakley Incentive District, subject to compliance with R.C. Sections 5709.40 through 5709.43 and (b) serves a public purpose because the project will remediate an existing environmental issue and create additional public parking.

Section 3. That the proper City officials are hereby authorized to take all appropriate actions to carry out this ordinance including, but not limited to, the appropriations and transfers authorized herein.

Section 4. That Sections 1 through 3 shall become effective as of July 1, 2023.

Section 5. That this ordinance shall be an emergency measure necessary for the preservation of 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 need to have funding in place to carry out the remediation in the City’s Fiscal Year 2024, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 7, 2023

202301574

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$1,920,000 Public Building Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,920,000 FOR THE PURPOSE OF MAKING PUBLIC BUILDING IMPROVEMENTS.

This Emergency Ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$1,920,000 to fund public building improvements. These bonds are fifteen-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,920,000 FOR THE PURPOSE OF MAKING PUBLIC BUILDING IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is fifteen years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio ("City"), in the principal amount of \$1,920,000 (property tax supported), for the purpose of providing funds to pay the cost and expense of constructing, rehabilitating, and equipping public buildings and other structures; acquiring real estate or interests in same; and paying legal, advertising, printing, and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$1,920,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1429, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the Director of Finance. The Director of Finance will determine whether the \$1,920,000 public building improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to

the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Public Building Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$1,920,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1 hereof. Such notes shall be designated "Public Building Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of

the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in the Director's, discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes

to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word "CEDE & Co" in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. 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 that the sale of the bonds or notes authorized herein may be required within thirty days of passage

of the ordinance in order to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

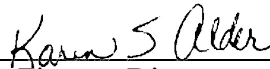
CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the “City”), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement bonds or notes in an amount not to exceed \$1,920,000 for the purpose of (a) providing funds to pay the cost and expense of constructing, rehabilitating, and equipping public buildings and other structures; acquiring real estate or interests in same (the “Improvements”); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.

2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is fifteen years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:


Finance Director

Dated: June 1, 2023

Date: June 7, 2023

To: Mayor and Members of City Council 202301575
From: Sheryl M. M. Long, City Manager
Subject: EMERGENCY ORDINANCE – DANDRIDGE STREET MURAL

Attached is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager to design, install, and maintain artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork; and **AUTHORIZING** the City Manager to accept in-kind donations from one or more persons in order to offset the cost and expense associated with the design, installation, and maintenance of artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood.

ArtWorks was engaged by the Pendleton Neighborhood Council to design and implement a painted mural on an existing City-owned concrete retaining wall at the terminus of Dandridge Street. The mural is intended to engage the community, to help beautify the neighborhood, foster community pride, and create a welcoming area.

The Department of Transportation and Engineering is working closely with ArtWorks for the mural placement on City infrastructure.

The Administration recommends passage of the attached emergency ordinance. The emergency ordinance is necessary to meet the schedule needs of ArtWorks and the Pendleton community who will begin mural production in July 2023.

Attachment I – Dandridge Mural

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

EMERGENCY

JRS

- 2023

AUTHORIZING the City Manager to design, install, and maintain artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, notwithstanding any conflicting Department of Transportation and Engineering rules and regulations or any provision of the Cincinnati Municipal Code that would prohibit the installation and maintenance of the artwork; and **AUTHORIZING** the City Manager to accept in-kind donations from one or more persons in order to offset the cost and expense associated with the design, installation, and maintenance of artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood;

WHEREAS, the City of Cincinnati wishes to install artwork and paintings (“Artwork”), as depicted in Attachment A to this ordinance, on a retaining wall located along Dandridge Street in the Pendleton neighborhood to enliven the spaces and promote public awareness of the arts; and

WHEREAS, the City may designate one or more agents or contractors, including Artworks, to carry out all or a portion of the work required to design, install, and maintain the Artwork; and

WHEREAS, the City may also accept donations from one or more persons, including Artworks, in order to offset the cost and expense associated with the design, installation, and maintenance of the Artwork and to ensure the design, installation, and maintenance of the Artwork shall have little or no impact on the General Fund of the City of Cincinnati; and

WHEREAS, the design, installation, and maintenance of the Artwork shall be performed under the management of the City Manager or her designee, and any agents or contractors of the City, including Artworks, shall comply with rules and regulations established by the City Manager and the City’s Department of Transportation and Engineering (“DOTE”) regarding the design, installation, and maintenance of the Artwork, including rules and regulations concerning its location, size, materials, means of installation, and maintenance as necessary to ensure public safety; and

WHEREAS, the City’s design, installation, and maintenance of the Artwork is the City’s own expression, constitutes government speech, and does not signify the City’s intent to create a free speech forum; and

WHEREAS, the City will own the Artwork created under this project, will maintain complete control over the surrounding public rights-of-way as necessary for public safety, and will require the artists who design, install, and maintain the Artwork to waive their rights in and to the Artwork, including waiving all applicable rights under the federal Visual Artists Rights

Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech; and

WHEREAS, the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in part or in whole, at any time; and

WHEREAS, prior to installation, DOTE will review the final design and placement of the Artwork to ensure it will not detract from, interfere with, or obscure official traffic control devices, will be safe, and will not unreasonably interfere with pedestrians; and

WHEREAS, the City has an interest in promoting the arts, including within the public right-of-way, notwithstanding the provisions of the Cincinnati Municipal Code that would normally prohibit such displays, when the proposed display will not negatively impact the health, safety, or welfare of residents and users of the right-of-way; and

WHEREAS, the City Planning Commission, at its regularly scheduled meeting on June 2, 2023, recommended the City install the Artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood; and

WHEREAS, Council finds that the design, installation, and maintenance of the Artwork in the Pendleton neighborhood will beautify the public right-of-way, enhance civic pride, and advance public health and wellness goals; and

WHEREAS, the design, installation, and maintenance of this Artwork is consistent with the "Live" goal to "[c]reate a more livable community" as described on page 156 of Plan Cincinnati (2012); now, therefore,

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

Section 1. That Council hereby declares the design, installation, and maintenance of artwork that is depicted on the attached Attachment A ("Artwork"), incorporated herein by reference, on a retaining wall located along Dandridge Street in the Pendleton neighborhood to be a matter of significant public interest, and it hereby resolves to raise public awareness of the arts through the design, installation, and maintenance of this conspicuous visual art; further that, notwithstanding the provisions of the Cincinnati Municipal Code that would normally restrict such displays within the public right-of-way, Council has determined that the design, installation, and maintenance of the Artwork is in the interest of the public health, safety, morals, and general

welfare and will not negatively impact the health, safety, morals, or welfare of residents and users of the public right-of-way.

Section 2. That the City's design, installation, and maintenance of the Artwork is the City's own expression, constitutes government speech, and does not signify the City's intent to create a free speech forum.

Section 3. That the City Manager is hereby authorized to design, install, and maintain the Artwork on a retaining wall located along Dandridge Street in the Pendleton neighborhood, which Artwork shall be similar in design concept with the designs depicted on the attached Attachment A, incorporated herein by reference, and shall be located on a retaining wall located along Dandridge Street in the Pendleton neighborhood as approved by the City Manager, notwithstanding any conflicting Department of Transportation and Engineering ("DOTE") rules and regulations and any applicable provisions of the Cincinnati Municipal Code.

Section 4. That the design, installation, and maintenance of the Artwork shall be performed under the management of the City Manager or her designee, and any agents or contractors of the City, including Artworks, shall comply with rules and regulations established by the City Manager and the City's Department of Transportation and Engineering ("DOTE") regarding the design, installation, and maintenance of the Artwork, including rules and regulations concerning its colors, symbols, styles, location, size, materials, and means of installation and maintenance as necessary to ensure public safety.

Section 5. That the City Manager is authorized to engage one or more agents or contractors to assist with the City's design, installation, and maintenance of the Artwork on such terms and conditions that the City Manager determines are in the best interests of the City, and any work performed by the agents and contractors so engaged by the City Manager shall be

performed under the management of the City Manager or her designee, who shall have the sole authority to approve the design, location, size, materials, and means of installation and maintenance of the Artwork and to establish rules and regulations for the same as necessary to ensure public safety.

Section 6. That the extent of maintenance and repair of the Artwork shall remain within the City's discretion, and the Artwork shall remain subject to removal by the City, in whole or in part, at any time.

Section 7. That the City will own the Artwork created under this project, will maintain complete control over the right of way as necessary for public safety, and will require the artists who design, install, and maintain the Artwork to waive their rights in and to the Artwork, including waiving all applicable rights to the Artwork under the federal Visual Artists Rights Act of 1990, 17 U.S.C. Sections 106A and 113(d), so as to ensure that expression made through the Artwork constitutes government speech.

Section 8. That the City Manager is authorized to accept donations, including materials, labor, and in-kind services, on such terms and conditions that the City Manager determines are in the best interests of the City, to offset the cost and expense associated with the design, installation, and maintenance of the Artwork, so that the design, installation, and maintenance of the Artwork shall have minimal impact on the General Fund of the City of Cincinnati.

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 Section 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 allow the public art project described in this ordinance to proceed to allow the corresponding benefits to the City, and the Pendleton neighborhood to be realized at the earliest possible time.

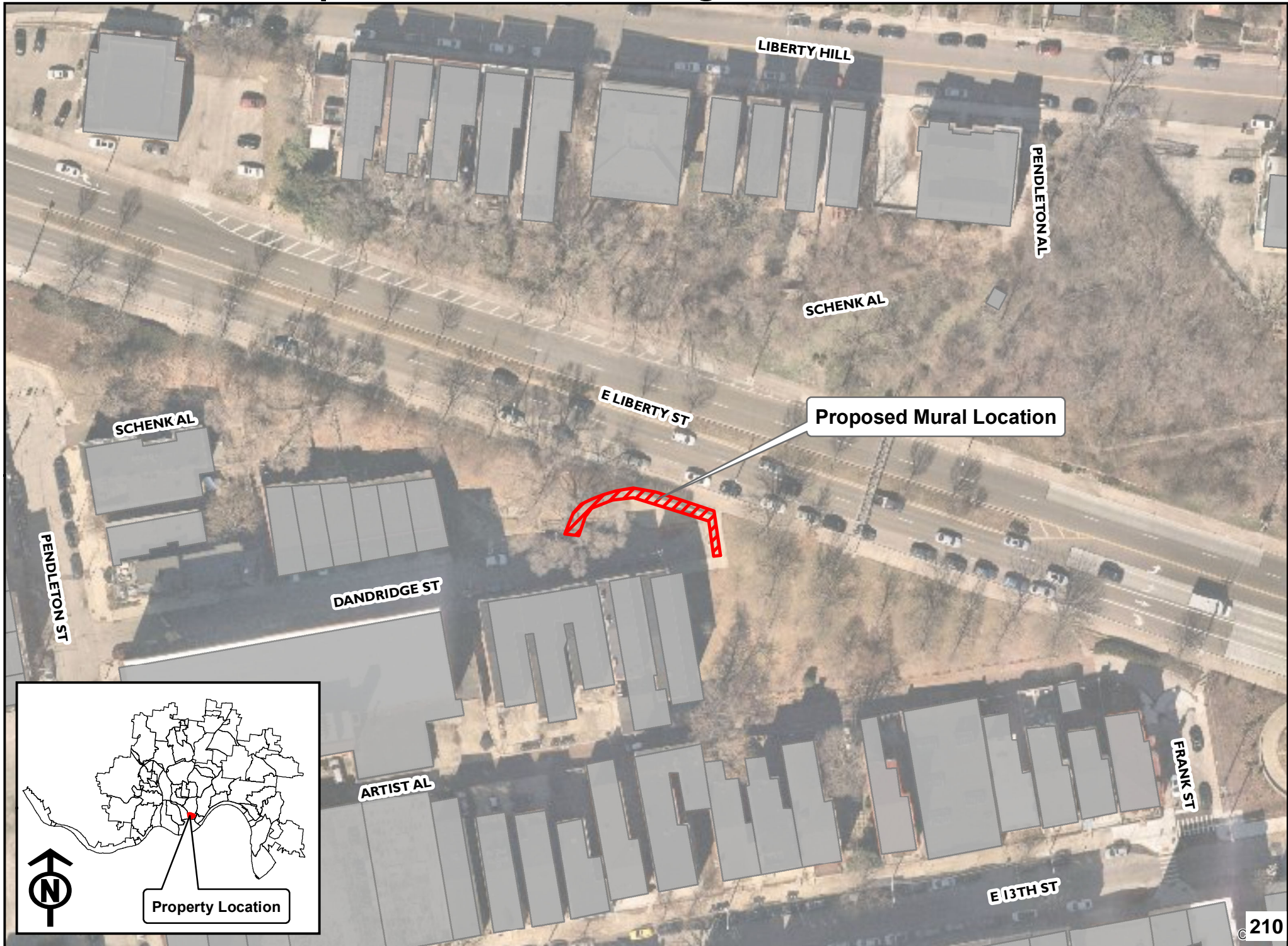
Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk



Proposed Mural on Dandridge Street in Pendleton



June 7, 2023

To: Mayor and Members of City Council

202301581

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – FY 2024 Budget: Restricted Funds
Operating Budget**

Attached is an Emergency Ordinance captioned:

PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$507,906,990, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2023 and ending June 30, 2024; **AUTHORIZING** the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 for bonds related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund to pay the

City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds and of \$188,160 for bonds related to the ERIP; AUTHORIZING the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds and of \$34,870 to fund bonds related to the ERIP; AUTHORIZING the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP; AUTHORIZING the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3441 "U-Square Garage – Reserve for Capital Projects," the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3442 "VP3 Garage – Reserve for Capital Projects," and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3443 "Hampton Inn Garage – Reserve for Capital Projects," to make contractually obligated payments for repairs for each identified garage; AUTHORIZING the City Manager to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024; and AUTHORIZING the Director of Finance to deposit the Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

There is one change reflected in this Emergency Ordinance from the Recommended FY 2024 Restricted Funds Operating Budget:

- This Emergency Ordinance reflects a correction to the General Aviation Fund Transfers Out amount, which decreases by \$880 for debt service, for a total debt service amount of \$860. The transfer out for the capital improvement program remains unchanged at \$340,000. The total Transfer Out amount of \$340,860 is reflected in this Emergency Ordinance.

The reason for the emergency is the immediate need to provide for the current operating expenses of the City of Cincinnati to be consistent with the Fiscal Year 2024 Budget expenses of the City of Cincinnati prior to the beginning of Fiscal Year 2024 on July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

AKS

-2023

PROVIDING for the appropriation for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati in the total amount of \$507,906,990, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for operating requirements, capital outlay, and debt service for the fiscal year beginning July 1, 2023 and ending June 30, 2024; **AUTHORIZING** the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements; **AUTHORIZING** the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 for bonds related to the Early Retirement Incentive Program ("ERIP"); **AUTHORIZING** the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds and of \$188,160 for bonds related to the ERIP; **AUTHORIZING** the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds and of \$34,870 to fund bonds related to the ERIP; **AUTHORIZING** the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond Retirement Fund to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP; **AUTHORIZING** the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3441 "U-Square Garage – Reserve for Capital Projects," the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3442 "VP3 Garage – Reserve for Capital Projects," and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to reserve account 102x3443 "Hampton Inn Garage – Reserve for Capital Projects," to make contractually obligated payments for repairs for

each identified garage; AUTHORIZING the City Manager to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024; and AUTHORIZING the Director of Finance to deposit the Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

WHEREAS, it is necessary for funds to be appropriated for the purposes hereinafter set forth, in order to provide for the usual daily operations of various departments of the City of Cincinnati, Ohio, financed from certain Restricted Revenue Funds during the fiscal year 2024; now, therefore,

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

Section 1. That, to provide for the current expenses and other expenditures of the Restricted Revenue Funds of the City of Cincinnati, specifically from the Water Works Fund; the Parking System Facilities Fund; the Convention Center Fund; the General Aviation Fund; the Municipal Golf Fund; the Stormwater Management Fund; the Bond Retirement Fund; the Street Construction, Maintenance, and Repair Fund; the Income Tax-Infrastructure Fund; the Parking Meter Fund; the Municipal Motor Vehicle License Tax Fund; the Sawyer Point Fund; the Recreation Special Activities Fund; the Cincinnati Riverfront Park Fund; the Hazard Abatement Fund; the 9-1-1 Cell Phone Fees Fund; the Safe and Clean Fund; the Community Health Center Activities Fund; the Cincinnati Health District Fund; the Cincinnati Area Geographic Information System (CAGIS) Fund; the Streetcar Operations Fund; and the County Law Enforcement Applied Regionally (CLEAR) Fund, for the fiscal year beginning July 1, 2023 and ending June 30, 2024, there is hereby appropriated out of monies in the treasury, or any accruing revenues of the City available for such purposes, the amount of \$507,906,990, as set forth in the schedules attached hereto and incorporated herein for the purposes therein indicated.

Section 2. That the transfer of \$12,620 from the unappropriated surplus of the Convention Center Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the

City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 3. That the transfer of \$860 from the unappropriated surplus of the General Aviation Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund Public Building Improvement Bonds for energy improvements.

Section 4. That the transfer of \$108,670 from the unappropriated surplus of the Street Construction, Maintenance, and Repair Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations of \$61,100 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$47,570 related to bonds issued to fund the Early Retirement Incentive Program ("ERIP").

Section 5. That the transfer of \$764,060 from the unappropriated surplus of the Income Tax-Infrastructure Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations of \$575,900 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$188,160 related to bonds issued to fund the ERIP .

Section 6. That the transfer of \$38,530 from the unappropriated surplus of the Motor Vehicle License Tax Fund to the unappropriated surplus of the Bond Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations of \$3,660 related to bonds issued to fund Public Building Improvement Bonds for energy improvements and of \$34,870 related to bonds issued to fund the ERIP.

Section 7. That the transfer of \$19,450 from the unappropriated surplus of the County Law Enforcement Applied Regionally (CLEAR) Fund to the unappropriated surplus of the Bond

Retirement Fund is authorized to pay the City's FY 2024 General Fund Debt Service obligations related to bonds issued to fund the ERIP.

Section 8. That the transfer of \$50,000 from the unappropriated surplus of the Parking System Facilities Fund to the "U-Square Garage – Reserve for Capital Projects" reserve account 102x3441, the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to the "VP3 Garage – Reserve for Capital Projects" reserve account 102x3442, and the transfer of \$20,000 from the unappropriated surplus of the Parking System Facilities Fund to the "Hampton Inn Garage – Reserve for Capital Projects" reserve account 102x3443, all within Parking System Facilities Fund 102, is authorized to make contractually obligated payments for repairs for each identified garage.

Section 9. That the City Manager is authorized to apply for, accept, and appropriate a formula grant of up to \$300,000 from the U.S. Department of Transportation, Federal Transit Administration (ALN 20.507) to provide funding for streetcar operations in FY 2024.

Section 10. That the Director of Finance is hereby authorized to receive and deposit Federal Transit Administration formula grant funds into Streetcar Operations Fund 455.

Section 11. That any sums that shall be expended in accordance with the appropriations set forth in the attached schedules that are a proper charge against any other department or fund, or against any person, firm, or corporation, shall if repaid within the period covered by such appropriations, be credited to the fund from which such payment was made, and be considered as reappropriated for such original purposes, provided that the net total of expenditures under any item of such appropriation shall not exceed the amount of such item.

Section 12. That the Director of Finance of the City is authorized to draw his/her warrant upon the treasury of the City for the amounts appropriated and for the purposes stated in this

ordinance, and upon receiving the proper certificates and vouchers approved by the City Manager or his/her designee, or by City boards or commissions or other officers authorized by law to approve such certificates and vouchers or authorized by an ordinance or resolution of Council to make expenditures, provided that vouchers for payment out of any of the foregoing appropriations by order of a court decree shall be approved by the City Solicitor in addition to any other authority required by law.

Section 13. That Council does hereby authorize the City Manager and the proper board or officials to enter into any contract or contracts involving an expenditure of more than \$3,000 for any or all of the purposes herein provided, and that said board or officials shall execute said contracts in accordance with law, the Charter, and ordinances of the City of Cincinnati.

Section 14. 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, but in no event later than July 1, 2023. The reason for the emergency is the immediate need to provide for the current operating expenses of the City of Cincinnati to be consistent with the Fiscal Year 2024 Budget expenses of the City of Cincinnati prior to the beginning of Fiscal Year 2024 on July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

SCHEDULE OF APPROPRIATION **FY 2024 WATER WORKS FUND OPERATING BUDGET**

SCHEDULE 1

That there be appropriated from the Water Works (101) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and	Non-Personnel	Properties	Debt	Total
			Benefits			Service	
			7100 and 7500	7200-7400	7600	7700	Appropriation
Water Works							
Business Services	101	301	8,639,490	3,046,780			11,686,270
Commercial Services	101	302	9,367,520	6,214,340			15,581,860
Water Supply	101	303	13,320,690	19,061,560			32,382,250
Water Distribution	101	304	12,681,640	8,343,080			21,024,720
Water Quality and Treatment	101	305	4,596,770	9,468,390			14,065,160
Engineering	101	306	6,113,250	1,360,770			7,474,020
Information Technology	101	307	4,799,020	12,752,910			17,551,930
Water Works Debt Service	101	309				46,821,000	46,821,000
Water Works Total			59,518,380	60,247,830	0	46,821,000	166,587,210
Non-Departmental Accounts							
Contribution To City Pension	101	911	557,630			333,020	890,650
Public Employees Assistance Program (PEAP)	101	919	126,840				126,840
Workers' Compensation Insurance	101	921	743,340				743,340
General Fund Overhead	101	944	54,090	4,414,980			4,469,070
Non-Departmental Accounts Total			1,481,900	4,414,980	0	333,020	6,229,900
Total Water Works Fund Appropriation			61,000,280	64,662,810	0	47,154,020	172,817,110

SCHEDULE OF APPROPRIATION **FY 2024 PARKING SYSTEM FACILITIES FUND OPERATING BUDGET**

SCHEDULE 2

That there be appropriated from the Parking System Facilities Fund (102) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Finance							
Treasury	102	134	27,540	27,780			55,320
Enterprise Services							
Parking Facilities	102	248	486,200	4,880,710		2,125,300	7,492,210
Non-Departmental Accounts							
Contribution To City Pension	102	911	13,780			34,900	48,680
Public Employees Assistance Program (PEAP)	102	919	3,420				3,420
Workers' Compensation Insurance	102	921	6,440				6,440
General Fund Overhead	102	944	310	38,240			38,550
Cincinnati Music Hall	102	966		100,000			100,000
Non-Departmental Accounts Total			23,950	138,240	-	34,900	197,090
Total Parking System Facilities Fund Appropriation			537,690	5,046,730	0	2,160,200	7,744,620

SCHEDULE OF APPROPRIATION **FY 2024 CONVENTION CENTER FUND OPERATING BUDGET**

SCHEDULE 3

That there be appropriated from the Convention Center Fund (103) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Enterprise Services							
Duke Energy Center	103	243	169,510	9,728,250		285,600	10,183,360
Non-Departmental Accounts							
Reserve For Contingencies	103	990		300,000			300,000
Total Convention Center Fund Appropriation			169,510	10,028,250	0	285,600	10,483,360

SCHEDULE OF APPROPRIATION **FY 2024 GENERAL AVIATION FUND OPERATING BUDGET**

SCHEDULE 4

That there be appropriated from the General Aviation Fund (104) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Transportation & Engineering							
Aviation	104	234	1,265,230	912,400		44,590	2,222,220
Non-Departmental Accounts							
Contribution To City Pension	104	911	8,140				8,140
Public Employees Assistance Program (PEAP)	104	919	2,840				2,840
Workers' Compensation Insurance	104	921	15,160				15,160
General Fund Overhead	104	944	920	90,030			90,950
Non-Departmental Accounts Total			27,060	90,030	0	0	117,090
Total General Aviation Fund Appropriation			1,292,290	1,002,430	0	44,590	2,339,310

SCHEDULE OF APPROPRIATION **FY 2024 MUNICIPAL GOLF FUND OPERATING BUDGET**

SCHEDULE 5

That there be appropriated from the Municipal Golf Fund (105) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Recreation							
Golf	105	195	264,980	5,853,320		615,000	6,733,300
Support Services	105	199	17,120				17,120
Recreation Total			282,100	5,853,320	0	615,000	6,750,420
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	105	919	480				480
Workers' Compensation Insurance	105	921	3,820				3,820
General Fund Overhead	105	944		22,670			22,670
Non-Departmental Accounts Total			4,300	22,670	0	0	26,970
Total Municipal Golf Fund Appropriation			286,400	5,875,990	0	615,000	6,777,390

SCHEDULE OF APPROPRIATION **FY 2024 STORMWATER MANAGEMENT FUND OPERATING BUDGET**

SCHEDULE 6

That there be appropriated from the Stormwater Management Fund (107) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
City Manager							
Office of Environment and Sustainability	107	104		1,198,540			1,198,540
Recreation							
Maintenance	107	194	1,043,190				1,043,190
Parks							
Operations and Facility Management	107	202	1,937,390	16,450			1,953,840
Buildings & Inspections							
Buildings & Inspections, Licenses & Permits	107	211	500,000				500,000
Property Maintenance Code Enforcement	107	212	563,920	588,920			1,152,840
Buildings & Inspections Total			1,063,920	588,920	0	0	1,652,840
Public Services							
Neighborhood Operations	107	253	5,108,500	2,741,840			7,850,340
Stormwater Management							
Stormwater Management Utility	107	311	4,497,080	7,630,540	5,000	2,208,070	14,340,690
Non-Departmental Accounts							
Contribution To City Pension	107	911	47,930			8,300	56,230
Public Employees Assistance Program (PEAP)	107	919	16,530				16,530
Workers' Compensation Insurance	107	921	162,280				162,280
General Fund Overhead	107	944	8,630	963,840			972,470
Non-Departmental Accounts Total			235,370	963,840	0	8,300	1,207,510
Total Stormwater Management Fund Appropriation			13,885,450	13,140,130	5,000	2,216,370	29,246,950

SCHEDULE OF APPROPRIATION **FY 2024 BOND RETIREMENT FUND OPERATING BUDGET**

SCHEDULE 7

That there be appropriated from the Bond Retirement Fund (151) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Finance							
Office of The Director	151	131	59,050				59,050
Treasury	151	134	367,800	3,563,620		145,765,610	149,697,030
Finance Total			426,850	3,563,620	0	145,765,610	149,756,080
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	151	919	620				620
Workers' Compensation Insurance	151	921	5,070				5,070
General Fund Overhead	151	944	150				150
Non-Departmental Accounts Total			5,840	0	0	0	5,840
Total Bond Retirement Fund Appropriation			432,690	3,563,620	0	145,765,610	149,761,920

SCHEDULE OF APPROPRIATION

FY 2024 STREET CONSTRUCTION, MAINTENANCE AND REPAIR FUND OPERATING BUDGET

SCHEDULE 8

That there be appropriated from the Street Construction, Maintenance and Repair Fund (301) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Parks							
Operations and Facility Management	301	202	336,380	80,940			417,320
Transportation & Engineering							
Traffic Services	301	238	71,280	896,370			967,650
Traffic Engineering	301	239		494,300			494,300
Transportation & Engineering Total			71,280	1,390,670	0	0	1,461,950
Public Services							
Traffic And Road Operations	301	252	5,613,460	5,207,350			10,820,810
Neighborhood Operations	301	253	3,157,710	741,650			3,899,360
Public Services Total			8,771,170	5,949,000	0	0	14,720,170
Non-Departmental Accounts							
Contribution To City Pension	301	911	92,290				92,290
Public Employees Assistance Program (PEAP)	301	919	22,000				22,000
Workers' Compensation Insurance	301	921	114,770				114,770
Non-Departmental Accounts Total			229,060	0	0	0	229,060
Total Street Construction, Maintenance and Repair Fund Appropriation			9,407,890	7,420,610	0	0	16,828,500

SCHEDULE OF APPROPRIATION

FY 2024 INCOME TAX-INFRASTRUCTURE FUND OPERATING BUDGET

SCHEDULE 9

That there be appropriated from the Income Tax-Infrastructure Fund (302) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
City Manager							
Office of Budget & Evaluation	302	102	189,540	6,340			195,880
Office of Procurement	302	107	267,750				267,750
Performance and Data Analytics	302	108		922,800			922,800
City Manager Total			457,290	929,140	-	-	1,386,430
Law							
Law - Civil	302	111	120,150.00	4,870.00			125,020
Human Resources							
Human Resources	302	121	392,740				392,740
Finance							
Accounts and Audits	302	133	141,980	3,230			145,210
Community & Economic Development							
Economic Development and Major/Special Projects Division	302	164		370,280			370,280
Recreation							
Maintenance	302	194	772,560	179,060			951,620
Parks							
Operations and Facility Management	302	202	1,772,420	870			1,773,290
Administration and Program Services	302	203	130				130
Parks Total			1,772,550	870	0	0	1,773,420
Buildings & Inspections							
Buildings & Inspections, Licenses & Permits	302	211	53,030				53,030

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Transportation & Engineering							
Office of The Director	302	231	1,327,530	133,080			1,460,610
Transportation Planning	302	232	2,503,910	97,380			2,601,290
Engineering	302	233	936,120	662,990			1,599,110
Traffic Services	302	238	3,576,540	418,050	-		3,994,590
Traffic Engineering	302	239	1,702,020	214,960			1,916,980
Transportation & Engineering Total			10,046,120	1,526,460	0	0	11,572,580
Public Services							
Office of The Director	302	251	117,820	42,240			160,060
Traffic And Road Operations	302	252	365,540	635,030			1,000,570
City Facility Management	302	255	2,343,590	850,450			3,194,040
Public Services Total			2,826,950	1,527,720	0	0	4,354,670
Economic Inclusion							
Economic Inclusion	302	281	281,720				281,720
Non-Departmental Accounts							
Contribution To City Pension	302	911	109,620				109,620
Public Employees Assistance Program (PEAP)	302	919	40,410				40,410
Workers' Compensation Insurance	302	921	224,460				224,460
Lump Sum Payments	302	924	300,000				300,000
General Fund Overhead	302	944	17,030	1,333,120			1,350,150
Reserve For Contingencies	302	990		300,000			300,000
Non-Departmental Accounts Total			691,520	1,633,120	0	0	2,324,640
Total Income Tax-Infrastructure Fund Appropriation			17,556,610	6,174,750	0	0	23,731,360

SCHEDULE OF APPROPRIATION **FY 2024 PARKING METER FUND OPERATING BUDGET**

SCHEDULE 10

That there be appropriated from the Parking Meter Fund (303) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Finance							
Treasury	303	134	26,320				26,320
Enterprise Services							
Parking Facilities	303	248	2,626,360	2,164,510			4,790,870
Non-Departmental Accounts							
Contribution To City Pension	303	911	34,740				34,740
Public Employees Assistance Program (PEAP)	303	919	5,400				5,400
Workers' Compensation Insurance	303	921	31,080				31,080
General Fund Overhead	303	944	4,530	184,540			189,070
Non-Departmental Accounts Total			75,750	184,540	0	0	260,290
Total Parking Meter Fund Appropriation			2,728,430	2,349,050	0	0	5,077,480

SCHEDULE OF APPROPRIATION
FY 2024 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND OPERATING BUDGET

SCHEDULE 11

That there be appropriated from the Municipal Motor Vehicle License Tax Fund (306) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Transportation & Engineering							
Traffic Services	306	238	221,860	34,330			256,190
Public Services							
Traffic And Road Operations	306	252	2,219,180	1,532,660			3,751,840
Non-Departmental Accounts							
Contribution To City Pension	306	911	20,940				20,940
Public Employees Assistance Program (PEAP)	306	919	5,040				5,040
Workers' Compensation Insurance	306	921	26,810				26,810
General Fund Overhead	306	944	3,390	159,230			162,620
Non-Departmental Accounts Total			56,180	159,230	0	0	215,410
Total Municipal Motor Vehicle License Tax Fund Appropriation			2,497,220	1,726,220	0	0	4,223,440

SCHEDULE OF APPROPRIATION **FY 2024 SAWYER POINT FUND OPERATING BUDGET**

SCHEDULE 12

That there be appropriated from the Sawyer Point Fund (318) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Parks							
Operations and Facility Management	318	202	541,340	513,350			1,054,690
Administration and Program Services	318	203		16,320			16,320
Parks Total			541,340	529,670	0	0	1,071,010
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	318	919	710				710
Workers' Compensation Insurance	318	921	6,990				6,990
General Fund Overhead	318	944		41,480			41,480
Non-Departmental Accounts Total			7,700	41,480	0	0	49,180
Total Sawyer Point Fund Appropriation			549,040	571,150	0	0	1,120,190

SCHEDULE OF APPROPRIATION **FY 2024 RECREATION SPECIAL ACTIVITIES FUND OPERATING BUDGET**

SCHEDULE 13

That there be appropriated from the Recreation Special Activities Fund (323) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Recreation							
West Region	323	191	818,910	266,560			1,085,470
East Region	323	192	1,176,020	327,840			1,503,860
Central Region	323	193	1,055,730	373,340			1,429,070
Athletics	323	197	444,480	496,600			941,080
Support Services	323	199	101,040	407,320	13,860		522,220
Recreation Total			3,596,180	1,871,660	13,860	0	5,481,700
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	323	919	8,700				8,700
Workers' Compensation Insurance	323	921	62,280				62,280
General Fund Overhead	323	944		369,880			369,880
Non-Departmental Accounts Total			70,980	369,880	0	0	440,860
Total Recreation Special Activities Fund Appropriation			3,667,160	2,241,540	13,860	0	5,922,560

SCHEDULE OF APPROPRIATION **FY 2024 CINCINNATI RIVERFRONT PARK FUND OPERATING BUDGET**

SCHEDULE 14

That there be appropriated from the Cincinnati Riverfront Park Fund (329) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Parks							
Operations and Facility Management	329	202	1,022,130	398,310			1,420,440
Administration and Program Services	329	203		17,340			17,340
Parks Total			1,022,130	415,650	0	0	1,437,780
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	329	919	190				190
Workers' Compensation Insurance	329	921	11,410				11,410
General Fund Overhead	329	944		67,720			67,720
Non-Departmental Accounts Total			11,600	67,720	0	0	79,320
Total Cincinnati Riverfront Park Fund Appropriation			1,033,730	483,370	0	0	1,517,100

**SCHEDULE OF APPROPRIATION
FY 2024 HAZARD ABATEMENT FUND OPERATING BUDGET**

SCHEDULE 15

That there be appropriated from the Hazard Abatement Fund (347) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Buildings & Inspections							
Property Maintenance Code Enforcement	347	212	686,840	10,220			697,060
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	347	919	630				630
Total Hazard Abatement Fund Appropriation			687,470	10,220	0	0	697,690

SCHEDULE OF APPROPRIATION
FY 2024 9-1-1 CELL PHONE FEES FUND OPERATING BUDGET

SCHEDULE 16

That there be appropriated from the 9-1-1 Cell Phone Fees Fund (364) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Enterprise Technology Solutions							
Enterprise Technology Solutions	364	091		20,830			20,830
City Manager							
Emergency Communications	364	103	817,360	631,800			1,449,160
Total 9-1-1 Cell Phone Fees Fund Appropriation			817,360	652,630	0	0	1,469,990

**SCHEDULE OF APPROPRIATION
FY 2024 SAFE AND CLEAN FUND OPERATING BUDGET**

SCHEDULE 17

That there be appropriated from the Safe and Clean Fund (377) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Public Services							
Neighborhood Operations	377	253		52,040			52,040
Total Safe and Clean Fund Appropriation			<u>0</u>	<u>52,040</u>	<u>0</u>	<u>0</u>	<u>52,040</u>

SCHEDULE OF APPROPRIATION
FY 2024 COMMUNITY HEALTH CENTER ACTIVITIES FUND OPERATING BUDGET

SCHEDULE 18

That there be appropriated from the Community Health Center Activities Fund (395) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Health							
Primary Health Care - Programs	395	264	420,200	2,970			423,170
Primary Health Care - Centers	395	265	11,450,320	6,451,490			17,901,810
School & Adolescent Health	395	266	7,237,590	1,142,540			8,380,130
Health Total			19,108,110	7,597,000	0	0	26,705,110
Non-Departmental Accounts							
Contribution To City Pension	395	911	120,480				120,480
Public Employees Assistance Program (PEAP)	395	919	41,580				41,580
Workers' Compensation Insurance	395	921	221,870				221,870
General Fund Overhead	395	944	23,520	1,317,750			1,341,270
Non-Departmental Accounts Total			407,450	1,317,750	0	0	1,725,200
Total Community Health Center Activities Fund Appropriation			19,515,560	8,914,750	0	0	28,430,310

SCHEDULE OF APPROPRIATION

FY 2024 CINCINNATI HEALTH DISTRICT FUND OPERATING BUDGET

SCHEDULE 19

That there be appropriated from the Cincinnati Health District Fund (416) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and	Non-Personnel	Properties	Debt	Total
			Benefits				
			7100 and 7500	7200-7400	7600	7700	Appropriation
Health							
Office Of The Commissioner	416	261	2,484,110	326,530	3,010		2,813,650
Technical Resources	416	262	2,760,980	483,580			3,244,560
Community Health Services	416	263	4,890,250	286,170			5,176,420
Primary Health Care - Programs	416	264	2,184,180	139,110			2,323,290
Primary Health Care - Centers	416	265	6,022,350	36,470			6,058,820
School & Adolescent Health	416	266	965,520	112,600			1,078,120
Health Total			19,307,390	1,384,460	3,010	0	20,694,860
Non-Departmental Accounts							
Contribution To City Pension	416	911	127,430				127,430
Public Employees Assistance Program (PEAP)	416	919	23,540				23,540
Workers' Compensation Insurance	416	921	221,310				221,310
Audit And Examiner's Fees	416	941		6,000			6,000
General Fund Overhead	416	944	14,500				14,500
Non-Departmental Accounts Total			386,780	6,000	0	0	392,780
Total Cincinnati Health District Fund Appropriation			19,694,170	1,390,460	3,010	0	21,087,640

SCHEDULE OF APPROPRIATION
FY 2024 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND OPERATING BUDGET

SCHEDULE 20

That there be appropriated from the Cincinnati Area Geographic Information System (CAGIS) Fund (449) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
City Manager							
Performance and Data Analytics	449	108	2,696,150	2,031,070			4,727,220
Non-Departmental Accounts							
Contribution To City Pension	449	911	33,570				33,570
Public Employees Assistance Program (PEAP)	449	919	5,700				5,700
Workers' Compensation Insurance	449	921	32,900				32,900
General Fund Overhead	449	944		195,370			195,370
Non-Departmental Accounts Total			72,170	195,370	0	0	267,540
Total Cincinnati Area Geographic Information System (CAGIS) Fund Appropriation			2,768,320	2,226,440	0	0	4,994,760

SCHEDULE OF APPROPRIATION **FY 2024 STREETCAR OPERATIONS FUND OPERATING BUDGET**

SCHEDULE 21

That there be appropriated from the Streetcar Operations Fund (455) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

Department	Fund	Agency	Salaries and Benefits 7100 and 7500	Non-Personnel 7200-7400	Properties 7600	Debt Service 7700	Total Appropriation
Law							
Law - Civil	455	111	135,460				135,460
Transportation & Engineering							
Streetcar Operations	455	236	502,040	5,081,530			5,583,570
Traffic Services	455	238	98,670				98,670
Transportation & Engineering Total			600,710	5,081,530	0	0	5,682,240
Non-Departmental Accounts							
Public Employees Assistance Program (PEAP)	455	919	1,090				1,090
Workers' Compensation Insurance	455	921	10,530				10,530
General Fund Overhead	455	944		62,530			62,530
Non-Departmental Accounts Total			11,620	62,530	0	0	74,150
Total Streetcar Fund Appropriation			747,790	5,144,060	0	0	5,891,850

SCHEDULE OF APPROPRIATION

FY 2024 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND OPERATING BUDGET

SCHEDULE 22

That there be appropriated from the County Law Enforcement Applied Regionally Fund (457) for the Fiscal Year 2024, the sums set forth in the columns designated Salaries and Benefits 7100 and 7500, Non-Personnel 7200-7400, Properties 7600, Debt Service 7700, and Total Appropriation:

<u>Department</u>	<u>Fund</u>	<u>Agency</u>	<u>Salaries and Benefits 7100 and 7500</u>	<u>Non-Personnel 7200-7400</u>	<u>Properties 7600</u>	<u>Debt Service 7700</u>	<u>Total Appropriation</u>
Enterprise Technology Solutions							
County Law Enforcement Applied Regionally (CLEAR)	457	093	2,096,590	3,391,260	2,000,000		7,487,850
Non-Departmental Accounts							
Contribution To City Pension	457	911	14,800				14,800
Public Employees Assistance Program (PEAP)	457	919	3,260				3,260
Workers' Compensation Insurance	457	921	26,740				26,740
General Fund Overhead	457	944		158,770			158,770
Non-Departmental Accounts Total			44,800	158,770	0	0	203,570
Total County Law Enforcement Applied Regionally (CLEAR) Fund Appropriation			2,141,390	3,550,030	2,000,000	0	7,691,420

Schedule 23

Estimated receipts, expenditures, and balances of the Restricted Revenue Funds for the fiscal year starting July 1, 2023 and ending June 30, 2024.

Resources and Beginning Balances		Expenditures and Ending Balances	
101	WATER WORKS FUND	101	WATER WORKS FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$201,044,000		\$172,817,110
	0		\$25,000,000
	\$129,136,300		\$132,363,190
102	PARKING SYSTEM FACILITIES FUND	102	PARKING SYSTEM FACILITIES FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$6,178,910		\$7,744,620
	0		\$590,000
	\$7,181,410		\$5,025,700
103	CONVENTION CENTER FUND	103	CONVENTION CENTER FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$9,300,000		\$10,483,360
	0		\$12,620
	\$4,528,140		\$3,332,160
104	GENERAL AVIATION FUND	104	GENERAL AVIATION FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$2,300,000		\$2,339,310
	0		\$340,860
	\$888,220		\$508,050
105	MUNICIPAL GOLF FUND	105	MUNICIPAL GOLF FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$7,201,000		\$6,777,390
	0		0
	\$2,828,260		\$3,251,870
107	STORMWATER MANAGEMENT FUND	107	STORMWATER MANAGEMENT FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$29,470,000		\$29,246,950
	0		0
	\$11,574,370		\$11,797,420
151	BOND RETIREMENT FUND	151	BOND RETIREMENT FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$141,289,140		\$149,761,920
	\$21,650,007		\$16,134,980
	\$89,980,550		\$87,022,797
301	STREET CONSTRUCTION MAINTENANCE & REPAIR FUND	301	STREET CONSTRUCTION MAINTENANCE & REPAIR FUND
	Revenue.....		Expenditure.....
	Transfers In.....		Transfers Out.....
	Estimated Balance (7/1/23).....		Estimated Balance (6/30/24).....
	\$15,467,300		\$16,828,500
	0		\$108,670
	\$3,580,610		\$2,110,740

Resources and Beginning Balances

302 INCOME TAX-INFRASTRUCTURE FUND	
Revenue.....	\$22,193,550
Transfers In.....	0
Estimated Balance (7/1/23).....	\$7,732,230
303 PARKING METER FUND	
Revenue.....	\$3,631,540
Transfers In.....	0
Estimated Balance (7/1/23).....	\$1,770,960
306 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND	
Revenue.....	\$4,114,000
Transfers In.....	0
Estimated Balance (7/1/23).....	\$2,027,180
318 SAWYER POINT FUND	
Revenue.....	\$648,500
Transfers In.....	0
Estimated Balance (7/1/23).....	\$800,020
323 RECREATION SPECIAL ACTIVITIES FUND	
Revenue.....	\$5,450,000
Transfers In.....	0
Estimated Balance (7/1/23).....	\$2,928,400
329 CINCINNATI RIVERFRONT PARK FUND	
Revenue.....	\$1,431,000
Transfers In.....	0
Estimated Balance (7/1/23).....	\$3,046,800
347 HAZARD ABATEMENT FUND	
Revenue.....	\$365,580
Transfers In.....	0
Estimated Balance (7/1/23).....	\$1,437,870

Expenditures and Ending Balances

302 INCOME TAX-INFRASTRUCTURE FUND	
Expenditure.....	\$23,731,360
Transfers Out.....	\$764,060
Estimated Balance (6/30/24).....	\$5,430,360
303 PARKING METER FUND	
Expenditure.....	\$5,077,480
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$325,020
306 MUNICIPAL MOTOR VEHICLE LICENSE TAX FUND	
Expenditure.....	\$4,223,440
Transfers Out.....	\$38,530
Estimated Balance (6/30/24).....	\$1,879,210
318 SAWYER POINT FUND	
Expenditure.....	\$1,120,190
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$328,330
323 RECREATION SPECIAL ACTIVITIES FUND	
Expenditure.....	\$5,922,560
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$2,455,840
329 CINCINNATI RIVERFRONT PARK FUND	
Expenditure.....	\$1,517,100
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$2,960,700
347 HAZARD ABATEMENT FUND	
Expenditure.....	\$697,690
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$1,105,760

Resources and Beginning Balances

364 9-1-1 CELL PHONE FEES FUND	
Revenue.....	\$1,300,000
Transfers In.....	0
Estimated Balance (7/1/23).....	\$1,439,330
377 SAFE AND CLEAN FUND	
Revenue.....	\$53,300
Transfers In.....	0
Estimated Balance (7/1/23).....	\$65,550
395 COMMUNITY HEALTH CENTER ACTIVITIES FUND	
Revenue.....	\$30,096,460
Transfers In.....	0
Estimated Balance (7/1/23).....	\$2,342,790
416 CINCINNATI HEALTH DISTRICT FUND	
Revenue.....	\$620,000
Transfers In.....	\$20,467,640
Estimated Balance (7/1/23).....	\$172,080
449 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND	
Revenue.....	\$4,713,220
Transfers In.....	0
Estimated Balance (7/1/23).....	\$933,470
455 STREETCAR OPERATIONS FUND	
Revenue.....	\$5,140,000
Transfers In.....	0
Estimated Balance (7/1/23).....	\$1,982,090
457 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND	
Revenue.....	\$7,437,560
Transfers In.....	0
Estimated Balance (7/1/23).....	\$1,033,640
TOTAL RECEIPTS.....	\$499,445,060
TRANSFERS IN.....	\$42,117,647
TOTAL BALANCES.....	\$277,410,270
TOTAL RECEIPTS & SURPLUS	\$818,972,977

Expenditures and Ending Balances

364 9-1-1 CELL PHONE FEES FUND	
Expenditure.....	\$1,469,990
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$1,269,340
377 SAFE AND CLEAN FUND	
Expenditure.....	\$52,040
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$66,810
395 COMMUNITY HEALTH CENTER ACTIVITIES FUND	
Expenditure.....	\$28,430,310
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$4,008,940
416 CINCINNATI HEALTH DISTRICT FUND	
Expenditure.....	\$21,087,640
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$172,080
449 CINCINNATI AREA GEOGRAPHIC INFORMATION SYSTEM (CAGIS) FUND	
Expenditure.....	\$4,994,760
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$651,930
455 STREETCAR OPERATIONS FUND	
Expenditure.....	\$5,891,850
Transfers Out.....	0
Estimated Balance (6/30/24).....	\$1,230,240
457 COUNTY LAW ENFORCEMENT APPLIED REGIONALLY (CLEAR) FUND	
Expenditure.....	\$7,691,420
Transfers Out.....	\$19,450
Estimated Balance (6/30/24).....	\$760,330
TOTAL EXPENDITURES.....	\$507,906,990
TRANSFERS OUT/TO RESERVES.....	\$43,009,170
ESTIMATED BALANCE.....	\$268,056,817
TOTAL EXPENDITURES & BALANCES	\$818,972,977

June 7, 2023

To: Mayor and Members of City Council

202301582

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – FY 2024 Budget: Restricted and Special Revenue Funds Capital Budget

Attached is an Emergency Ordinance captioned:

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating revenue and existing funds to carry out certain parts of the Capital Improvement Program; **AUTHORIZING** the transfer and appropriation of \$1,223,000 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A; **AUTHORIZING** the transfer and appropriation of \$25,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; **AUTHORIZING** the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements; and further **DECLARING** the capital improvement program project, Strategic Housing Initiatives Program (SHIP), to be for a public purpose.

This Emergency Ordinance authorizes the funding of Restricted Funds Capital Budget projects in the amount of \$4,611,000 in the following restricted funds as described below:

1. Telecommunications Services Fund: The Radio Communications Equipment capital project allocation of \$30,000 will primarily provide for the maintenance of radio communications equipment.
2. Special Housing Permanent Improvement Fund: The allocation of \$353,000 provides resources for the Strategic Housing Initiatives Program (SHIP) capital project for strategic investment in housing projects throughout the City's neighborhoods. The program will support the rehabilitation or new construction of market rate, workforce, and affordable rental and home ownership units as well as permanent supportive housing.

3. General Aviation Fund: The \$340,000 budget will provide resources for the following capital projects: Airport Infrastructure Improvements, Facility Improvements, and General Aviation Motorized Equipment.
4. Parking System Facilities Fund: \$500,000 from this fund will provide resources for the Structural Maintenance & Repair capital project to maintain, repair, design, and construct improvements to the City's off-street parking assets.

This Emergency Ordinance also authorizes the transfer and appropriation of the sum of \$25,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 for the purpose of continuing funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development. This Emergency Ordinance further authorizes the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements.

This Emergency Ordinance also declares that the Strategic Housing Initiatives Program (SHIP) serves a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

The reason for the emergency is the need to have funding immediately in place to carry out the City's Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

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

Attachments

EMERGENCY

IMD

-2023

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating revenue and existing funds to carry out certain parts of the Capital Improvement Program; **AUTHORIZING** the transfer and appropriation of \$1,223,000 from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A; **AUTHORIZING** the transfer and appropriation of \$25,000,000 from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue funding for the current Capital Improvement Program, which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development; **AUTHORIZING** the use and expenditure of \$75,000,000 for Greater Cincinnati Water Works Capital Improvements; and further **DECLARING** the capital improvement program project, Strategic Housing Initiatives Program (SHIP), to be for a public purpose.

WHEREAS, passage of this capital budget ordinance will allow the Administration to provide resources for the FY 2024 Capital Improvement Program, to provide resources for certain capital improvement program projects, and to transfer and appropriate certain funds; now, therefore,

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

Section 1. That there is adopted and approved as the Capital Improvement Program and Budget for the Fiscal Year 2024 (“FY 2024”) the projects included in Section 2 to be established and financed in the amounts and from the sources set forth therein.

Section 2. That \$1,223,000 is transferred and appropriated from various restricted and special revenue funds to various capital improvement project accounts in Capital Projects Fund 980 according to Schedule A attached hereto, and by this reference made a part hereof, to continue and complete certain capital improvement projects listed in Schedule A.

Section 3. That \$25,000,000 is transferred and appropriated from the unappropriated surplus of Water Works Fund 101 to Water Works Capital Improvement Fund 756 to continue

funding for the current Capital Improvement Program which includes new water mains, water main replacements, treatment plant improvements, system development, tanks, pumping stations, and private development.

Section 4. That the use and expenditure of \$75,000,000 is authorized for Greater Cincinnati Water Works Capital Improvements.

Section 5. That the capital improvement program project account Strategic Housing Initiatives Program (SHIP) is declared to serve a public purpose because the project will foster local improvements and investment and increase neighborhood vitality.

Section 6. That Sections 1 through 5 shall become effective as of July 1, 2023.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of 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 need to have funding immediately in place to carry out the City's Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter totaling \$1,223,000.00 are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Enterprise Tech. Solutions 091	336	Telecommunications Services Fund	240906	Radio Communications Equipment	0.00	30,000.00	30,000.00
Comm. & Econ. Dev. Housing 162	761	Special Housing Permanent Improvement Fund	241602	Strategic Housing Initiatives Program (SHIP)	397,000.00	750,000.00	353,000.00
Transp. & Eng. General Aviation 234	104	General Aviation Fund	242332	Airport Infrastructure Improvements	0.00	140,000.00	140,000.00
	104	General Aviation Fund	242333	Facility Improvements	0.00	139,000.00	139,000.00
	104	General Aviation Fund	242330	General Aviation Motorized Equipment	0.00	61,000.00	61,000.00
Enterprise Services Parking 248	102	Parking System Facilities Fund	242406	Structural Maintenance & Repair	0.00	500,000.00	500,000.00

June 7, 2023

To: Mayor and Members of City Council

202301583

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – FY 2024 Budget: General Capital Budget

Attached is an Emergency Ordinance captioned:

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of Cincinnati Southern Railway lease-supported note proceeds to other parts of said Capital Improvement Program; **AUTHORIZING** the transfer and return of \$1,500,000 to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, “Community Budget Requests - GFCO,” to provide resources for the FY 2024 Operating Budget and Capital Improvement Program; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

Approving and adopting the City Manager's Recommended FY 2024 General Capital Budget provides funding for the Fiscal Year 2024 General Capital Improvement Program Budget in the amount of \$69,450,000, effective July 1, 2023.

Sections 2 through 8 refer to the capital projects and their funding sources as outlined below:

- Section 2 transfers and returns to source the General Fund 050 the sum of \$1,500,000 from existing capital improvement program project account no. 980x101x231034, “Community Budget Requests - GFCO,” to provide resources for the FY 2024 Operating Budget and Capital Improvement Program.
- Section 3 transfers and appropriates the sum of \$1,300,000 to new capital improvement program project accounts via reprogramming.
- Section 4 distributes \$3,309,000 from income tax permanent improvement funds derived from the 0.15% portion of the City income tax.

- Section 5 distributes \$10,691,000 from income tax permanent improvement funds derived from the 0.15% portion of the City income tax for certain permanent improvements.
- Section 6 distributes \$27,800,000 from various bond sources.
- Section 7 distributes \$26,100,000 from Southern Railway related proceeds.
- Section 8 distributes \$250,000 from the Blue Ash Property sale proceeds.

This Emergency Ordinance also declares the following capital improvement program projects serve a public purpose: Hazard Abatement/Demolition Program; Affordable Housing Trust Funding – Capital; Small Scale Rental Rehab Loan Program; Strategic Housing Initiatives Program (SHIP); Home Enhancement Loan Program (HELP); Business Retention/New Growth; Commercial & Industrial Public Improvements; Community Development Focus District; Neighborhood Business District Improvements; Neighborhood Business Property Holding; Retail/Commercial Opportunities; Viable Small Business Development; Community Facility Improvements – Art Museum; Duke Street Light Installation and Renovation; and Convention Center Improvements. These projects will foster local improvements and investment and increase neighborhood vitality.

The reason for the emergency is the need to have funding in place to carry out the City's Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

The Administration recommends passage of this Emergency Ordinance.

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

Attachments

EMERGENCY

CMZ

- 2023

APPROVING AND ADOPTING a Capital Improvement Program and Budget for Fiscal Year 2024, transferring and appropriating taxes and other revenue and existing funds for the purpose of carrying out certain parts of the Capital Improvement Program, and providing for the transfer and appropriation of Cincinnati Southern Railway lease-supported note proceeds to other parts of said Capital Improvement Program; **AUTHORIZING** the transfer and return of \$1,500,000 to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, "Community Budget Requests - GFCO," to provide resources for the FY 2024 Operating Budget and Capital Improvement Program; and further **DECLARING** certain projects to be for a public purpose, all for the purpose of carrying out the Capital Improvement Program.

WHEREAS, it is necessary that Council approve the expenditure of funds in existence or in collection for certain capital improvements; and

WHEREAS, in order to present a comprehensive program, it is advisable to authorize the transfer and appropriation to certain capital improvement accounts of funds to be raised by the issuance of bonds of the City of Cincinnati and from Cincinnati Southern Railway lease-supported note proceeds; now, therefore,

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

Section 1. That there is adopted and approved as the Capital Improvement Program and Budget for the Fiscal Year 2024 ("FY 2024") the projects included in Sections 3 through 8 to be established and financed in the amounts and from the sources set forth therein.

Section 2. That \$1,500,000 is hereby transferred and returned to source the General Fund 050 from existing capital improvement program project account no. 980x101x231034, "Community Budget Requests - GFCO," to provide resources for the FY 2024 Operating Budget and Capital Improvement Program.

Section 3. That \$1,300,000 is transferred and appropriated via reprogramming to new capital improvement program project accounts according to Schedule A, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule A.

Section 4. That \$3,309,000 from the 0.15 percent income tax is transferred and appropriated to the individual project accounts listed in Schedule B, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule B.

Section 5. That \$10,691,000 from the 0.15 percent income tax is appropriated to the permanent improvement project accounts listed in Schedule C, attached hereto and by this reference made a part hereof, for the permanent improvements listed in Schedule C.

Section 6. That \$27,800,000 to be raised by the issuance of bonds by the City is transferred and appropriated to existing project accounts according to Schedule D, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule D.

Section 7. That \$26,100,000 in notes and investment earnings from the Cincinnati Southern Railway rollover is transferred and appropriated according to Schedule E, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule E.

Section 8. That \$250,000 from the Blue Ash Airport reserve account 757x3475 is transferred and appropriated to the individual project account listed in Schedule F, attached hereto and by this reference made a part hereof, for the improvements listed in Schedule F.

Section 9. That the Hazard Abatement/Demolition Program; Affordable Housing Trust Funding – Capital; Small Scale Rental Rehab Loan Program; Strategic Housing Initiatives Program (SHIP); Home Enhancement Loan Program (HELP); Business Retention/New Growth; Commercial & Industrial Public Improvements; Community Development Focus District; Neighborhood Business District Improvements; Neighborhood Business Property Holding; Retail/Commercial Opportunities; Viable Small Business Development; Community Facility Improvements – Art Museum; Duke Street Light Installation and Renovation; and Convention Center Improvements capital improvement program projects are hereby declared to serve a public

purpose because the projects will foster local improvements and investment and increase neighborhood vitality.

Section 10. That no expenditure of money from project accounts shall be made, nor shall expenditures thereof be contracted for, unless the money therefore has been received by the City or is in the process of collection.

Section 11. That the Director of Finance is authorized to draw her warrant upon the Treasury of the City for the amounts appropriated and for the purposes stated in this ordinance, upon receiving the proper certificates and vouchers therefore approved by the City Manager or the Manager's designee, the appropriate board, or other officers authorized by law to approve the same, or upon receiving the proper certificates and vouchers therefore authorized by an ordinance or resolution of Council to make the expenditures, provided that vouchers for payment out of any of the foregoing appropriations by order of a court decree shall be approved by the City Solicitor in addition to any other authority required by law.

Section 12. That Council hereby authorizes the proper boards or officials to enter into any contract or contracts for any of the projects or parts thereof set forth in the Sections herein. Said board or official shall execute said contracts in accordance with all applicable law, including the charter and ordinances of the City of Cincinnati.

Section 13. That appropriations and allocations to the various projects remaining unexpended at the end of FY 2024 shall remain in the individual project accounts and may be expended at a later time; provided, however, that money not required in a particular project account, as determined by Council, shall be returned by the Director of Finance to the fund from which it was originally transferred.

Section 14. That nothing in this ordinance shall be construed as intending to supersede or dispense with the procedures or acts required by state or federal laws or regulations relating to matters involving assessments or state or federal assistance projects.

Section 15. That Sections 1 through 14 hereof shall become effective as of July 1, 2023.

Section 16. 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 need to have funding in place to carry out the City's Fiscal Year 2024 Capital Improvement Program, which begins July 1, 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

That the amounts set forth hereinafter are hereby transferred and appropriated, reprogramming in the amount of \$1,300,000.00 to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
					PRIOR	REVISED	
Com. & Econ Dev. Housing Dev. 162	050	General Fund	241615	Home Enhancement Loan Program (HELP)	0.00	500,000.00	500,000.00
Buildings & Inspections License & Permits 211	050	General Fund	242100	Small Scale Rental Rehab Loan Program	0.00	550,000.00	550,000.00
Enterprise Services Convention Ctr. 243	050	General Fund	242419	Convention Center Improvements	0.00	250,000.00	250,000.00

That the amounts set forth hereinafter totaling \$3,309,000.00 from the 0.15% income tax are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION		PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
					PRIOR	REVISED	
Ent. Tech. Solutions 091	758	Income Tax Perm. Improvement Fund	240903	Enterprise Networks and Security Enhancements	0.00	86,000.00	86,000.00
	758	Income Tax Perm. Improvement Fund	240908	Disaster Recovery / Business Continuity	0.00	81,000.00	81,000.00
	758	Income Tax Perm. Improvement Fund	240912	Data Center Infrastructure Replacement	0.00	112,000.00	112,000.00
	758	Income Tax Perm. Improvement Fund	240913	Telephone System Upgrades	0.00	1,000.00	1,000.00
	758	Income Tax Perm. Improvement Fund	240918	Lifecycle Asset Acquisition and Replacement	0.00	451,000.00	451,000.00
Transp. & Eng. Planning 232	758	Income Tax Perm. Improvement Fund	242305	Safety Improvements	0.00	109,000.00	109,000.00
	758	Income Tax Perm. Improvement Fund	242313	Neighborhood Gateways/Greenways Imprvmnt	0.00	143,000.00	143,000.00
	758	Income Tax Perm. Improvement Fund	242336	Neighborhood Transportation Strategies	0.00	459,000.00	459,000.00
	758	Income Tax Perm. Improvement Fund	242343	Downtown Infrast. Coord. & Implemtn	0.00	163,000.00	163,000.00
	758	Income Tax Perm. Improvement Fund	242357	Bicycle Transportation Program	0.00	281,000.00	281,000.00
	758	Income Tax Perm. Improvement Fund	242359	Gilbert Avenue Complete Street	0.00	939,000.00	939,000.00
	758	Income Tax Perm. Improvement Fund	242388	Mt. Airy Traffic Calming Major Street - CBR	0.00	280,000.00	280,000.00
Public Services City Facility Mgt. 255	758	Income Tax Perm. Improvement Fund	242504	Community Facility Improvements - Art Museum	0.00	200,000.00	200,000.00
	758	Income Tax Perm. Improvement Fund	242508	Obsolete Air Conditioning Systems Replacement	0.00	4,000.00	4,000.00

That the amounts set forth hereinafter totaling \$10,691,000.00 from the 0.15% income tax are hereby appropriated to the individual project accounts for the permanent improvements listed hereinafter:

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Ent. Tech. Solutions 091	758	Income Tax Perm. Improvement Fund	240904 Cincinnati Financial System Upgrades	0.00	10,000.00	10,000.00
	758	Income Tax Perm. Improvement Fund	240909 Digital Services Enhancements	0.00	37,000.00	37,000.00
	758	Income Tax Perm. Improvement Fund	240910 Real Time Crime Center Camera Program	0.00	150,000.00	150,000.00
	758	Income Tax Perm. Improvement Fund	240914 CHRIS Upgrades and Enhancements	0.00	1,750,000.00	1,750,000.00
	758	Income Tax Perm. Improvement Fund	240917 Contract Compliance System Upgrade	0.00	350,000.00	350,000.00
	758	Income Tax Perm. Improvement Fund	240926 Route Optimization Software	0.00	250,000.00	250,000.00
City Manager Emergency Comm. 103	758	Income Tax Perm. Improvement Fund	241034 911 PC Replacement	0.00	88,000.00	88,000.00
City Manager OES 104	758	Income Tax Perm. Improvement Fund	241002 Center Hill Gas & Leachate	0.00	51,000.00	51,000.00
	758	Income Tax Perm. Improvement Fund	241005 Wheeled Recycling Cart Replacement	0.00	51,000.00	51,000.00
City Manager OP & DA 108	758	Income Tax Perm. Improvement Fund	241016 Enterprise Data Warehouse	0.00	34,000.00	34,000.00
Law - Admin Hearings & Pros. 112	758	Income Tax Perm. Improvement Fund	241109 Prosecution Case Management System	0.00	125,000.00	125,000.00
Com. & Econ Dev. Housing Dev. 162	758	Income Tax Perm. Improvement Fund	241602 Strategic Housing Initiatives Program (SHIP)	0.00	397,000.00	397,000.00
	758	Income Tax Perm. Improvement Fund	241644 Affordable Housing Trust Funding - Capital	0.00	1,500,000.00	1,500,000.00
Com. & Econ Dev. Economic Dev. 164	758	Income Tax Perm. Improvement Fund	241601 Business Retention/New Growth	0.00	153,000.00	153,000.00
	758	Income Tax Perm. Improvement Fund	241607 Neighborhood Business District Improvements	0.00	1,100,000.00	1,100,000.00
	758	Income Tax Perm. Improvement Fund	241608 Neighborhood Business Property Holding	0.00	51,000.00	51,000.00

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Com. & Econ Dev. Economic Dev. 164	758	Income Tax Perm. Improvement Fund	241609 Community Development Focus District	0.00	204,000.00	204,000.00
	758	Income Tax Perm. Improvement Fund	241610 Commercial & Industrial Public Improvements	0.00	306,000.00	306,000.00
	758	Income Tax Perm. Improvement Fund	241611 Retail/Commercial Opportunities	0.00	426,000.00	426,000.00
	758	Income Tax Perm. Improvement Fund	241616 Viable Small Business Development	0.00	153,000.00	153,000.00
Buildings & Inspections License & Permits 211	758	Income Tax Perm. Improvement Fund	242102 Electronic Document Management System	0.00	100,000.00	100,000.00
Buildings & Inspections Code Enforcement 212	758	Income Tax Perm. Improvement Fund	242103 Hazard Abatement/Demolition Program	0.00	468,000.00	468,000.00
Police - Support 226	758	Income Tax Perm. Improvement Fund	242210 Police Equipment	0.00	119,000.00	119,000.00
Police - Admin 227	758	Income Tax Perm. Improvement Fund	242220 College Hill Safety Cameras - CBR	0.00	20,000.00	20,000.00
	758	Income Tax Perm. Improvement Fund	242221 Data Storage	0.00	300,000.00	300,000.00
Transp. & Eng. Planning 232	758	Income Tax Perm. Improvement Fund	242302 Sidewalk Repair Program	0.00	265,000.00	265,000.00
	758	Income Tax Perm. Improvement Fund	242320 OKI Regional Coordination	0.00	102,000.00	102,000.00
	758	Income Tax Perm. Improvement Fund	242364 Brent Spence Bridge	0.00	100,000.00	100,000.00
Transp. & Eng. Eng. 233	758	Income Tax Perm. Improvement Fund	242303 Spot Infrastructure Replacement	0.00	400,000.00	400,000.00
	758	Income Tax Perm. Improvement Fund	242307 Pavement Management	0.00	306,000.00	306,000.00
	758	Income Tax Perm. Improvement Fund	242390 Hillside Avenue Spot Infrastructure - CBR	0.00	300,000.00	300,000.00
	758	Income Tax Perm. Improvement Fund	242392 Erie Ave Sidewalk Improvements - CBR	0.00	40,000.00	40,000.00

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Transp. & Eng. Traffic Eng. 239	758	Income Tax Perm. Improvement Fund	242300 Traffic Control Device Installation & Renovation	0.00	124,000.00	124,000.00
	758	Income Tax Perm. Improvement Fund	242318 Gas Street Light Upgrade and Replacement	0.00	24,000.00	24,000.00
	758	Income Tax Perm. Improvement Fund	242328 Duke Street Light Installation and Renovation	0.00	239,000.00	239,000.00
Public Services Traffic & Road 252	758	Income Tax Perm. Improvement Fund	242503 Sign Replacement	0.00	214,000.00	214,000.00
Public Services Neighborhood Operations 253	758	Income Tax Perm. Improvement Fund	242537 Trash Receptacles & Collection Carts	0.00	113,000.00	113,000.00
Fire - Response 271	758	Income Tax Perm. Improvement Fund	242700 Firefighter PPE	0.00	215,000.00	215,000.00
Fire - Support Services 272	758	Income Tax Perm. Improvement Fund	242720 Administrative Furniture and Equipment	0.00	56,000.00	56,000.00

That the amounts set forth hereinafter totaling \$27,800,000.00 to be raised by the issuance of bonds of the City of Cincinnati are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Ent. Tech. Solutions 091	861	Public Building Improvement Bond Fund	240906 Radio Communications Equipment	0.00	1,300,000.00	1,300,000.00
	864	Automotive & Other Equipment Bond Fund	240913 Telephone System Upgrades	1,000.00	206,000.00	205,000.00
City Manager Emergency Comm. 103	864	Automotive & Other Equipment Bond Fund	241036 Computer Aided Dispatch Replacement	0.00	132,000.00	132,000.00
City Manager OES 104	864	Automotive & Other Equipment Bond Fund	241040 Solar Panel Battery Backup Resiliency Hub	0.00	325,000.00	325,000.00
Recreation Administration 199	860	Parks and Recreation Improvement Bond Fund	241907 Recreation Facilities Improvements - CBR	0.00	1,020,000.00	1,020,000.00
Transp. & Eng. Planning 232	858	Street Improvement Bond Fund	242354 Minor Street Traffic Calming	0.00	400,000.00	400,000.00
	858	Street Improvement Bond Fund	242359 Gilbert Avenue Complete Street	939,000.00	2,330,000.00	1,391,000.00
	858	Street Improvement Bond Fund	242360 Harrison Avenue Right-Sizing	0.00	685,000.00	685,000.00
	858	Street Improvement Bond Fund	242383 Pedestrian Safety Improvements/Major Street Calming	0.00	765,000.00	765,000.00
Transp. & Eng. Eng. 233	858	Street Improvement Bond Fund	242306 Street Improvements	0.00	597,000.00	597,000.00
	858	Street Improvement Bond Fund	242308 Street Rehabilitation	0.00	10,587,000.00	10,587,000.00
Transp. & Eng. Traffic Eng. 239	858	Street Improvement Bond Fund	242340 Street Light Infrastructure	0.00	435,000.00	435,000.00
Enterprise Services Parking Facilities 248	864	Automotive & Other Equipment Bond Fund	242413 Parking Meter Replacement	0.00	125,000.00	125,000.00
Public Services City Facility Mgt. 255	861	Public Building Improvement Bond Fund	242508 Obsolete Air Conditioning Systems Replacement	4,000.00	624,000.00	620,000.00
Health Office of the Commissioner 261	864	Automotive & Other Equipment Bond Fund	242609 Building Access Control Systems	0.00	125,000.00	125,000.00

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Fire - Response 271	864	Automotive & Other Equipment Bond Fund	242703	Flashover Simulator	0.00	100,000.00	100,000.00
	864	Automotive & Other Equipment Bond Fund	242721	Medical Equipment	0.00	100,500.00	100,500.00
Fire - Support Services 272	864	Automotive & Other Equipment Bond Fund	242704	Fire Equipment	0.00	151,500.00	151,500.00
Motorized & Const. Equip. 981	864	Automotive & Other Equipment Bond Fund	242505	Fleet Replacements	0.00	8,736,000.00	8,736,000.00

That the amounts set forth hereinafter totaling \$26,100,000.00 to be raised by the issuance of notes and to be repaid from lease proceeds of the Cincinnati Southern Railway is hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION		PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
				PRIOR	REVISED	
Recreation Administration 199	871	Recreation Improvement Bond Fund	241900 Outdoor Facilities Renovation	0.00	367,000.00	367,000.00
	871	Recreation Improvement Bond Fund	241901 Recreation Facilities Renovation	0.00	1,829,000.00	1,829,000.00
	871	Recreation Improvement Bond Fund	241902 Aquatics Facilities Renovation	0.00	436,000.00	436,000.00
	871	Recreation Improvement Bond Fund	241903 Athletics Facilities Renovation	0.00	474,000.00	474,000.00
	871	Recreation Improvement Bond Fund	241904 Compliance with ADA	0.00	104,000.00	104,000.00
Parks Admin. & Program Services 203	872	Parks Improvement Bond Fund	242000 Park Infrastructure Rehabilitation	0.00	2,653,000.00	2,653,000.00
Transp. & Eng. Eng. 233	870	Street Improvement Bond Fund	242308 Street Rehabilitation	10,587,000.00	17,717,000.00	7,130,000.00
	870	Street Improvement Bond Fund	242312 Wall Stab. & Landslide Correction	0.00	782,000.00	782,000.00
	870	Street Improvement Bond Fund	242338 Bridge Rehabilitation Program	0.00	781,000.00	781,000.00
	870	Street Improvement Bond Fund	242342 Curb Ramps - Street Rehab	0.00	342,000.00	342,000.00
	870	Street Improvement Bond Fund	242377 Hillside Stairway Rehabilitation Program	0.00	28,000.00	28,000.00
	870	Street Improvement Bond Fund	242393 Paddock Hills Intersection Improvement - CBR	0.00	140,000.00	140,000.00
	870	Street Improvement Bond Fund	242394 CUF Warner Street Steps Replacement - CBR	0.00	500,000.00	500,000.00
	870	Street Improvement Bond Fund	242396 Brighton Approach Bridge	0.00	1,150,000.00	1,150,000.00
	870	Street Improvement Bond Fund	242399 Western Hills Viaduct	0.00	3,485,000.00	3,485,000.00
Transp. & Eng. Traffic Eng. 239	870	Street Improvement Bond Fund	242341 Computerized Traffic Signal System	0.00	356,000.00	356,000.00
	870	Street Improvement Bond Fund	242345 Traffic Signals Infrastructure	0.00	1,758,000.00	1,758,000.00
Public Services City Facility Mgt. 255	873	Public Buildings Improvement Bond Fund	242500 City Facility Renovation and Repairs	0.00	2,683,000.00	2,683,000.00

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM		PROJECT OR FUND TO BE TRANSFERRED TO		TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
	NUMBER:	DESCRIPTION	NUMBER:	DESCRIPTION	PRIOR	REVISED	
Health Office of the Commissioner 261	873	Public Buildings Improvement Bond Fund	242600	Facilities Renovation and Repairs	0.00	138,000.00	138,000.00
	873	Public Buildings Improvement Bond Fund	242603	Health Property Structural Integrity	0.00	964,000.00	964,000.00

That the amounts set forth hereinafter totaling \$250,000.00 from Miscellaneous Permanent Improvements Fund 757, are hereby transferred and appropriated to the individual project accounts for the improvements listed hereinafter:

DEPT. DIVISION	PROJECT OR FUND TO BE TRANSFERRED FROM NUMBER: DESCRIPTION	PROJECT OR FUND TO BE TRANSFERRED TO NUMBER: DESCRIPTION	TOTAL BUDGETED COST ALL FUNDS		AMOUNT TO BE APPROPRIATED OR TRANSFERRED
			PRIOR	REVISED	
Transp. & Eng. Planning 232	757 Miscellaneous Permanent Improvement Fund	242359 Gilbert Avenue Complete Street	2,330,000.00	2,580,000.00	250,000.00

June 7, 2023

To: Mayor and Members of City Council

202301584

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Commercial CRA – 2151 Colerain Avenue

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with West End Empire, LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of \$752,844.

BACKGROUND/CURRENT CONDITIONS

The property at 2151 Colerain Avenue is a blighted and vacant multifamily building in the West End neighborhood in Cincinnati. West End Empire, LLC (the “Developer”) submitted a Commercial CRA Application seeking city assistance to rehabilitate the property. The renovation will consist of the rehabilitation of the building into six (6) two-bedroom units with rents affordable to households not to exceed 60% of the area median income.

DEVELOPER INFORMATION

The project is led by 2151 Colerain LLC, an affiliate of West End Empire, LLC. West End Empire LLC is a newly developed company focused on the acquisition and revitalization of property in the Cincinnati market. The company is committed to investing in blighted areas and assisting in the city's efforts to bring communities back to life. The company's ownership shares over 35 years of development and construction expertise in the surrounding local and national markets.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance so financial closing and construction can commence as soon as possible after passage.

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

Project Outline

<u>Project Description Details</u>	<u>Explanation</u>
Project Name	2151 Colerain Avenue
Street Address	2151 Colerain Avenue
Property Condition	The property address is 2151 Colerain Avenue and is in the West End neighborhood. This project consists of the rehabilitation of a very old building and will revitalize six (6) two-bedroom units at rents not to exceed 60% AMI and will maintain the affordability through the tax abatement term.
Neighborhood	West End
Incentive Application Process	Commercial CRA (Non-LEED)
Recent or other projects by Developer	West End Empire is a newly developed company focused on the acquisition and re-vitalization of property in the Cincinnati market. The company is committed to investing in blighted areas and assisting in the city's efforts to bring communities back to life. The company's ownership shares over 35 years of development and construction expertise in the local, as well as national markets.
Approval at planning commission/Neighborhood support	Planning Commission approval is not applicable.
Plan Cincinnati Goals	Achieves the Sustain Initiative Goal 2 (page 180 by preserving our built history) and Live Initiative Goal 3 (page 148 by providing quality healthy housing for all income levels) of Plan Cincinnati

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	15-year, net 67%
Construction Cost & Private investment committed	Approximately \$750,000 in hard construction costs, with \$300,000 from the Affordable Housing Trust Fund.
Sq. Footage by Use	Approximately 4,500 SF of Residential space
Number of units and rental ranges	Six residential two-bedroom units with rents that range \$1,150-\$1,289 per month based on size; rents will not exceed what is affordable to 60% AMI during the abatement term.
Jobs created/retained and payroll (living wage)	The project is anticipated to create 1 FTE at an estimated \$40,000 annual payroll and 30 Construction jobs at an estimated \$435,000 annual payroll.
"But For"	This project would not proceed without abatement and without a financial subsidy; the project is undercapitalized with a \$300,000 request in gap financing from Affordable Housing Trust Fund.
Cash on Cash Return for developer (Market return between 8-12%,	Without Abatement: average 14% (Over 15yr Term) With Abatement: average 20% (Over 15yr Term) *Although the project has anticipated higher cash on return of around 20% with the abatement, the developer is not paying

depends on investment risk)	themselves a developer fee. If they were to pay themselves a developer fee of around 10%, then their rate of return would be in line with 14% with an abatement and 6% without an abatement.
LEED or other environmental build	Non-LEED
Neighborhood VTICA	No Neighborhood VTICA with the investment of the trust fund and extended affordability
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$0.61 of new CPS/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$15,098
MBE/WBE Goals	30% SBE
Transit Access/Walkability	The project site sits along metro bus routes 27, and 31, and is ¼ mile from Linn Street.
Geography	Located in the West End Neighborhood Revitalization Strategy Area
Historic Preservation/Existing Building Renovation	This project will renovate one blighted building, preserving, and placing it into productive use.
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$1,289.00	\$51,560.00	Senior Plant Operator, Service Crew Leader, Water Customer Service Representative, Water Works Maintenance Worker
\$1,150.00	\$46,000.00	Supervisor of Inspections, Administrative Technician, Supervisor of Maintenance, Supervisor of Water Customer Service,

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

ZDS

- 2023

APPROVING AND AUTHORIZING the City Manager to execute a *Community Reinvestment Area Tax Exemption Agreement* with West End Empire LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 2151 Colerain Avenue in the West End neighborhood of Cincinnati, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, at a total construction cost of approximately \$752,844.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council 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 (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by 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, West End Empire LLC (the “Company”) desires to remodel an existing building on real property at 2151 Colerain Avenue located within the corporate boundaries of the City of Cincinnati into approximately 4,500 square feet of residential space consisting of six rental units (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 percent 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 percent 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 \$8,622; 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 R.C. 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 West End Empire LLC (the "Agreement"), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 2151 Colerain Avenue in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into approximately 4,500 square feet of residential space consisting of six rental units, to be completed at a total construction cost of approximately \$752,844.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the "City") in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with R.C. Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and
- (iii) 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 remodeling described in this ordinance and the corresponding revitalization of the City 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 WEST END EMPIRE 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 2151 Colerain Avenue, Cincinnati, Ohio 45214 (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 to remodel a building 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

the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.

- 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 three (3) years neither the Company, nor 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. This Agreement has been authorized by Ordinance No. _____-2023, passed by Cincinnati City Council on _____, 2023.
- P. 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 an existing building on the Property into approximately 4,500 square feet of residential space consisting of 6 rental units (the "Improvements") at an estimated aggregate cost of \$752,844 to commence after the execution of this Agreement and to be completed no later than August 31, 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 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 2024 nor extend beyond the earlier of (i) tax year 2038 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.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), 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(B)(4), 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 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(B), 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(B), 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

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.

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 (i) 1 full-time permanent job and (ii) 30 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, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling 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) \$40,000 of additional annual payroll with respect to the full-time permanent job and (ii) \$435,000 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(B), 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(B)(5) 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 (C) 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(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), 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 (C) of Ohio Revised Code Section 3735.671 has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 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, 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. 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(C), 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 three (3) 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(C).

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:

West End Empire LLC
Attention: Erik Carlson
3040 Westbourne Dr
Cincinnati, OH 45248

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(B)(6), 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, 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

WEST END EMPIRE 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

Address: 2151 Colerain Avenue

Auditor's Parcel ID No.: 184-0006-0214-00

Lying and being in the City of Cincinnati, County of Hamilton and State of Ohio, to-wit:

Lot Number Sixty-Seven (67) on the plat of John W. Coleman's Subdivision of a part of a tract of fifteen and four tenths (15-4/10) acres of land in Section 19, Town 3, Fractional Range 2, Miami Purchase, as recorded in Plat Book 1, Page 16 of the records in the Office of the Recorder of Hamilton County, Ohio.

Exhibit B to CRA Agreement
APPLICATION FOR TAX EXEMPTION

TO BE ATTACHED

June 7, 2023

To: Mayor and Members of City Council

202301585

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance – Approving and Authorizing CRA Tax Exemption Agreement with 700 Chalfonte Holdings, LLC

Attached is an Emergency Ordinance captioned:

APPROVING AND AUTHORIZING the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100% of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

BACKGROUND/CURRENT CONDITIONS

The property at 700 Chalfonte Place is a vacant multifamily building in the Avondale neighborhood in Cincinnati. In January 2023, 700 Chalfonte Holdings, LLC (the “Developer”) submitted a Commercial CRA Application seeking city assistance to rehabilitate the property. The renovation will create five (5) studio apartment units and eighteen (18) three-bedroom units. Upon completion, 100% of the twenty-three (23) apartment units will be affordable to households earning thirty percent (30%) to sixty percent (60%) of the area median income.

DEVELOPER INFORMATION

The project is led by 700 Chalfonte Holdings, LLC, a subsidiary of Yolo Investments LLC. Yolo Investments, LLC is managed by Nadav Livne, who has ten (10) years of real estate experience and has completed renovations of residential homes and apartment buildings in the City of Cincinnati, specifically in the neighborhoods of Madisonville, Evanston, West End, and the Central Business District. More recently, the Developer has completed an eighteen (18) unit property at 542 Prospect Place and a twenty-two (22) unit at 1631 Sparkle Drive.

RECOMMENDATION

The Administration recommends approval of this Emergency Ordinance. This is an Emergency Ordinance for the Developer to close their financing and begin construction as soon as possible after passage.

Commercial CRA
1001-1007 Dayton Street

Page **2** of 4

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	700 Chalfonte Holdings
Street Address	700 Chalfonte Place
Property Condition	The property is currently vacant
Neighborhood	Avondale
Incentive Application Process	Commercial CRA (Non-LEED)
Recent or other projects by Developer	- 542 Prospect Place, 18 units -1631 Sparkle Drive, 22 units
Approval at planning commission/Neighborhood support	Planning Commission approved a local historic designation of the building on February 3, 2023, The executive committee of the Avondale Community Council supports the developer's plans for the site.
Plan Cincinnati Goals	Achieves the Sustain Initiative Area Goal 2 (pages 193-198) and Live Initiative Area Goal 3 (pages 164-177) of <i>Plan Cincinnati</i> (2012).

Project Image



<u>Incentive Summary Category</u>	<u>Explanation</u>
Abatement Term and amount	15-year, net 52%
Construction Cost & Private investment committed	Approximately \$1.3 Million in hard construction costs, with \$600,000 from State Historic Tax Credits. The private investment totals approximately \$1.9 million.
Sq. Footage by Use	20,080 SF of Residential space
Number of units and rental ranges	23 Units (5 studios, 18 3-BR), monthly rent ranges between \$550 - \$950, the Developer is committed to keeping rents affordable to households earning 60% AMI or below.

Jobs created/retained and payroll (living wage)	The project is anticipated to create 2 FTE at an estimated \$80,000 annual payroll and 8 Construction jobs at a \$550,000 annual payroll.
“But For”	The project would not proceed without an abatement, given the lower rents being affordable to households earning between 30% to 60% AMI.
Cash on Cash Return for developer (Market return between 8-12%, depends on investment risk)	Without Abatement: average 4% (Over 15-year Term) With Abatement: average 10% (Over 15-year Term)
LEED or other environmental build	Non-LEED
Neighborhood VTICA	Neighborhood VTICA – 15%
Total Public Benefit (Benefits Realized vs Taxes Forgone)	\$1.13 of new CPS/VTICA/Income taxes for each \$1 forgone
Projected Income Tax Revenue	\$36,450
MBE/WBE Goals	SBE Goal of 30%
Transit Access/Walkability	The project site sits along metro bus routes 51, 43, 46 and is ¼ mile from Reading Rd.
Geography	Located in the Avondale Neighborhood Revitalization Strategy Area
Historic Preservation/Existing Building Renovation	This project will renovate one blighted building, preserving and placing it into productive use.
Public Infrastructure Improvements	N/A

Rent	Affordable to Salary	City Jobs (Min Salary exceeds affordable salary)
\$550.00	\$22,000.00	Municipal Worker, Home Health Aide, Police Recruit, Admin Tech
\$950.00	\$38,000.00	Health Caseworker, Video Production Specialist, Lifeguard, Pool Monitor, Community Center Director 2

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 700 Chalfonte Holdings LLC, thereby authorizing a fifteen-year tax exemption for 100 percent of the value of improvements made to real property located at 700 Chalfonte Place in the Avondale neighborhood of Cincinnati, in connection with the remodeling of an existing building into 23 rental units, containing approximately 20,080 square feet of residential space, at a total construction cost of approximately \$1,346,861.

WHEREAS, to encourage the development of real property and the acquisition of personal property, Council 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 (“R.C.”) Sections 3735.65 through 3735.70 (the “Statute”); and

WHEREAS, Ordinance No. 275-2017 passed by Council on September 27, 2017, as amended by Ordinance No. 339-2018, passed by 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, 700 Chalfonte Holdings LLC (the “Company”) desires to remodel an existing building into 23 rental units, containing approximately 20,080 square feet of residential space on real property at 700 Chalfonte Place 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 percent 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 percent 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 \$12,011; 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 fifteen percent of the exempt real property taxes, which funds shall be committed by the third-party organization to facilitate permanent improvements and neighborhood services furthering 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 R.C. 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 700 Chalfonte Holdings LLC (the "Agreement"), thereby authorizing a fifteen-year tax exemption for 100 percent of the assessed value of improvements to be made to real property located at 700 Chalfonte Place in Cincinnati, as calculated by the Hamilton County Auditor, in connection with the remodeling of an existing building into 23 rental units, containing approximately 20,080 square feet of residential space, to be completed at a total construction cost of approximately \$1,346,861.

Section 2. That Council authorizes the City Manager:

- (i) to execute the Agreement on behalf of the City of Cincinnati (the "City") in substantially the form of Attachment A to this ordinance; and
- (ii) to submit on behalf of Council annual reports on the Agreement to the Director of the Ohio Department of Development, in accordance with Ohio Revised Code Section 3735.672, and to the Board of Education of the Cincinnati City School District, as necessary; and

- (iii) 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 remodeling described in this ordinance and the corresponding revitalization of the City 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 700 CHALFONTE HOLDINGS 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 700 Chalfonte Place, Cincinnati, Ohio 45229 (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 remodeling of a building 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 the City application fee of One Thousand Two Hundred Fifty Dollars (\$1,250) made payable to the City.
- 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 three (3) 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 Avondale 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 Avondale 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 Avondale 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 remodel the existing building on the Property into 23 rental units, containing approximately 20,080 square feet of residential space (the "Improvements") at an estimated aggregate cost of \$1,346,861 to commence after the execution of this Agreement and to be completed no later than June 30, 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 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 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 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.

Section 5. Duty of Company to Pay Taxes. As required by Ohio Revised Code Section 3735.671(B)(3), 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(B)(4), 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 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(B), 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(B), 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

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.

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 (i) 2 full-time permanent jobs, and (ii) 8 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, and in the case of the other jobs described herein, the job creation period shall begin upon completion of remodeling 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) \$80,000 of additional annual payroll with respect to the full-time permanent jobs, (ii) \$550,000 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(B), 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(B)(5) 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 (C) 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(C) from entering into this Agreement. As required by Ohio Revised Code Section 3735.671(B)(7), 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 (C) of Ohio Revised Code Section 3735.671. has violated the prohibition against entering into this Agreement under division (C) of Ohio Revised Code Section 3735.671 or under Ohio Revised Code Sections 5709.62, 5709.63, or 5709.632 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. 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(C), 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 three (3) 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(C).

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:

Yolo Investments
Attention: Nadav Livne, Member
11711 Princeton Pike, Suite 341-331
Cincinnati, Ohio 45248

With copy to:

Finney Law Firm, LLC
Attention: Eli N. Krafte-Jacobs, Esq.
4270 Ivy Pointe Boulevard, Suite 225
Cincinnati, Ohio 45245

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(B)(6), 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, 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

700 CHALFONTE HOLDINGS 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: 700 Chalfonte Place, Cincinnati, Ohio 45229

Auditor's Parcel No.: 112-0004-0018-00

PARCEL I

SITUATED IN THE CITY OF CINCINNATI, IN THE COUNTY OF HAMILTON AND STATE OF OHIO, TO-WIT:

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2; MIAMI PURCHASE, IN MILLCREEK TOWNSHIP, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A STAKE 230.13 FEET NORTHERLY FROM GHOLSON AVENUE WHICH STAKE IS AT THE NORTHWEST CORNER OF LOT SIX (6) ON PLAT OF SUBDIVISION MADE BY ROBERT ANDREWS, RECORDED IN PLAT BOOK 4, PAGES 306 AND 307, HAMILTON COUNTY, OHIO RECORDS, THENCE EASTWARDLY ALONG THE NORTH LINE OF LOT 6 AFORESAID 102.85 FEET TO A STAKE IN THE NORTHEAST CORNER OF LOT 6, AFORESAID, THENCE NORTHWARDLY 215.40 FEET TO A STAKE, THENCE WESTWARDLY 102.01 FEET TO A STAKE; THENCE SOUTHERLY 215.56 FEET TO A PLACE OF BEGINNING

PARCEL II

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP AND BEING A PART OF LOT "A" OF CHALFONTE PLACE SUBDIVISION AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTHWEST CORNER OF LOT ONE (1) OF SAID CHALFONTE PLACE SUBDIVISION, THENCE WITH THE WEST LINE OF SAID LOT 1, NORTH 1° 30' EAST 85 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE WITH THE NORTH LINE OF SAID LOT 1; SOUTH 08° 30' EAST 23.14 FEET TO A POINT IN THE CURVE OF THE WESTERLY LINE OF CHALFONTE PLACE; THENCE NORTHWARDLY AND FOLLOWING THE CURVE OF THE WESTERLY LINE OF CHALFONTE PLACE ALONG AN ARC OF A CIRCLE HAVING A RADIUS OF 27.50 FEET AND A CENTRAL ANGLE OF 105° 56' A DISTANCE OF 50.84 FEET, THE SAID ARC BEING SUBTENDED BY A CHORD BEARING NORTH 7° 46' EAST AND HAVING A LENGTH OF 43.90 FEET; THENCE NORTH 1° 30' EAST AND PARALLEL TO AND 27.82 FEET WEST OF THE WEST LINE OF LOT 16 OF SAID SUBDIVISION FOR A DISTANCE OF 80.98 FEET TO THE NORTHWEST CORNER OF SAID CHALFONTE PLACE SUBDIVISION; THENCE WITH THE WESTERLY LINE OF SAID SUBDIVISION, SOUTH 14° 50' WEST 215.40 FEET TO THE SOUTHWEST CORNER OF SAID

PARCEL III

LYING IN SECTION 9, TOWNSHIP 3, FRACTIONAL RANGE 2, OF THE MIAMI PURCHASE AND BEING A PART OF LOT NO. "A" OF CHALFONTE PLACE SUBDIVISION AS RECORDED IN PLAT BOOK 27, PAGE 71 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT "A" OF SAID SUBDIVISION 20 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE WESTWARDLY ALONG THE NORTH LINE OF SAID LOT "A" 7.82 FEET TO THE NORTHWEST CORNER OF SAID LOT, THENCE FROM SAID POINT AND FROM THE POINT OF BEGINNING RUNNING SOUTHWARDLY BETWEEN LINES PARALLEL TO THE WEST LINE OF LOT 16 OF SAID SUBDIVISION 80.98 FEET, MORE OR LESS TO THE NORTH LINE OF CHALFONTE PLACE.

PARCEL IV

BEING A PART OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 150 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT NO. 29 WHICH POINT IS ALSO THE SOUTHEAST CORNER OF EATON LANE SUBDIVISION MADE BY JAMES G. COOPER AS RECORDED IN PLAT BOOK 31, PAGE 19 OF THE RECORDS OF HAMILTON COUNTY, OHIO, THENCE NORTHWARDLY ALONG THE EAST LINES OF LOT 8, 10, 11 AND 12 OF SAID EATON LANE SUBDIVISION AND THE WEST LINE OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION A DISTANCE OF 231 FEET, MORE OR LESS, TO A POINT 250 FEET SOUTHWARDLY TO THE SOUTH LINE OF SOUTH CRESCENT AVENUE MEASURED ALONG THE WESTERLY LINE OF SAID LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION, THENCE EASTWARDLY PARALLEL TO THE SOUTH LINE OF SOUTH CRESCENT AVENUE 80 FEET TO A POINT; THENCE SOUTH 1° 30' WEST A DISTANCE OF 229.99 FEET TO A POINT IN THE NORTH LINE OF CHALFONTE PLACE SUBDIVISION AS RECORDED IN PLAT BOOK 27, PAGE 71 OF THE PLAT RECORDS OF HAMILTON COUNTY, OHIO; THENCE WESTWARDLY ALONG THE NORTH LINE OF CHALFONTE PLACE SUBDIVISION AND THE SOUTH LINE OF LOT NO. 29 OF SAMUEL CLOON'S SUBDIVISION 80 FEET TO THE PLACE OF BEGINNING.

PARCEL V

BEING A PART OF LOT NO. 9 OF THE EATON LANE SUBDIVISION AS SHOWN IN PLAT BOOK 31, PAGE 19 IN THE RECORDER'S OFFICE OF HAMILTON COUNTY, OHIO TO-WIT:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT NO. 9; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT NO. 9 FOR A DISTANCE OF 32.85 FEET TO A POINT,

THENCE NORTHEASTWARDLY TO A POINT IN THE EAST LINE OF SAID LOT NO. 9 WHICH POINT IS 25 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT NO. 9; THENCE SOUTHWARDLY ALONG THE EAST LINE OF LOT NO. 9, 25 FEET TO THE PLACE OF BEGINNING.

THE PROPERTY IS CONVEYED SUBJECT TO AND THERE ARE HEREBY EXCEPTED FROM THE FIDUCIARY COVENANTS ALL EASEMENTS AND RESTRICTIONS OF RECORD, ESTABLISHED EASEMENTS, ZONING ORDINANCES.

Exhibit B to CRA Agreement

APPLICATION FOR TAX EXEMPTION

APPLICATION FOR COMMERCIAL TAX ABATEMENT

CITY OF CINCINNATI COMMUNITY REINVESTMENT AREA



COMMERCIAL, INDUSTRIAL, MIXED-USE, MULTI-UNIT (5+ UNITS)

*Note: After review and recommendation by the Department of Community & Economic Development, all applications must be reviewed and approved by the City of Cincinnati Council before commencing construction. Any projects that start construction before City Council approval will be **INELIGIBLE** for a Commercial CRA Tax Abatement.*

The City requires that the Applicant provide the following documentation with this application:

- o A detailed breakdown of all Sources and Uses of Funds for the project (templates are available upon request). A minimum of \$40,000 in costs must be documented.
- o Supporting documentation for ALL sources of funding for the project. For instance, if a bank loan will be obtained, a letter or term sheet from the bank specifying, among other things, the loan amount and term. A contact person must be identified for each funding source.
- o A post-construction operating pro forma for the building and cash flow analysis. NOTE: Please submit a copy of the pro forma used to apply for any bank financing as required and a contact person considering the application for bank financing.
- o A \$1,250 application fee in the form of check, money order, or cashier's check payable to "City of Cincinnati". Note the application fee is nonrefundable.
- o Corporate Resolution, Articles of Incorporation, and an Operating/Partnership Agreement for entity applying for abatement showing who is authorized to sign for the organization
- o Copy of the Deed or other Legal Description of the Property
- o A copy of the proposed construction plans/rendering/etc.
- o Estimated pre-construction, and post construction real estate taxes
- o If this project is seeking LEED or Living Building Challenge (Full, Net Zero, or Petal [must include "Energy Petal"]) Certification, provide confirmation of registration

SECTION I – Applicant/Project Information

<u>Applicant Information:</u>	
Legal Name of Property Owner Applying for Abatement:	700 Chalfonte Holdings LLC
Form of business enterprise	LLC (corporation, partnership, proprietorship, LLC, non-profit, or other)
Is the Applicant affiliated with a larger developer or development entity?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No. If Yes, please provide the name of this developer or development entity: Yolo Investments LLC
Legal Address of real property owner:	4821 Brooke Hill Ct Liberty Twp, OH 45011
Federal Tax ID #(s):	92-1629744
Applicant Contact Person:	Nadav Livne Title: Member
Phone:	225-284-5304 Main Contact email address: office@yolocinci.com
Address of subject property	700 Chalfonte Pl., Cincinnati, OH Zip: 45229
Hamilton County Auditor Parcel ID#:	112 - 0004 - 0018-00 (attach a page listing all parcels and addresses if more than one parcel)
City of Cincinnati Neighborhood:	AVONDALE
Is any other financial assistance being requested from the City of Cincinnati for this project?	<input type="radio"/> Yes <input checked="" type="radio"/> No
If yes, please indicate the Development Analyst with whom you are working:	

<u>Space/Units to be constructed/renovated:</u>	
Construction Type: <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Renovation What percentage of the existing structure is currently occupied: <u>0</u> %	
Total sqft/units to be constructed/renovated: Commercial: _____ (sqft) Office: _____ (sqft) Industrial: _____ (sqft) Residential: <u>20,080</u> (sqft) Residential: <u>23</u> (# of units)	
Project Type: <input type="checkbox"/> Commercial (Retail, Office etc) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Multi-Unit Residential (5 or more units) <input type="checkbox"/> Mixed-Use (Residential & Commercial) Describe the break down in use in SF below: Total of 23 residential units with total of 20,080 sq <hr/> 5 units studio apartments with avg sq of 470 each <hr/> 18 units of 3 bedroom apartments avg sq of 985 each <hr/>	Please indicate if the project intends to meet Leadership in Energy and Environmental Design (LEED) levels as defined by the U.S. Green Building Council (www.usgbc.org). <input type="checkbox"/> Project is <u>not</u> LEED-certified <input type="checkbox"/> LEED Silver <input type="checkbox"/> LEED Gold <input type="checkbox"/> LEED Platinum Please indicate if the project will be qualified under the Living Building Challenge program (http://living-future.org/lbc): <input type="checkbox"/> Project is <u>not</u> LBC qualified <input type="checkbox"/> LBC Full <input type="checkbox"/> LBC Net Zero <input type="checkbox"/> LBC Petal (requires "Energy Petal")
If approved for an abatement, does the Applicant intend to enter into a Voluntary Tax Incentive Contribution Agreement (VTICA)? <input checked="" type="radio"/> Yes <u>15</u> % <input type="radio"/> No <small>(A VTICA is an agreement with a third-party non-profit designated by the City in which the Applicant would contribute a portion of the abated taxes to support neighborhood-based projects and services as well as City-wide affordable housing initiatives [note that VTICAs in the vicinity of the Streetcar are used to support streetcar operations]. As indicated the applicable City legislation & policies as this is a significant factor in determining the terms of the abatement.)</small>	

<u>General Project Information:</u>
Project Name (of Applicable): <u>700 Chalfonte Place</u>
Description of the project: We will be taking a shell of a building that has been vacant for many years and bringing it to life in hopes of expanding <u>affordable housing in the neighborhood of Avondale. The plan is to renovate this property from A to Z; including new mechanicals,</u> <u>efficiency HVAC, structural repairs, flooring, painting, new kitchens and more, with the intention to making these units feel like home.</u> We've partnered with Excel Development on two other projects in hopes of this being the the third one; to help them expand and help more <u>families in need.</u>

Please provide a brief description of the applicant's development experience:

The managing member of 700 Chalfone Holdings LLC has been in the real estate business for over 10 years, has experienced in multiple total renovation residential homes and apartment buildings in the City of Cincinnati and neighboring cities like Madisonville, Evanston, West End, and downtown. Our latest developments have been 18 unit property on 542 Prospect Place and another 22 unit on 1631 on 1631 Sparkle Dr.

Please state why this project deserves a tax exemption from the City of Cincinnati and what benefits the project will bring to the neighborhood where it is located:

This project will support the community by bringing 23 affordable housing for families in need in our city

It will also take a building that's been dead for years, vacant and attracting crime at times and bring it back to life. It will also create many temporary jobs to local and minority owned small businesses here in our queen city.

If Commercial or Industrial, state the nature of commercial/industrial activity (manufacturing, warehousing, wholesale or retail stores, or other) to be conducted at the site: _____

Please detail the project's planned community engagement (link for community council boundaries):

SECTION II – Job Creation/Retention

Job Creation and Retention:

The Company will agree to use its best efforts to retain and/or create at least the following estimated number of employee positions at the Property in connection with the Project, in accordance with the specified schedule, and to maintain the minimum employment levels throughout the period of the incentive. The Job numbers below are to be listed in Full Time Equivalent (FTE) positions. FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week).

Existing positions at the site of the company to be retained:

Full-Time Equivalent _____ employees; total annual payroll \$ _____

Will the project involve relocation of positions from another company location in the State of Ohio to the City of Cincinnati? ☐ Yes ☒ No

Existing positions at other company locations in Ohio to be relocated:

Address of Other Location(s): _____

Full-Time Equivalent _____ employees; total annual payroll \$ _____

Address of Other Location(s): _____

Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Will the project involve relocation of positions from another company location outside of the State of Ohio to the City of Cincinnati? no

Existing positions at other company locations outside of the State of Ohio:

Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____
Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____
Address of Other Location: _____
Full-Time Equivalent _____ employees; total annual payroll \$ _____

*Please attach additional sheets if other locations exceed spaces provided above.

Estimate the number of **new employees** the property owner will cause to be created at the facility that comprises the project site within three years. Job creation projection must be itemized by the name of the employer (add an additional page if more than one employer). FTEs are calculated by the number of total hours worked divided by the maximum number of compensable hours for a full-time work schedule (40hrs/week):

Full-Time Equivalent 2 employees (Total); total annual payroll \$ 80,000
During the first twelve months of the agreement: _____ positions
During the second twelve months of the agreement: _____ additional positions
During the third twelve months of the agreement: _____ additional positions
Temporary Construction 8 jobs; total annual payroll \$ 550,000
Length of Construction Period: 12-18 months

In addition to the Full Time Equivalent positions listed above, are there any part time jobs and associated payroll? If so, please provide, as well as a description of the positions:

Please provide a brief description of the Job Creation that is associated with this Project (types of jobs; e.g. fabrication, warehousing, sales, operations, management, technical, retail, etc.):
Operation, maintenance and management employment

Note to Applicant: Ohio Revised Code Section 3735.673 requires the City formally to notify each county or corporation from which the company intends to relocate, and the Ohio Development, prior to approval of a tax exemption agreement. This notification must be sent prior to consideration of the exemption by Cincinnati City Council.

SECTION III – Project Investment

Real Estate Investment:

Indicate the estimated cost of the construction or remodeling: \$ 1,348,861
Estimated total cost of the project (including soft costs & acquisition): \$ 1,870,603.70
Estimated Project start date: 07/2023 Estimated Project completion date: 12/2024
Current Auditor's value of property (aggregate value of all parcels involved): 335,000 currently
Estimated post-construction value of property: 1,870,603
(Please provide appraisal or other method for determining post-construction value of the property)

Other Investment

Investment in Machinery & Equipment (M&E) at the Property: \$ _____

Investment in Furniture, Fixtures, and Equipment (FF&E) at the Property: \$ _____

Other Investment: \$ _____

Description of Other Investment: _____

_____**SECTION IV – Applicant Certifications**

Does the property owner owe:

1. Any delinquent taxes to the State of Ohio, the City of Cincinnati or another political subdivision of the State? ☐ YES ☒ NO
2. Any moneys to the State of a state agency for the administration or enforcement of any environmental laws of the State? ☐ YES ☒ NO
3. Any other moneys to the State, a state agency or a political subdivision of the State that are past due, whether the amounts owed are being contested in a court of law or not? ☐ YES ☒ NO

If the applicant responds yes to any of the three above questions, please provide details of each instance including but not limited to the location, amounts, and/or case identification numbers (please submit additional sheets for response).

The Applicant authorizes the City and/or the Ohio Department of Development to inspect the personal financial statements of the Applicant, including but not limited to tax records and other similar information not ordinarily open to public inspection; and authorizes the Ohio Environmental Protection Agency and the Ohio Department of Taxation to release information to the City and/or the Ohio Department of Development in connection with the above statements.

Note: The above statements as to taxes and other obligations, and authorization to inspect, are required by Ohio Revised Code Section 9.66 (C) (1). As provided by statute, a knowingly false statement under this paragraph may be prosecuted as a first degree misdemeanor under Ohio Revised Code 2921.13 (D) and may render the Applicant ineligible for any future economic development assistance from the state or any political subdivision.

Please initial that you have read the above. X NL**Project Completion:**

Once the project is complete, the Applicant is required to submit a CRA Completion Application Form along with required documentation noted therein. It is the Applicant's responsibility to submit this completed form to the City of Cincinnati to ensure the tax abatement will be initiated by the Hamilton County Auditor.

Please initial that you have read the above statement and understand that the abatement will not be considered by the Hamilton County Auditor's Office until the CRA Completion Application Form is complete and submitted.

X NL

Additional Certifications by Applicant:


- o The Applicant acknowledges that the property is **Not Eligible** for tax exemption if construction activities are commenced prior to the execution of a Community Reinvestment Area Tax Exemption Agreement between the Applicant and the City. No agreement may be executed by the City without prior approval by Cincinnati City Council.
- o The Applicant acknowledges that if the application is approved by Cincinnati City Council, a \$750.00 application fee payable to "Treasurer, State of Ohio" will be due. Applicant must submit this fee to the City's Department of Community & Economic Development upon approval by Cincinnati City Council.
- o The Applicant acknowledges that a Payment In Lieu of Taxes (PILOT) agreement in the amount of 33% of the annual value of the exemption with Cincinnati Board of Education will be required. The form of this PILOT agreement is available upon request.
- o The Applicant acknowledges that if one of the City's considerations for granting a tax exemption is the applicant's representation that it will enter into a VTICA, then the failure by the Applicant to do so is considered grounds for the City of Cincinnati to terminate the tax exemption granted to the Applicant.
- o The Applicant acknowledges that all tax exemptions must submit an Annual Report on or before March 31 of each year. This report must be submitted for each year of the tax exemption agreement including during the construction period.
- o The Applicant acknowledges that all tax exemptions will be subject to an annual monitoring fee of 1% of the annual taxes exempted under the agreement or \$500, whichever is greater; no City annual fee will be greater than \$2,500 per year. This annual monitoring fee must be submitted with each Annual Report.
- o The Applicant acknowledges that to be eligible for tax exemption by the City of Cincinnati, the subject property must be located within the City of Cincinnati.
- o The Applicant acknowledges that exemption values are determined by the Hamilton County Auditor's Office.
- o The Applicant acknowledges that the City of Cincinnati may revoke the tax exemption any time after the first year if the property has building code violations or is delinquent on the property taxes.
- o The Applicant acknowledges that the City of Cincinnati Council may rescind or alter the Ordinance granting tax exemptions.
- o The Applicant agrees to supply additional information upon request.

Please initial that you have read the above. X NL

Prior Agreement. Applicant represents and warrants that neither Applicant, nor any "predecessor" or "related member" is a party to another agreement granting tax exemption relating to a structure in this state at which the Applicant (or the predecessor or related member) has discontinued or intends to discontinue operations prior to the expiration of the term of that agreement. (Note: This information is required by Ohio Revised Code 3735.671 (E). As used herein "predecessor" means a person or entity that has transferred assets or equity to Applicant, which transfer resulted in the full or partial non-recognition of gain or loss, or resulted in a carryover basis, both as determined by rule adopted by the Ohio Tax Commissioner; and "related member" has the same meaning as defined in Ohio Revised Code 5733.042 without regard to division (B) of that section.)

Please initial that you have read the above. X NL

I declare under the penalties of falsification that this application, including all enclosed documents and statements, has been examined by me, and to the best of my knowledge and belief is true, correct, and complete.


Signature of Applicant

1/06/23

Date

Nadav Livne
Printed Name

Member
Title (if signed as officer)

Please complete this application in its entirety and submit to the Department of Community & Economic Development along with required supporting documentation. Please make and retain a copy of this application for your records. Please allow 4 weeks for the Department of Community & Economic Development to review and follow-up on this application.

Send Completed Application to:

City of Cincinnati
Department of Community & Economic Development
805 Central Avenue, Suite 710
Cincinnati, Ohio 45202
Attention: Commercial Tax Abatement Application

STREETCAR VTICA AREA



Small Business Enterprise (SBE) Utilization Plan

Please indicate which methods you plan to use to achieve the City's aspirational goal of 30% Small Business Enterprise (SBE) utilization for construction contracts. Return the form to the Department of Community & Economic Development with your tax abatement application. If you have questions about this form, please contact the analyst reviewing your application.

Project Name: 700 Chalfonte Pl

Action	YES	NO	Expected Date/Comments
1. Hold a Meet & Confer (required)	<input type="checkbox"/>	<input type="checkbox"/>	
2. Use the City's SBE Directory to solicit bids from certified SBEs –available here: http://www.cincinnati-oh.gov/purchasing/resources-directories/sbe-directory/	<input checked="" type="checkbox"/>	<input type="checkbox"/>	we will solicit bids and if fair pricing plan to use SBE
3. Identify sufficient subcontracting work to meet 30% SBE utilization goal	<input type="checkbox"/>	<input type="checkbox"/>	
4. Divide the total requirements into small tasks or quantities to permit maximum SBE participation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Written Notice to Subcontractors of opportunity to bid and follow-up to initial solicitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Advertise opportunity to bid in local minority publications and in other local newspapers of general circulation	<input type="checkbox"/>	<input type="checkbox"/>	
7. Assistance with subcontractors' bonds, credit lines, and insurance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	If its within our budget it will be considered in addition to the bid
8. Provide interested subcontractors with access to plans, specifications and requirements for subject project	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Require subcontractors to demonstrate the affirmative steps #2-8 to utilize SBEs in their subcontracts	<input type="checkbox"/>	<input type="checkbox"/>	
10. Other:	<input type="checkbox"/>	<input type="checkbox"/>	


 Signature of Authorized Representative

1/6/23
 Date

Community & Economic Development Approval

 Date

June 7, 2023

To: Mayor and Members of City Council 202301586
From: Sheryl M. M. Long, City Manager
Subject: **Emergency Ordinance for Issuance of \$10,000,000 Equipment Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF MAKING EQUIPMENT IMPROVEMENTS.

This Emergency Ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$10,000,000 to fund equipment improvements. These bonds are five-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for equipment improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF MAKING EQUIPMENT IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is five years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio ("City"), in the principal amount of \$10,000,000 (property tax supported), for the purpose of providing funds to pay the cost and expense of purchasing motor vehicles; acquiring and improving City-wide communication system components and related improvements in connection therewith; acquiring computer related system upgrades and components and other necessary equipment; and paying legal, advertising, printing and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$10,000,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1430, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the Director of Finance. The Director of Finance will determine whether the \$10,000,000 equipment improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Equipment Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$10,000,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1. Such notes shall be designated "Equipment Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of

the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in his or her discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes

to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word "CEDE & Co" in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. 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 that the sale of the bonds or notes authorized herein may be required within thirty days of passage

of the ordinance in order to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for equipment improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk


ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of equipment improvement bonds or notes in an amount not to exceed \$10,000,000 for the purpose of (a) providing funds to pay the cost and expense of purchasing motor vehicles; acquiring and improving City-wide communication system components and related improvements in connection therewith; acquiring computer related system upgrades and components and other necessary equipment (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is five years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:


Finance Director

Dated: June 1, 2023

June 7, 2023

202301587

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$16,452,000 Street Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$16,452,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$16,452,000 to fund street infrastructure improvements. Note sales for street improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$16,452,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is twenty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio ("City"), in the principal amount of \$16,452,000 for the purpose of providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, paving, repaving, resurfacing, and constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$16,452,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated "Street Improvements Bond Anticipation Notes"; and shall be payable as to both principal and interest at the City Treasurer's Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installments shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due

form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

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 provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement notes in an amount not to exceed \$16,452,000 for the purpose of (a) providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(B)(5) of the Ohio Revised Code, is twenty years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:



Finance Director

Dated: June 1, 2023

June 7, 2023

202301588

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$3,210,000 Recreation Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,210,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR RECREATION IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$3,210,000 to fund recreation improvements. Note sales for recreation improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for recreation improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,210,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR RECREATION IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is ten years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio ("City"), in the principal amount of \$3,210,000 for the purpose of providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for recreation facilities and other areas; improving, equipping, and rehabilitating existing recreation facilities and other areas including but not limited to swimming pools, tennis courts, and playfields; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$3,210,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated "Recreation Improvements Bond Anticipation Notes"; and shall be payable as to both principal and interest at the City Treasurer's Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall

express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installments shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and

binding obligations of the City have happened, have been done and performed in regular and due form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

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 provide for the issuance of said notes and to ensure adequate funds are available to support contracts for recreation improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk


ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of recreation improvement notes in an amount not to exceed \$3,210,000 for the purpose of (a) providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for recreation facilities and other areas; improving, equipping, and rehabilitating existing recreation facilities and other areas including but not limited to swimming pools, tennis courts, and playfields (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is ten years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:


Finance Director

Dated: June 1, 2023

June 7, 2023

202301589

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$2,653,000 Park Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$2,653,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PARK IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$2,653,000 to fund park improvements. Note sales for park improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for park improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$2,653,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PARK IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is ten years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$2,653,000 for the purpose of providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for park facilities, parkways and play grounds; making improvements to park facilities, parkways, and playgrounds, including, but not limited to structures, lighting, and parking; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$2,653,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Park Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installment shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due

form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

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 provide for the issuance of said notes and to ensure adequate funds are available to support contracts for park improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of park improvement notes in an amount not to exceed \$2,653,000 for the purpose of (a) providing funds to pay the cost and expense of acquiring real estate, easements, or interests in same for park facilities, parkways and play grounds; making improvements to park facilities, parkways, and playgrounds, including, but not limited to structures, lighting, and parking (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is ten years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:

Karen S Alder
Finance Director

Dated: June 1, 2023

June 7, 2023

202301590

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$3,785,000 Public Building Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,785,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PUBLIC BUILDING IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$3,785,000 to fund public building improvements. Note sales for public building improvements will occur in FY 2024 in connection with lease payments from Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$3,785,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR PUBLIC BUILDING IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is fifteen years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio ("City"), in the principal amount of \$3,785,000 for the purpose of providing funds to pay the cost and expense of constructing, rehabilitating and equipping public buildings and other structures; acquiring real estate or interests in same; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$3,785,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated "Public Buildings Improvements Bond Anticipation Notes"; and shall be payable as to both principal and interest at the City Treasurer's Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installment shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain lease pertaining to the Cincinnati Southern Railroad property is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed there under.

These notes are not designated "qualified tax-exempt obligations" for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due

form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

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 provide for the issuance of said notes and to ensure adequate funds are available to support contracts for public building improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of public building improvement notes in an amount not to exceed \$3,785,000 for the purpose of (a) providing funds to pay the cost and expense of constructing, rehabilitating and equipping public buildings and other structures; acquiring real estate or interests in same (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.

2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is fifteen years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:

Karen S. Alder
Finance Director

Dated: June 1, 2023

June 7, 2023

202301591

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Refunding Water System Revenue Bond Issues**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR (I) THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2023A (THE "2023A BONDS") OF THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, IN PRINCIPAL AMOUNT NOT TO EXCEED \$198,000,000 FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR (II) THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURCHASE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY; (III) **AUTHORIZING** A PLEDGE OF AND LIEN ON WATER SYSTEM REVENUES TO SECURE ANY 2023A BONDS; (IV) **AUTHORIZING** A SUPPLEMENTAL TRUST AGREEMENT; AND ANY OTHER DOCUMENTS REQUIRED TO SECURE ANY 2023A BONDS; AND (V) **AUTHORIZING** ANY DOCUMENTS REQUIRED TO EFFECTUATE ANY DEFEASANCE.

This ordinance allows for the option of refunding or defeasing bonds that have been previously issued. The purpose of refunding or defeasing the bonds is to take advantage of lower interest rates or avoid additional costs that will result in savings to the City of Cincinnati.

The ordinance includes a threshold that the Finance Director will only move forward with the refunding, if the net present value of the resulting savings of any advance or current refunding is equal to at least three percent (3%) of the principal of the bonds. This savings requirement for a refunding may be waived by the Finance Director upon finding that such a restructuring is in the City's overall best financial interest. The ordinance includes possible candidates for refunding. Because the refunding is dependent upon interest rates, it will not be known which bonds will be refunded until closer to the date of sale. An emergency ordinance is necessary to take advantage of currently favorable interest rates.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

- 2023

PROVIDING FOR (I) THE ISSUANCE, SALE AND DELIVERY OF WATER SYSTEM REFUNDING REVENUE BONDS, SERIES 2023A (THE “2023A BONDS”) OF THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$198,000,000 FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR (II) THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURPOSE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING BONDS OF THE CITY; (III) AUTHORIZING A PLEDGE OF AND LIEN ON WATER SYSTEM REVENUES TO SECURE ANY 2023A BONDS; (IV) AUTHORIZING A SUPPLEMENTAL TRUST AGREEMENT; AND ANY OTHER DOCUMENTS REQUIRED TO SECURE ANY 2023A BONDS; AND (V) AUTHORIZING ANY DOCUMENTS REQUIRED TO EFFECTUATE ANY DEFEASANCE.

WHEREAS, pursuant to authority granted to it by the Ohio Constitution, the City of Cincinnati (“City” or “Issuer”) owns and operates a water supply and distribution system (“Utility”); and

WHEREAS, the City has determined to refund and/or provide for the cash defeasance of all or a portion of the City’s Prior Bonds (as defined below); now, therefore,

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

Section 1. Capitalized terms used in this Ordinance and not otherwise defined shall have the meanings ascribed to them in the Indenture (as defined below). In addition, the following terms shall have the indicated meanings:

“Bond” or “Bonds” means, collectively, the Series 2015 Bonds, the Series 2016 Bonds, the Series 2017A Bonds, the Series 2019 Bonds, the Series 2020A Bonds, the Series 2021 Bonds, the Series 2023A Bonds, and any other additional Bonds.

“Bond Fund” means the City of Cincinnati, Ohio – Water System Bond Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

“Bond Legislation” means, when used in connection with the Series 2023A Bonds and/or any cash defeasance of the Defeased Prior Bonds, this Ordinance, including the Fiscal Officer’s Certificate.

“Bond Reserve Fund” means the City of Cincinnati, Ohio – Water System Bond Reserve Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

“Credit Support Instrument” means an insurance policy, surety, letter of credit, standby bond purchase agreement, or other credit enhancement, support or liquidity device used to enhance or provide for the security or liquidity of the Series 2023A Bonds.

“Defeased Prior Bonds” means any Prior Bonds to be cash defeased with monies of the City available for such purpose.

“Fiscal Officer” means the Director of Finance of the City.

“Fiscal Officer’s Certificate” means the certificate executed by the Fiscal Officer setting forth any terms relating to the issuance of the Series 2023A Bonds which are not specified in this Bond Legislation.

“Green Bond” means an informational designation of a bond for the benefit of potential investors, to indicate that the proceeds of such bond will be used to fund environment-friendly projects, including but not limited to projects related to clean water, renewable energy, energy efficiency, river/habitat restoration, acquisition of land, or mitigation of climate change.

“Indenture” means the Master Trust Agreement dated as of March 1, 2001 by and between the City and the Trustee securing the Bonds, as the same may be amended, modified or supplemented as provided therein. For purposes of this Bond Legislation, such supplements shall include the First Supplemental Trust Agreement, dated as of March 1, 2001; the Second Supplemental Trust Agreement dated as of March 1, 2003; the Third Supplemental Trust Agreement dated as of May 1, 2005; the Fourth Supplemental Trust Agreement dated as of May 1, 2005; the Fifth Supplemental Trust Agreement dated as of January 4, 2007; the Sixth Supplemental Trust Agreement dated as of May 17, 2007; the Seventh Supplemental Trust Agreement, dated as of May 24, 2007; the Eighth Supplemental Trust Agreement, dated as of August 4, 2009; the Ninth Supplemental Trust Agreement, dated as of August 11, 2011; the Tenth Supplemental Trust Agreement dated as of June 21, 2012; the Eleventh Supplemental Trust Agreement dated as of August 12, 2015; the Twelfth Supplemental Trust Agreement dated as of December 6, 2016; the Thirteenth Supplemental Trust Agreement dated as of June 22, 2017; the Fourteenth Supplemental Trust Agreement dated as of November 26, 2019; the Fifteenth Supplemental Trust Agreement dated as of June 30, 2020; the Sixteenth Supplemental Trust Agreement dated as of November 3, 2021; and the Seventeenth Supplemental Trust Agreement dated as of the date selected by the Fiscal Officer.

“Mayor” means the Mayor of the City.

“Original Purchaser” means, as to the Series 2023A Bonds, such Original Purchasers as approved by the Fiscal Officer pursuant to the Fiscal Officer’s Certificate or in a bond purchase agreement, as applicable.

“Prior Bonds” means, collectively, the Series 2015 Bonds, the Series 2016 Bonds, the Series 2017A Bonds, the Series 2019 Bonds, the Series 2020A Bonds, and the Series 2021 Bonds.

“Rebate Fund” means the City of Cincinnati, Ohio – Water System Revenue Bond Rebate Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

“Refunded/Defeased Prior Bonds” means, together, any Refunded Prior Bonds and any Defeased Prior Bonds.

“Refunded Prior Bonds” means any Prior Bonds to be refunded with a portion of the proceeds of the Series 2023A Bonds.

“Senior Bonds” shall mean Bonds secured under the Master Indenture by a pledge of Net Revenues, which pledge is senior and prior in order and preference, with respect to the application of payment in full of Senior Subordinated Debt and Junior Subordinated Debt, including the Series 2023A Bonds, the Prior Bonds, and any Additional Bonds issued on a parity with such senior pledge.

“Senior Subordinated Debt” shall mean notes, bonds or other obligations of the City secured by a pledge of Net Revenues, which pledge is subordinate, junior and subject in right to the prior payment in full of Senior Bonds, but which pledge of Net Revenues is senior and prior in order and preference with respect to the application of payment in full of Junior Subordinated Debt (as defined in the Master Indenture), which no Senior Subordinated Debt is currently outstanding.

“Series 2015 Bonds” means, together, the Series 2015A Bonds and the Series 2015B Bonds.

“Series 2015A Bonds” means the City’s Water System Revenue Bonds, Series 2015A (Tax-Exempt), dated August 12, 2015 and originally issued in the principal amount of \$47,135,000.

“Series 2015B Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2015B (Tax-Exempt), dated August 12, 2015 and originally issued in the principal amount of \$77,375,000.

“Series 2016A Bonds” means the City’s Water System Revenue Bonds, Series 2016A (Tax-Exempt), dated December 6, 2016 and originally issued in the principal amount of \$25,000,000.

“Series 2016B Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2016B (Tax-Exempt), dated December 6, 2016 and originally issued in the principal amount of \$39,745,000.

“Series 2016C Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2016C (2019 Crossover), dated December 6, 2016 and originally issued in the principal amount of \$64,830,000.

“Series 2016 Bonds” means, collectively, the Series 2016A Bonds, the Series 2016B Bonds, and the Series 2016C Bonds.

“Series 2017A Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2017A (Tax-Exempt), dated June 22, 2017 and originally issued in the principal amount of \$75,595,000.

“Series 2019 Bonds” means, together, the Series 2019A Bonds and the Series 2019B Bonds.

“Series 2019A Bonds” means the City’s Water System Revenue Bonds, Series 2019A (Tax-Exempt), dated November 26, 2019 and originally issued in the principal amount of \$50,000,000.

“Series 2019B Bonds” means the City’s \$6,455,000 Water System Refunding Revenue Bonds, Series 2019B (Federally Taxable), dated November 26, 2019 and originally issued in the principal amount of \$6,455,000.

“Series 2020A Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2020A (Federally Taxable), dated June 30, 2020 and originally issued in the principal amount of \$50,830,000.

“Series 2021 Bonds” means, together, the Series 2021A Bonds and the Series 2021B Bonds.

“Series 2021A Bonds” means the City’s Water System Revenue Bonds, Series 2021A (Tax-Exempt), dated November 3, 2021 and originally issued in the principal amount of \$65,000,000.

“Series 2021B Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2021B (Federally Taxable), dated November 3, 2021 and originally issued in the principal amount of \$47,235,000.

“Series 2023A Bonds” means the City’s Water System Refunding Revenue Bonds, Series 2023A, dated as set forth in the Fiscal Officer’s Certificate, to be issued in a principal amount not to exceed \$198,000,000 (except as otherwise permitted in this Ordinance).

“Seventeenth Supplemental Trust Agreement” means the Seventeenth Supplemental Trust Agreement entered into between the City and Trustee in connection with the issuance and delivery of the Series 2023A Bonds.

“Water System Reserve Fund” means the City of Cincinnati, Ohio – Water System Reserve Fund created by the Indenture, including appropriate subaccounts for the Series 2023A Bonds.

Any reference to the City, the Legislative Authority, or to their members, officers or to other public officers, boards, commissions, departments, institutions, agencies, bodies, or entities shall include those which succeed to their functions, duties or responsibilities by operation of law, and also those who at the time may legally act in their place.

References to any act or resolution of the Ohio General Assembly, or to a section, chapter, division, paragraph, or other provision of the Ohio Revised Code or the Ohio Constitution, or the laws of Ohio, shall include that act or resolution, and that section, chapter, division, paragraph, or other provision and those laws as from time to time amended, modified, supplemented, revised, or superseded, unless expressly stated to the contrary, provided that no such amendment, modification, supplementation, revision, or supersession shall alter the obligation to pay the Bond Service Charges on Bonds outstanding, at the time of any such action, in the amount and manner, at the times and from the sources provided in the Bond Legislation and the Indenture, except as otherwise herein permitted.

Unless the context otherwise indicates, words importing the singular number shall include the plural number and words importing the plural number shall include the singular number. The terms “hereof,” “herein,” “hereby,” “hereto,” and “hereunder,” and similar terms, means both the Bond Legislation and the Indenture, except in the case of reference to a stated section number of either.

Section 2. Determinations by Legislative Authority.

The Legislative Authority finds and determines that it is necessary to (a) issue the Series 2023A to provide for the refunding and/or (b) provide for and authorize the cash defeasance, with monies available for such purpose, of all or a portion of the Prior Bonds (together the “Refunded/Defeased Prior Bonds”), which were originally issued to finance water system improvements throughout the City, refund previously outstanding Bonds of the City, and pay legal, advertising, printing, and all expenses incidental to said improvements. Any issuance or defeasance shall proceed in accordance with the terms set forth herein, as supplemented by the Indenture or the Fiscal Officer’s Certificate. This Legislative Authority determines that the refunding and/or cash defeasance of the Refunded/Defeased Prior Bonds will be for a proper public and municipal purpose and in the best interests of the City.

The officers specified herein are authorized to execute and deliver the documents necessary or appropriate in order to secure the Series 2023A Bonds and/or provide for any refunding/cash defeasance of all or a portion of the Refunded/Defeased Prior Bonds.

Section 3. Terms of the Series 2023A Bonds.

(a) Form, Denominations and Dates. With respect to any Refunded Prior Bonds, that the Series 2023A Bonds shall be issued in a principal amount not to exceed \$198,000,000, provided that such principal amount may be increased by the amounts necessary to provide for original issue discount (if deemed appropriate by the Fiscal Officer) and to fund a bond reserve account, capitalized interest (if any), costs of issuance, and other necessary and permitted costs. The Series 2023A Bonds shall be designated “Water System Refunding Revenue Bonds, Series 2023A” or such other designation as set forth in the Fiscal Officer’s Certificate, shall be negotiable

instruments, shall be issued only in fully registered form, without coupons, and shall express upon their faces the purpose for which they are issued. The Series 2023A Bonds shall be dated as of such date as is set forth in the Fiscal Officer's Certificate, shall be numbered as determined by the Registrar or by the Trustee as Registrar, and shall be issued in denominations of \$5,000 or any integral multiple thereof. The Series 2023A Bonds shall be exchangeable for other Series 2023A Bonds in the manner and upon the terms set forth in the Indenture or the Fiscal Officer's Certificate.

(b) Execution, Interest Rates and Maturities. The Series 2023A Bonds shall be executed by the signatures of the Mayor and Fiscal Officer of the City and shall bear the official seal of the City (provided that both of such signatures and such seal may be facsimiles), and shall bear the manual authenticating signature of an authorized signer of the Registrar or the Trustee, as appropriate. The Series 2023A Bonds shall bear interest from the most recent date to which interest has been paid or duly provided for, or, if no interest has been paid or duly provided for, from their dates. The Series 2023A Bonds shall mature or be subject to mandatory sinking fund redemption at the times and in the respective principal amounts, and such principal amounts shall bear interest payable semiannually on each Interest Payment Date, at the respective rates per annum, as determined by the Fiscal Officer (after negotiation with the Original Purchaser of the Series 2023A Bonds) and set forth in the Fiscal Officer's Certificate or in a bond purchase agreement, as applicable. All Series 2023A Bonds shall finally mature not later than forty years from their first principal maturity date or mandatory sinking fund redemption date or as further specified in the Fiscal Officer's Certificate.

(c) Optional Redemption. The Series 2023A Bonds of the maturities specified in the Fiscal Officer's Certificate or, if applicable, in the purchase agreement authorized in Section 5 of this Ordinance shall be subject to redemption, in the manner provided in the Fiscal Officer's Certificate or the Indenture, as applicable, at the option of the City, either in whole or in part, at the times and at the redemption prices (expressed as percentages of the principal amount to be redeemed) set forth in the Fiscal Officer's Certificate or Indenture, as applicable, plus accrued interest to the date fixed for redemption.

(d) Payment. Bond Service Charges with respect to the Series 2023A Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Trustee or the Paying Agent, in the manner provided in the Fiscal Officer's Certificate or the Indenture, as applicable.

(e) Variable Rate Bonds. In the event that the Fiscal Officer, based on the written advice of the Financial Advisor, determines that the City's best interests will be served by causing the Series 2023A Bonds, or any portion thereof, to be obligations bearing interest at variable interest rates, then the Fiscal Officer is authorized to so specify in the Fiscal Officer's Certificate for that Series. If the Fiscal Officer so determines, then the method and procedure (including any Authorized Denominations as set forth in the Fiscal Officer's Certificate) by which the variable rate of interest to be borne by such Series 2023A Bonds shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent, or otherwise; provided that no variable rate Series 2023A Bonds shall bear interest at a rate in excess of sixteen percent per year. Notwithstanding that limitation, variable rate Series 2023A Bonds held by a provider of a Credit Support Instrument may bear interest at a

rate not in excess of 25 percent per year as provided in the agreement with the provider of the Credit Support Instrument. The Fiscal Officer may determine that the terms of variable rate Series 2023A Bonds may or may not permit the Holders to tender their variable rate Series 2023A Bonds for purchase by the City. If the Fiscal Officer designates any Series 2023A Bonds as variable rate Series 2023A Bonds, and if the Holders of those Series 2023A Bonds are to be entitled to tender those Series 2023A Bonds for purchase, then the Fiscal Officer shall also designate in the Fiscal Officer's Certificate for those variable rate Series 2023A Bonds, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Fiscal Officer, based on the written advice of the Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Fiscal Officer is authorized to enter into agreements in connection with the delivery of the Series 2023A Bonds, and from time to time thereafter so long as the Series 2023A Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Fiscal Officer to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Series 2023A Bonds. In the event the variable rate Series 2023A Bonds are issued as auction rate obligations, the Fiscal Officer is authorized to enter into agreements with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of the Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Fiscal Officer, in connection with the original issuance of the Series 2023A Bonds, and regardless of whether such Series 2023A Bonds bear interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Series 2023A Bonds, as appropriate, if the Fiscal Officer determines, based on the written advice of the Financial Advisor, that the Credit Support Instrument will result in a savings in the cost of the financing to the City.

(f) Refunding. Any Refunded Prior Bonds shall be designated by the Fiscal Officer in the Fiscal Officer's Certificate (and thereby deemed no longer Outstanding for purposes of the Indenture) with the proceeds of the Series 2023A Bonds, the refunding of which Refunded Bonds will enable the City, in the judgment of the Fiscal Officer, based on the written advice of the Financial Advisor, to obtain net present value debt service savings with respect to the Refunded Bonds. The Refunded Bonds shall be called for redemption or retired on the date or dates specified in the Fiscal Officer's Certificate. The redemption dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other applicable federal tax laws.

Section 4. Terms of All Series 2023A Bonds. The Series 2023A Bonds shall bear such designations as may be necessary to distinguish it from other series of Series 2023A Bonds. All Series 2023A Bonds shall be payable as to principal, premium, if any, and interest in lawful money of the United States, shall be in such form as provided in the Indenture, shall be negotiable instruments, shall express on their face the purpose for which they are issued and such other

statements or legends as may be required by law, and shall be issued pursuant to Article XVIII of the Ohio Constitution and the Charter and ordinances of the City.

All Series 2023A Bonds shall be executed and authenticated in the manner provided in the Indenture or in the manner provided by the applicable law in effect at the time of their issuance. In case any officer whose signature or a facsimile of whose signature shall appear on any Series 2023A Bonds shall cease to be such officer before the issuance, authentication, or delivery of such Series 2023A Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until that time.

Section 5. Sale of the Series 2023A Bonds. Notwithstanding any provisions to the contrary in Cincinnati Municipal Code Section 303-7, the Fiscal Officer is authorized to award and sell the Series 2023A Bonds at public or private sale, in his or her sound discretion without further action by this Legislative Authority, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Fiscal Officer, plus accrued interest on the aggregate principal amount of the Series 2023A Bonds from their dates to the date of delivery and payment. The Executive Officer or Fiscal Officer is authorized to make arrangements for the delivery of the Series 2023A Bonds to, and payment therefor by, the purchaser or purchasers thereof at the price determined by the Fiscal Officer; and the Executive Officer or Fiscal Officer is authorized to execute one or more purchase agreements for the Series 2023A Bonds without further action by this Legislative Authority.

Section 6. Allocation of Proceeds of the Series 2023A Bonds. The proceeds received by the City from the sale of the Series 2023A Bonds shall be allocated, and are appropriated, in the amounts, and to the funds, set forth in the Fiscal Officer's Certificate or the Indenture, as applicable.

Section 7. Security for the Series 2023A Bonds. As provided herein, the Bonds (including the Series 2023A Bonds) are payable, after provision for the reasonable Operating and Maintenance Expenses of the Utility, solely from the Net Revenues and the Special Funds and shall be secured by the Indenture constituting a lien upon the Net Revenues and the Special Funds, and anything in the Bond Legislation, the Series 2023A Bonds or the Indenture to the contrary notwithstanding, neither the Bond Legislation, the Series 2023A Bonds, nor the Indenture shall constitute a debt or a pledge of the faith, general credit, taxing power, or general funds of the City, and the Series 2023A Bonds shall contain on the face thereof a statement to the effect that the Series 2023A Bonds are not general obligations of the City but are payable solely from the aforesaid sources pledged to their payment; provided, however, that nothing herein shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions, or obligations of the Bond Legislation, the Series 2023A Bonds or the Indenture.

Section 8. Additional Provisions with Respect to Series 2023A Bonds. The Executive Officer and the Fiscal Officer are authorized to make provision consistent with this Bond Legislation in the Indenture securing the Series 2023A Bonds for the application of the Revenues; creation of such funds including a bond service account, as are necessary or appropriate; investment of moneys in such funds; use of such funds; recordkeeping; issuance of Additional

Bonds; such other covenants of the City as are necessary or appropriate; and such other matters as are customary or appropriate to be contained in the Indenture.

Section 9. Covenants of the City. The City reaffirms all of its warranties and covenants with the Bondholders and the Trustee set forth in the Indenture and declares them to apply to the Series 2023A Bonds.

Section 10. Execution of Seventeenth Supplemental Trust Agreement and Other Documents. The Executive Officer and the Fiscal Officer are each authorized to execute, acknowledge and deliver, on behalf of the City, to the Trustee a Seventeenth Supplemental Trust Agreement.

Section 11. This Legislative Authority approves the amendments to the Indenture, as set forth in the Seventeenth Supplemental Trust Agreement to be executed in connection with the issuance and delivery of the Series 2023A Bonds. Such amendments shall be approved by the Executive Officer and the Fiscal Officer, with acceptance of such changes conclusively evidenced by execution of such Seventeenth Supplemental Trust Agreement.

The Fiscal Officer is authorized to exercise his or her discretion in order to set the terms contained in the Fiscal Officer's Certificate and to execute and deliver the same.

The Executive Officer and the Fiscal Officer are each separately authorized to take any and all actions and to execute such other instruments that may be necessary or appropriate in the opinion of Dinsmore & Shohl LLP, as Bond Counsel, in order to effect the issuance of the Series 2023A Bonds and the intent of the Bond Legislation. The Fiscal Officer, or other appropriate officer of the City, shall certify a true transcript of all proceedings had with respect to the issuance of the Series 2023A Bonds, along with such information from the records of the City as is necessary to determine the regularity and validity of the issuance of the Series 2023A Bonds.

This Bond Legislation shall constitute a part of the Indenture as therein provided and for all purposes of the Indenture, including, without limitation, application to the Bond Legislation of the provisions in the Indenture relating to amendment, modification and supplementation, and provisions for severability.

Section 12. Offering Document. The Executive Officer and the Fiscal Officer are each authorized to execute and deliver a preliminary offering document and a final document on behalf of the City, which shall be in such form as such officers may approve, their execution thereof on behalf of the City to be conclusive evidence of such approval, and copies thereof are authorized to be prepared and furnished to the Original Purchaser of the Series 2023A Bonds for distribution to prospective purchasers of the Series 2023A Bonds and other interested persons.

The Executive Officer and the Fiscal Officer on behalf of the City are each authorized to furnish such information, to execute such instruments and to take such other actions in cooperation with the Original Purchaser of the Series 2023A Bonds as may be reasonably requested to qualify the Series 2023A Bonds for offer and sale under the Blue Sky or other securities laws and regulations and to determine their eligibility for investment under the laws and regulations of such states and other jurisdictions of the United States of America as may be designated by the Original Purchaser; provided however, that the City shall not be required to register as a dealer or broker in

any such state or jurisdiction or become subject to the service of process in any jurisdiction in which the City is not now subject to such service.

Section 13. Tax Exemption. This Legislative Authority, for and on behalf of the City of Cincinnati, Hamilton County, Ohio, covenants that it will restrict the use of the proceeds of the tax-exempt Series 2023A Bonds authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute “arbitrage bonds” under Sections 103(b)(2) and 148 of the Code. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the tax-exempt Series 2023A Bonds is authorized and directed to give an appropriate certificate on behalf of the City on the date of delivery of the tax-exempt Series 2023A Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

The tax-exempt Series 2023A Bonds are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 14. Continuing Disclosure. This Legislative Authority covenants and agrees that it will execute, comply with and carry out all of the provisions of a continuing disclosure certificate dated the date of issuance and delivery of the Series 2023A Bonds (the “Continuing Disclosure Certificate”) in connection with the issuance of the Series 2023A Bonds. Failure to comply with any such provisions of the Continuing Disclosure Certificate shall not constitute a default on the Series 2023A Bonds; however, any holder of the Series 2023A Bonds may take such action as may be necessary and appropriate, including seeking specific performance, to cause the City to comply with its obligation under this section and the Continuing Disclosure Certificate.

Section 15. Escrow Securities and Escrow Agreement. With respect to the funding of any escrow fund(s) necessary or appropriate in connection with the refunding of any Refunded Prior Bonds with the proceeds of the Series 2023A Bonds or any cash defeasance by the City (as further set forth herein), the Fiscal Officer is authorized to take any and all appropriate action for the order and purchase, at the appropriate time, of U.S. government obligations (“Escrow Securities”) for the credit of such escrow fund(s) and if necessary, to execute one or more escrow agreements with the Trustee for the refunding and/or cash defeasance of the Refunded/Defeased Prior Bonds. Such Escrow Securities may be in the form or forms recommended in writing by the Financial Advisor and approved by Dinsmore & Shohl LLP.

The Financial Advisor (or a subsidiary or related entity of the Financial Advisor) is specifically authorized to act as the bidding agent or to procure on behalf of the City a bidding agent, to purchase Escrow Securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in any escrow agreement, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. Any attorney with Dinsmore & Shohl LLP is specifically authorized to execute and file on behalf of the City any subscriptions for Escrow Securities in the form of United States Treasury Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the

refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. In addition, the Fiscal Officer is authorized to employ a verification agent with respect to the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds.

Section 16. Cash Defeasance. The Director of Finance shall make a determination as to any Prior Bonds to be cash defeased, based on the written advice of the Financial Advisor, which will enable the City to obtain net present value debt service savings with respect to such cash defeasance. Any such cash defeasance shall be effectuated by the deposit of monies available for such purpose, as cash and/or to be used to purchase Escrow Securities, into an escrow fund, as set forth in Section 15 above, in an amount sufficient to provide for all appurtenant principal and interest payments and all applicable redemption premiums, as the same shall become due thereon on the interest payment dates, maturity dates, or earlier redemption dates thereof, as further provided in an Escrow Agreement.

Section 17. Tender and Exchange Provisions with respect to any Refunded Prior Bonds. To the extent the refunding of any of the Refunded Prior Bonds using the redemption provisions of the Refunded Prior Bonds would be treated as a taxable advance refunding under the Code, or in the case of Refunded Prior Bonds that are taxable bonds, a refunding using the redemption provisions of the Refunded Prior Bonds (as applicable) would not be advantageous to the City, the City may utilize a tender and exchange of Series 2023A Bonds of the appropriate tax status for one or more of the Refunded Prior Bonds (a “Tender and Exchange”) as a means of refunding such Refunded Prior Bonds if such Tender and Exchange is advantageous to the City. The Director of Finance is authorized and directed to execute and deliver one or more documents used to make a tender offer for the Refunded Prior Bonds and the use thereof by any underwriter, dealer manager, or information agent is authorized and approved.

Section 18. Severability. Should it be judicially determined by a court having jurisdiction to pass upon the validity of the Bond Legislation, the Indenture or the Series 2023A Bonds, that any provision of the Bond Legislation is beyond the powers of the Legislative Authority or the City, or is otherwise invalid, then such decision shall in no way affect the validity of the Bond Legislation, the Indenture or the Series 2023A Bonds, or any related proceedings, except as to the particular matters found by such decision to be invalid.

Section 19. Appointment of Receiver. In the event that any litigation is commenced or pending in which the City is a party, involving the Utility, the operation of the same, the Revenues from the same, or wrongful performance or failure to perform any of the terms and conditions of this Bond Legislation, and there is at such time any default in the payment of any of the Series 2023A Bonds or interest thereon, any court having jurisdiction may appoint a receiver to administer and operate said Utility on behalf of the City, with full power to pay and to provide for the payment of the Series 2023A Bonds, and for the payment of the Operating and Maintenance Expenses, and to apply the Revenues to the payment of such Series 2023A Bonds and interest thereon in accordance with the provisions of this Bond Legislation.

The power of such receiver to provide for the payment of such Series 2023A Bonds shall not be construed as pledging the general credit of the City to the payment of said Series 2023A Bonds, or any part thereof or interest thereon. Such receiver shall have such power, under the direction of the court, as receivers in general equity cases.

Section 20. Open Meetings. The Legislative Authority finds and determines that all formal actions relative to the adoption of this Bond Legislation were taken in an open meeting of this Legislative Authority, and that all deliberations of this Legislative Authority and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Ohio Revised Code Section 121.22.

Section 21. Emergency. 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 that the sale of the Bonds or Notes authorized herein may be required within thirty days of passage of this ordinance in order to take advantage of currently favorable interest rates.

Passed _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

June 7, 2023

202301592

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Refunding General Obligation Bond Issues**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING GENERAL OBLIGATION BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

This ordinance allows for the option of refunding or defeasing bonds that have been previously issued. The purpose of refunding the bonds is to take advantage of lower interest rates or avoid additional costs that will result in savings to the City of Cincinnati.

The ordinance includes a threshold that the Finance Director will only move forward with the refunding, if the net present value of the resulting savings of any advance or current refunding is equal to at least three percent (3%) of the principal of the bonds. This savings requirement for a refunding may be waived by the Finance Director upon finding that such a restructuring is in the City's overall best financial interest. The ordinance includes possible candidates for refunding. Because the refunding is dependent upon interest rates, it will not be known which bonds will be refunded until closer to the date of sale. An emergency ordinance is necessary to take advantage of currently favorable interest rates.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$200,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO FOR THE PURPOSE OF PROVIDING FOR THE REFUNDING AND/OR THE CASH DEFEASANCE (WITH MONIES AVAILABLE FOR SUCH PURPOSE), OF ALL OR A PORTION OF CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING GENERAL OBLIGATION BONDS LISTED ON ATTACHMENT A; AND PROVIDING FOR A SAVINGS THRESHOLD IN CONNECTION THEREWITH.

WHEREAS, the City previously authorized and issued certain general obligation bonds, including, but not limited to, those listed on Attachment A, which were authorized and issued pursuant to the respective Ordinances and for the respective purposes set forth therein (collectively, the “Prior Bonds”); and

WHEREAS, the Director of Finance projects that, in the current interest rate climate, the refunding and/or cash defeasance of all or a portion of the outstanding Prior Bonds will result in interest cost savings to the City; and

WHEREAS, the Director of Finance, as fiscal officer of the City, at the time of the issuance of each series of the Prior Bonds, estimated that the life of the respective improvements financed with the proceeds of each series of the Prior Bonds was at least five years and provided certification as to the maximum maturity of each of the respective series of the Prior Bonds, which was at least five years (as further provided in the authorizing ordinance and related certifications in connection with each series of the Prior Bonds); and

WHEREAS, the maturity date of any refunding bonds will not exceed the weighted average remaining maximum maturity of any Prior Bonds to be refunded, to be set forth in the Fiscal Officer’s Certificate (as defined below) following the determination as to which, if any, of the Prior Bonds will be refunded; now, therefore,

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

SECTION 1. That it is necessary to (a) issue bonds in the principal amount not to exceed \$200,000,000 and/or (b) provide for and authorize the cash defeasance, with monies available for such purpose, of all or a portion of the Prior Bonds (together the “Refunded/Defeased Prior Bonds”), which were originally issued to finance various improvements throughout the City, refund previously outstanding bonds of the City, and pay legal, advertising, printing and all expenses incidental to said improvements (as set forth in Attachment A).

This Council determines that the refunding and/or defeasance of the Refunded/Defeased Prior Bonds will be for a proper public and municipal purpose and in the best interests of the City.

SECTION 2. With respect to any Prior Bonds to be refunded (the “Refunded Prior Bonds”), that bonds be issued in the principal amount not to exceed \$200,000,000 for the purpose aforesaid. The bonds shall be designated “City of Cincinnati, Ohio Unlimited Tax Various Purpose General Obligation Refunding Bonds” (the “Series 2023B Bonds”) or as otherwise determined by the Director of Finance including the issuance of tax-exempt and/or taxable series of bonds as further provided in and set forth in the fiscal officer's certificate (the “Fiscal Officer's Certificate”). The final principal amount of the Series 2023B Bonds shall be established by the Director of Finance, provided that the Director of Finance has received written certification from Davenport & Company LLC, (the “Financial Advisor”) that the Refunding Savings Threshold (as defined below) has been met. “Refunding Savings Threshold” means, as a result of the refunding of the Refunded Prior Bonds with proceeds of the Series 2023B Bonds, an aggregate reduction in the debt service with respect to such Refunded Prior Bonds which has a present value at the time of sale of the Series 2023B Bonds equal to at least three percent of the refunded par amount of the Refunded Prior Bonds. Said Series 2023B Bonds shall be dated the date of delivery, be in the denomination of \$5,000 each, or any integral multiple thereof, designated as provided in the Fiscal Officer's Certificate, and numbered sequentially, and shall bear interest at the rate or rates not in excess of six percent per year, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year until the principal sum is paid, all as determined by the Director of Finance and set forth in the Fiscal Officer's Certificate to be executed by the Director of Finance. Provided, however, that if said Series 2023B Bonds are sold bearing a different rate or rates of interest from that hereinbefore specified, said Series 2023B Bonds shall bear such rate or rates of interest as may be accepted by the Director of Finance. Said Series 2023B Bonds shall mature or be subject to mandatory sinking fund redemption on December 1 or such other date of each year, at such times and in such amounts, all as determined by the Director of Finance, within the limitations set forth in Chapter 133 of the Ohio Revised Code, without further action by this Council of the City of Cincinnati, State of Ohio (the “Council”). The Director of Finance will determine whether the Series 2023B Bonds are callable (and associated call features) or non-callable at the time of financing, with such determination to be set forth in the Fiscal Officer's Certificate to be executed by the Director of Finance.

Notice of the call for redemption of said Series 2023B Bonds, specifying the numbers of the Series 2023B Bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent (as defined below) by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said Series 2023B Bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption, funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

The maturity date of the Series 2023B Bonds will not exceed the weighted average remaining maximum maturity of any Refunded Prior Bonds, to be set forth in the Fiscal Officer's Certificate, following the determination as to which, if any, of the Prior Bonds will be refunded.

SECTION 3. That said Series 2023B Bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code, and Chapter 133 of the Ohio Revised Code. The Series 2023B Bonds shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, National Association (herein the “Bond Registrar and Paying Agent”), Cincinnati, Ohio, which is hereby designated to act as bond registrar, transfer agent and paying agent with respect to the Series 2023B Bonds. The Series 2023B Bonds shall also bear the corporate seal of the City or a facsimile thereof. The Series 2023B Bonds shall be issued in fully registered form. The Series 2023B Bonds shall be payable as to principal upon the presentment and surrender for cancellation of the Series 2023B Bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and the interest thereon shall be paid by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his address as it appears on such registration records.

SECTION 4. That for the purpose of providing the necessary funds to pay the interest on the foregoing issue of Series 2023B Bonds promptly when and as the same falls due, and also to provide for the discharge of said Series 2023B Bonds at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is hereby levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period said Series 2023B Bonds are outstanding, outside of the limitations imposed by Article XII, Section 2, of the Constitution of Ohio and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said Series 2023B Bonds at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said Series 2023B Bonds when and as the same fall due; provided, however, that to the extent that funds from other sources are available and considered appropriated for such purpose, such tax need not be levied.

With respect to certain of the Series 2023B Bonds, in addition to the tax pledge contained above, this Council, for the City, covenants to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect such municipal income taxes in, amounts necessary to meet debt service charges on the Series 2023B Bonds.

With respect to a portion of the Series 2023B Bonds, the City may covenant to annually appropriate Revenues, as defined and provided in the various ordinances identified below, as all such taxes and revenues, other than ad valorem property taxes, in amounts necessary to meet debt service charges on the Series 2023B Bonds.

SECTION 5. That said Series 2023B Bonds shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the City Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the Series 2023B Bonds at public or private sale, in their sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the Series 2023B Bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the Series 2023B Bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the Series 2023B Bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the Series 2023B Bonds provided that the true interest cost for the Series 2023B Bonds shall not exceed six percent per year.

The Director of Finance, at the Director's discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the Series 2023B Bonds in whatever manner they deem appropriate.

SECTION 6. That the City Manager and the Director of Finance are each separately authorized to execute and deliver a preliminary official statement and a final official statement on behalf of the City and authorized and directed to offer the bonds for sale and to execute and deliver a final official statement no later than seven business days from the date of sale of the bonds, with such changes therein from the preliminary official statement as shall be necessary to reflect any material change in the condition of the City from that set forth in the preliminary official statement; and that the preliminary and final official statement with respect to the bonds, and the distribution thereof on behalf of the City and furnished to the original purchaser(s) of the bonds for distribution to prospective purchasers of the bonds, are hereby approved and ratified in all respects. In addition, the City Manager and the Director of Finance are each separately authorized to (i) apply for a rating on the Series 2023B Bonds from one or more nationally recognized bond rating agencies; (ii) apply for and, if they deem it in the City's best interest, to purchase a policy of bond insurance from a company whose insurance of the issue will result in the bonds' receiving the highest rating from one or more nationally recognized bond rating agencies; and (iii) execute on a continuing disclosure certificate, in such form and containing such terms, covenants and conditions not inconsistent herewith, and to take such other actions as may be necessary to comply with the requirements of Securities and Exchange Commission Rule 15c2-12, as amended from time to time.

SECTION 7. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, the Series 2023B Bonds may be consolidated into a single issue with other bonds or notes which have been authorized by this Council as determined by the Director of Finance.

The Series 2023B Bonds shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement to be entered into by and between the

City and an underwriter as determined by the Director of Finance as further provided in a certificate of award executed by the Director of Finance.

SECTION 8. That the Council determines to issue the bonds in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as the bonds are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) *Definitions.*

“Beneficial Owner” means the person in whose name a Bond is recorded as the beneficial owner of such Bond by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, as defined in the Bond Ordinances, to DTC with respect to the bonds, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any Bond registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) *Book Entry Bonds.*

(i) Except as provided herein, the registered owner of all of the bonds shall be DTC and the bonds shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the

provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds. Upon initial issuance, the ownership of such bonds shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds, selecting the bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to Bondholders under this Ordinance, registering the transfer of bonds, obtaining any consent or other action to be taken by Bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, with respect to the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds; any notice which is permitted or required to be given to Bondholders under this Ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds; or any consent given or other action taken by DTC as Bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds only to or "upon the order of" DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds to the extent of the sum or sums so paid. Except as otherwise provided herein, no person other than DTC shall receive an authenticated Bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this Ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this Ordinance with respect to transfers of bonds, the word "CEDE & Co" in this Ordinance shall refer to such new nominee of DTC.

(c) *Delivery of Bond Certificates.* In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants of the availability through DTC of Bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, Bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to

the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver Bond certificates as described in this Ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event Bond certificates are issued, the provisions of this Ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds to any DTC Participant having bonds credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

SECTION 9. That this Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the tax-exempt portion of the Series 2023B Bonds authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute “arbitrage bonds” under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the Series 2023B Bonds is authorized and directed to give an appropriate certificate on behalf of the City, on the date of delivery of the Series 2023B Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These Series 2023B Bonds are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

SECTION 10. That with respect to the funding of any escrow fund(s) necessary or appropriate in connection with any refunding of Prior Bonds with the proceeds of the Series 2023B Bonds, or any cash defeasance by the City (as further set forth herein) of Prior Bonds, the Director of Finance is authorized to take any and all appropriate action for the acquisition, at the appropriate time, of U.S. government obligations (“Escrow Securities”) for the credit of such escrow fund(s) and if necessary, to execute one or more escrow agreements (each an “Escrow Agreement”) with U.S. Bank Trust Company, National Association, in its capacity as escrow agent, for the refunding and/or cash defeasance of the Refunded/Defeased Prior Bonds. Such Escrow Securities may be in the form or forms recommended in writing by the Financial Advisor to the City and approved by Dinsmore & Shohl LLP, or other nationally recognized bond counsel. The Financial Advisor is specifically authorized to act as the bidding agent or to procure on behalf of the City a bidding agent, to purchase Escrow Securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in any escrow agreement, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. Any attorney with Dinsmore & Shohl LLP, or other nationally recognized bond counsel, is specifically authorized to execute and file on behalf of the City any subscriptions for Escrow Securities in the form of United States Treasury

Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow fund(s) in connection with the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds. In addition, the Fiscal Officer is authorized to employ a verification agent with respect to the refunding and/or cash defeasance of any Refunded/Defeased Prior Bonds.

SECTION 11. The Director of Finance shall make a determination as to any Prior Bonds to be cash defeased (the “Defeased Prior Bonds”), based on the written advice of the Financial Advisor, which will enable the City to obtain net present value debt service savings with respect to such cash defeasance. Any such cash defeasance shall be effectuated by the deposit of monies available for such purpose, as cash and/or to be used to purchase Escrow Securities, into an escrow fund, as set forth in Section 10 above, in an amount sufficient to provide for all appurtenant principal and interest payments and all applicable redemption premiums, as the same shall become due thereon on the interest payment dates, maturity dates, or earlier redemption dates thereof, as further provided in an Escrow Agreement.

SECTION 12. To the extent the refunding of any of the Refunded Prior Bonds using the redemption provisions of the Refunded Prior Bonds would be treated as a taxable advance refunding under the Code, or in the case of Refunded Prior Bonds that are taxable bonds, a refunding using the redemption provisions of the Refunded Prior Bonds (as applicable) would not be advantageous to the City, the City may utilize a tender and exchange of Series 2023B Bonds of the appropriate tax status for one or more of the Refunded Prior Bonds (a “Tender and Exchange”) as a means of refunding such Refunded Prior Bonds if such Tender and Exchange is advantageous to the City. The Director of Finance is authorized and directed to execute and deliver one or more documents used to make a tender offer for the Refunded Prior Bonds and the use thereof by any underwriter, dealer manager, or information agent is authorized and approved.

SECTION 13. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 14. The Director of Finance is authorized and directed to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law.

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SECTION 15. 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 that the sale of the Series 2023B Bonds or notes authorized herein may be required within thirty days of passage of the ordinance in order to take advantage of currently favorable interest rates.

Passed _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

THE PRIOR BONDS

Pursuant to the foregoing Ordinance, all or a portion of the outstanding general obligation bonds of the City, including, but not limited to, the outstanding general obligation bonds listed below (collectively, the “Prior Bonds”), may be (a) refunded with a portion of the proceeds of the City’s Series 2023B Bonds and/or (b) cash defeased with monies available for such purpose.

1. *Bond Issue:* \$10,000,000 Unlimited Tax Various Purpose General Obligation Bonds, Series 2012B (Additional Municipal Income Tax Pledge), dated June 7, 2012

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0022-2012

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to, street improvements; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$320,000

2. *Bond Issue:* \$13,165,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2012C, dated June 7, 2012

(A) *Authorizing Ordinance(s):* Ordinance No. 0142-2012

(B) *Purpose:* (i) Refunding a portion of the City’s Unlimited Tax Various Purpose General Obligation Bonds, Series 2004A, dated May 6, 2004, originally issued in the principal amount of \$44,365,000; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$20,000

3. *Bond Issue:* \$22,210,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2012F, dated December 20, 2012

(A) *Authorizing Ordinance(s):* Ordinance No. 0142-2012

(B) *Purpose:* (i) Refunding a portion of the City’s Unlimited Tax Various Purpose General Obligation Bonds, Series 2005B (Additional Municipal Income Tax Pledge), dated June 1, 2005, originally issued in the principal amount of \$5,200,000; (ii) and paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$515,000

4. *Bond Issue:* \$116,595,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2014A, dated April 30, 2014

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0495-2012, 0186-2013, and 0055-2014

(B) *Purpose:* Financing (i) various improvements throughout the City, including, but not limited to street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways, purchasing and/or installing street lights and equipment and boulevard or white way lights, and providing funding for the Cincinnati streetcar system; (ii) financing public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures; (iii) financing various improvements associated with Madisonville Tax Increment District #19 including acquiring, assembling, and demolishing blighted structures on Madison Road in connection with the redevelopment and improvement of the Madisonville Business District; paying a portion of the City's share of the costs associated with the development and construction of a new Martin Luther King, Jr./I-71 Interchange, in collaboration with the Ohio Department of Transportation and the Ohio-Kentucky-Indiana Regional Council of Governments; (iv) Refunding (a) the entire remaining outstanding principal amount of \$8,300,000 of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2010C (Federally Taxable – Recovery Zone Economic Development Bonds – Direct Payment to the City), dated July 29, 2010 originally issued in the principal amount of \$8,300,000; (b) the entire remaining outstanding principal amount of \$9,500,000 of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2010D (Federally Taxable – Build America Bonds – Direct Payment to the City), dated July 29, 2010 originally issued in the principal amount of \$9,500,000; and (c) the entire remaining outstanding principal amount of \$6,430,000 of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2010E (Additional Municipal Income Tax Pledge) (Federally Taxable – Build America Bonds – Direct Payment to the City), dated July 29, 2010 originally issued in the principal amount of \$6,430,000; and (vii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$225,000

5. *Bond Issue:* \$122,530,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2015A, dated August 20, 2015

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0125-2014, 0127-2014, 0015-2015, 0309-2013, 0009-2014, 0160-2015, 0290-2014, 0297-2015, and 0159-2015

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) (various improvements associated with paying a portion of the City's share of the costs associated with the construction of a new parking garage in the Corryville Neighborhood Business District of Cincinnati, such bonds designated as Economic Development Revenue Bonds (VP3 Parking Garage); (ii) acquiring, installing and servicing energy cost-savings equipment and energy management building improvements for the purpose of achieving energy cost reductions and cost savings within various public buildings; (iii) acquiring, installing and servicing energy cost-savings equipment and energy management building improvements for the purpose of achieving energy cost reductions and cost savings at the Duke Energy Convention Center; (iv) reimbursing the City for monies previously spent for improvements including, certain urban redevelopment activities associated with the Streetcar Project; (v) refunding various outstanding general obligation bonds of the City; and (vi) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$17,900,000

6. *Bond Issue:* \$3,450,000 Unlimited Tax Energy Conservation General Obligation Bonds, Series 2015B (Federally Taxable - Qualified Energy Conservation Bond – Direct Payment to the Issuer), dated August 20, 2015

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0009-2014, as amended by Ordinance Number 0160-2015 and 0297-2015

(B) *Purpose:* (i) Acquiring, installing and servicing energy cost-savings equipment and energy management building improvements for the purpose of achieving energy cost reductions and cost savings within various public buildings; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2022:* \$3,450,000

7. *Bond Issue:* \$14,690,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2015C (Federally Taxable), dated August 20, 2015

(A) *Authorizing Ordinance(s):* Ordinance No. 0159-2015

(B) *Purpose:* (i) Refunding (a) the entire outstanding amount of \$4,615,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development Bonds, Series 2004B, (Seventh and Broadway

Project) (Taxable) dated May 6, 2004, originally issued in the principal amount of \$9,260,000 and (b) a portion in the amount of \$1,930,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development General Obligation Bonds, Series 2006C (Towne/Adams Village A Urban Renewal Project) (Taxable), dated June 8, 2006, originally issued in the principal amount of \$2,750,000 and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$1,605,000

8. *Bond Issue:* \$35,505,000 Unlimited Tax General Obligation Judgment Bonds, Series 2015D (Federally Taxable), dated December 22, 2015

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0157-2015 and 0350-2015

(B) *Purpose:* (i) Financing a payment under a settlement with the Board of Education of the Cincinnati City School District related to litigation challenging the tax-exempt status of the City's convention center, and financing a payment under a settlement related to the Cincinnati Retirement System referred to as the Cincinnati Pension Collaborative; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$3,465,000

9. *Bond Issue:* \$95,770,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2016A, dated February 4, 2016

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0230-2015 as amended by 0004-2016, 0208-2015, and 0366-2015

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) park improvements including acquiring real estate or interests in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers specifically the renovation and expansion of Ziegler Park, including renovating and expanding a children's playground, upgrading existing green space, and construction of a comfort station and (d) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (c); (ii) refunding (1) a portion in the amount of \$13,075,000 of the

remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2009A, dated July 22, 2009, originally issued in the principal amount of \$39,250,000, (2) a portion in the amount of \$11,770,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2009B (Additional Municipal Income Tax Pledge), dated July 22, 2009, originally issued in the principal amount of \$25,000,000, (3) a portion in the amount of \$16,860,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2011A, dated June 30, 2011, originally issued in the principal amount of \$34,000,000, (4) a portion in the amount of \$23,750,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2012A, dated June 7, 2012, originally issued in the principal amount of \$46,155,000; and (iii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$58,585,000

10. *Bond Issue:* \$3,555,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2016B (Federally Taxable), dated February 4, 2016

(A) *Authorizing Ordinance(s):* Ordinance No. 0019-2016

(B) *Purpose:* (i) Refunding a portion in the amount of \$3,035,000 of the remaining outstanding principal amount of the City's Unlimited Tax Urban Development Improvement General Obligation Refunding Bonds, Series 2009C, dated October 27, 2009, originally issued in the principal amount of \$5,080,000; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$2,140,000

11. *Bond Issue:* \$54,915,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2016C, dated October 31, 2016

(A) *Authorizing Ordinance(s):* Ordinance No. 0231-2015 as amended by 0192-2016, 0183-2016, 0184-2016, 0215-2015, 0189-2016, 0301-2015, 0194-2016, 0203-2016, 0204-2016, and 0197-2016

(B) *Purpose:* (i) Financing various improvements throughout the City, including, but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) reimbursing the City for monies previously spent for improvements including, certain urban

redevelopment activities associated with the Streetcar Project, (d) paying the costs and expense of the 4th and Race Street Garage, which will include, among other things, the construction of a new parking garage in the downtown area, (e) providing funds to make improvements to Collegevue Place in College Hill neighborhood by constructing an extension thereto and a new street intersecting said extension together with curbs, water mains, storm and sanitary sewers, and other related improvements, (f) providing funds to pay the cost of constructing and acquiring improvements to the stormwater system within the City, by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (g) providing funds to acquire real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers, specifically to design and construct a shared-use path for bicycles and pedestrians running east-west from Avondale through Norwood near Xavier University to connect with the Little Miami Bike Trail in Newtown, commonly known as the Wasson Way Trail, (h) providing funds to create public improvements at the intersection of Harrison, Urwiler, Epworth, Montana Avenues which costs may include acquisition, demolition, remediation, site preparation, streetscape, creation of community gathering space, landscaping and pedestrian and road improvements, commonly known as the Westwood Square Improvements Project, (i) providing funds to acquire real estate from National Church Residences (including the acquisition of certain property located at 3584 Alaska Avenue) for future development of permanent housing, commonly known as the Alaska Commons Project, which costs may include additional acquisition, demolition, remediation, site preparation, infrastructure and other public improvements in the Avondale neighborhood, and (j) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (i) above; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$36,780,000

12. *Bond Issue:* \$11,665,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2016D (Federally Taxable), dated October 31, 2016

(A) *Authorizing Ordinance(s):* Ordinance No. 0207-2016

(B) *Purpose:* (i) Refunding (a) a portion in the amount of \$2,950,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development General Obligation Bonds, Series 2010F (Seventh and Broadway Garage Expansion Project) (Federally Taxable) dated July 29, 2010, originally issued in the principal amount of \$5,000,000 and (b) a portion in the amount of \$4,200,000 of the remaining outstanding principal amount of the City's Unlimited Tax Economic Development General Obligation Bonds, Series 2011C (The Banks Project) (Federally Taxable) dated June 30, 2011, originally issued in the principal

amount of \$7,000,000; and (ii) paying legal, advertising, printing and all expenses incidental to said refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$5,670,000

13. *Bond Issue:* \$82,200,000 Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2017A, dated December 27, 2017

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0019-2016, 0207-2016, 0155-2017, 0156-2017, 0157-2017, 0158-2017, 0159-2017 and 0165-2017

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, (d) providing funds to pay the cost of constructing and acquiring improvements to the stormwater system within the City, by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, and (e) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (d); (ii) refunding (1) a portion in the amount of \$1,400,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2011B (Additional Municipal Income Tax Pledge), dated June 30, 2011, originally issued in the principal amount of \$6,000,000, (2) a portion in the amount of \$6,720,000 of the remaining outstanding principal amount of the City's Unlimited Tax Urban Redevelopment Improvement General Obligation Bonds, Series 2012D, dated December 20, 2012, originally issued in the principal amount of \$28,000,000, and (3) a portion in the amount \$52,940,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2014A, dated April 30, 2014, originally issued in the principal amount of \$116,595,000; and (iii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$71,340,000

14. *Bond Issue:* \$705,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2017B (Federally Taxable), dated December 27, 2017

(A) *Authorizing Ordinance(s):* Ordinance No. 0207-2016

(B) *Purpose:* (i) Refunding, on a taxable basis, a portion in the amount of \$650,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2011D (Additional Municipal Income Tax Pledge) (Federally Taxable), dated June 30, 2011, originally issued in the principal amount of \$2,000,000; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$520,000

15. *Bond Issue:* \$35,900,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2018, dated November 29, 2018

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0173-2018, 0174-2018, 0175-2018, 0176-2018 and 0184-2018

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements including acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, (d) acquiring real estate or interest in same, for parks, parkways, playgrounds and recreation centers, and (e) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (f) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (e); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements.

(C) *Outstanding Balance as of May 31, 2023:* \$24,020,000

16. *Bond Issue:* \$99,905,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2019, dated December 20, 2019.

(A) Authorizing Ordinance(s): Ordinance Nos. 0126-2019, 0223-2019, 0224-2019, 0226-2019, 0227-2019, 0235-2019, and 0457-2019

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) design, inspection, repair, rehabilitation, and replacement of retaining walls and appurtenances thereto, and providing funding for the design, construction, traffic mitigation, and engineering necessary to stabilize the hillside affecting Columbia Parkway, including labor, materials, tools, devices, and technology needed to plan, design, acquire easements, build, inspect, monitor, and maintain such hillside stabilization systems, (c) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (d) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, and (e) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (f) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (e); (ii) refunding of certain outstanding general obligation bond anticipation notes of the City issued in connection with the City's Capital Acceleration Plan; and (iii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$79,530,000

17. *Bond Issue:* \$79,000,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2020A (Federally Taxable), dated March 19, 2020.

(A) Authorizing Ordinance(s): Ordinance No. 0059-2020

(B) *Purpose:* (i) refunding (1) a portion in the amount of \$3,515,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Bonds, Series 2012B (Additional Municipal Income Tax Pledge) dated June 7, 2012 and originally issued in the principal amount of \$10,000,000, (2) a portion in the amount of \$10,080,000 of the remaining

outstanding principal amount of the City's Unlimited Tax Urban Redevelopment Improvement General Obligation Bonds, Series 2012D dated December 20, 2012 and originally issued in the principal amount of \$28,000,000, (3) a portion in the amount of \$695,000 of the remaining outstanding principal amount of the City's Unlimited Tax Public Buildings Improvement General Obligation Bonds, Series 2014B dated April 30, 2014 and originally issued in the principal amount of \$2,045,000, and (4) a portion in the amount of \$51,295,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2015A dated August 20, 2015 and originally issued in the principal amount of \$122,530,000; and (ii) and paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$74,580,000

18. *Bond Issue:* \$34,410,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2020B, dated October 29, 2020

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0019-2020, 0212-2020, 0216-2020, 0217-2020, and 0218-2020

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, and (d) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (f) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (e); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$28,370,000

19. *Bond Issue:* \$30,055,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2020C (Federally Taxable), dated October 29, 2020

(A) *Authorizing Ordinance(s):* Ordinance No. 0219-2020

(B) *Purpose:* (i) refunding a portion in the amount of \$24,925,000 of the remaining outstanding principal amount of the City's Unlimited Tax General Obligation Judgment Bonds, Series 2015D (Federally Taxable) dated December 22, 2015 and originally issued in the principal amount of \$35,505,000; and (ii) and paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$29,325,000

20. *Bond Issue:* \$60,635,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2021A, dated November 9, 2021

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0176-2021, 0249-2021, 0250-2021, 0251-2021, 0252-2021, and 0260-2021

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, and (d) constructing and acquiring improvements to the stormwater system within the City, which includes stormwater infrastructure improvements, stormwater infrastructure rehabilitation, pump station improvements, system development, local flood protection infrastructure improvements, stormwater equipment, and Barrier Dam improvements; by providing for the safe and efficient capture and conveyance of stormwater runoff and the correction of stormwater problems, (e) real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers, (f) paying a negotiated and court approved settlement of *Ron Plush v. City of Cincinnati*, Hamilton County Common Pleas Case Number A1903752, (g) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (f); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$54,455,000

21. *Bond Issue:* \$11,900,000 Unlimited Tax Various Purpose General Obligation Refunding Bonds, Series 2021B, dated November 9, 2021

(A) *Authorizing Ordinance(s):* Ordinance No. 0258-2021

(B) *Purpose:* (i) refunding (1) a portion in the amount of \$2,500,000 of the remaining outstanding principal amount of the City's Unlimited Tax Urban Redevelopment General Obligation Bonds, Series 2012E Bonds (Streetcar System) dated December 20, 2012 and originally issued in the principal amount of \$5,000,000, (2) a portion in the amount of \$8,170,000 of the remaining outstanding principal amount of the City's Unlimited Tax Various Purpose General Obligation Improvement and Refunding Bonds, Series 2016A dated February 4, 2016 and originally issued in the principal amount of \$95,770,000; and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$11,590,000

22. *Bond Issue:* \$22,800,000 Unlimited Tax Various Purpose General Obligation Improvement Bonds, Series 2022A, dated November 9, 2021

(A) *Authorizing Ordinance(s):* Ordinance Nos. 0019-2020, 0099-2022, 0197-2022, 0204-2022, and 0205-2022

(B) *Purpose:* (i) Financing various improvements throughout the City, including but not limited to (a) street improvements including widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas and other public ways; purchasing and/or installing street lights and equipment and boulevard lights, (b) public building improvements acquiring real estate or interests in same, constructing, rehabilitating and equipping public buildings and other structures, (c) purchasing motor vehicles, acquiring and improving City-wide communication system components and related improvements, computer related system upgrades and components and other necessary equipment, (d) to pay the cost and expense of energy conservation measures and (e) refunding various outstanding general obligation bond anticipation notes previously issued for the purpose of providing interim financing for all or a portion of the improvements described in items (a) through (d); and (ii) paying legal, advertising, printing and all expenses incidental to said improvements and refunding.

(C) *Outstanding Balance as of May 31, 2023:* \$22,800,000

June 7, 2023

To: Mayor and Members of City Council 202301593

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Refunding Economic Development Bond Issues**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$70,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING ECONOMIC DEVELOPMENT BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING ECONOMIC DEVELOPMENT BONDS LISTED ON EXHIBIT A HERETO, AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

This ordinance allows for the option of refunding bonds that have been previously issued. The purpose of refunding the bonds is to take advantage of lower interest rates that will result in savings to the City of Cincinnati.

The ordinance includes a threshold that the Finance Director will only move forward with the refunding, if the net present value of the resulting savings of any advance or current refunding is equal to at least three percent (3%) of the principal of the bonds. This savings requirement for a refunding may be waived by the Finance Director upon finding that such a restructuring is in the City's overall best financial interest. The ordinance includes possible candidates for refunding. Because the refunding is dependent upon interest rates, it will not be known which bonds will be refunded until closer to the date of sale. An emergency ordinance is necessary to take advantage of currently favorable interest rates.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$70,000,000 BY THE CITY OF CINCINNATI, COUNTY OF HAMILTON, STATE OF OHIO, FOR THE PURPOSE OF REFUNDING ALL OR A PORTION OF CERTAIN OUTSTANDING ECONOMIC DEVELOPMENT BONDS OF THE CITY, INCLUDING, BUT NOT LIMITED TO, THE OUTSTANDING ECONOMIC DEVELOPMENT BONDS LISTED ON ATTACHMENT A AND PROVIDING FOR A REFUNDING SAVINGS THRESHOLD IN CONNECTION THEREWITH.

WHEREAS, the City of Cincinnati, Ohio, previously authorized and issued certain economic development bonds, including, but not limited to, those listed on Attachment A, which were authorized and issued pursuant to the respective ordinances and for the respective purposes set forth therein (collectively, the “Prior Bonds”); and

WHEREAS, the Director of Finance projects that, in the current interest rate climate, the refunding of all or a portion of the outstanding Prior Bonds will result in interest cost savings to the City; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio, (the “City”) in the principal amount of not to exceed \$70,000,000 for the purpose of refunding all or a portion of the certain previously authorized and issued economic development bonds of the City, including, but not limited to, those listed on Attachment A (collectively, the “Prior Bonds” with any refunded portion of such Prior Bonds referred to herein as the “Refunded Prior Bonds”), which were originally issued to pay the cost and expense of various improvements throughout the City; and paying legal, advertising, printing and all expenses incidental to said improvements.

Section 2. That bonds of the City be issued in the principal amount not to exceed \$70,000,000 for the purpose aforesaid, in one or more series, to be designated “City of Cincinnati, Ohio Economic Development Revenue Refunding Bonds, Series 2023 (Project Name)” (the “Series 2023 Bonds”) or such other series designation and project name as provided in the Fiscal Officer’s Certificate (as defined below) for the purpose of refunding of all or a portion of the outstanding Prior Bonds, or as otherwise designated in the Fiscal Officer’s Certificate to be executed by the Director of Finance (the “Fiscal Officer’s Certificate”). The Director of Finance shall establish the final aggregate principal amount of the Series 2023 Bonds and the final principal amount for each subseries, in the Fiscal Officer’s Certificate, provided that the Director of Finance has received written certification from Davenport & Company LLC, or financial advisor engaged by the City for the purpose of making such determination (the “Financial Advisor”) that the Refunding Savings Threshold has been met. “Refunding Savings Threshold” means, as a result of

the current or advance refunding of the Refunded Prior Bonds with proceeds of the Series 2023 Bonds, an aggregate reduction in the debt service with respect to such Refunded Prior Bonds which has a present value at the time of sale of the Series 2023 Bonds equal to at least three percent of the existing aggregate debt service of the Refunded Prior Bonds. Said Series 2023 Bonds shall be dated the date of delivery, in the denomination of \$5,000 each, or any integral multiple thereof, or as otherwise provided in the Fiscal Officer's Certificate in order comply with applicable securities laws, and shall bear interest at the rate or rates not in excess of six percent per annum, payable on the dates as determined by the Director of Finance and set forth in the Fiscal Officer's Certificate. Said Series 2023 Bonds shall mature or be subject to mandatory sinking fund redemption on November 1 or such other date of each year, at such times and in such amounts, all as determined by the Director of Finance, without further action by this Council, and set forth in the Fiscal Officer's Certificate. The Director of Finance will determine whether the Series 2023 Bonds are able to be redeemed prior to maturity (and associated redemption features) at the time of financing, with such determination to be set forth in the Fiscal Officer's Certificate.

Section 3. The Series 2023 Bonds shall bear the signature of the Mayor and the signature of the Director of Finance, provided that one or both of such signatures may be a facsimile, and shall bear the manual authenticating signature of an authorized representative of The Bank of New York Mellon Trust Company, N.A., Cincinnati, Ohio, which is designated to act as trustee, bond registrar, transfer agent and paying agent (the "Trustee") with respect to the Series 2023 Bonds. The Series 2023 Bonds shall also bear the corporate seal of the City or a facsimile thereof. The Series 2023 Bonds shall be issued in fully registered form. The Series 2023 Bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the Series 2023 Bonds (with respect only to their respective final maturities if determined pursuant to the Fiscal Officer's Certificate), in lawful money of the United States of America at the designated corporate trust office of the Trustee, and the interest thereon shall be paid by the Trustee on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by wire transfer or check or draft mailed to such registered holder at the address as it appears on such registration records.

Section 4. The City Manager and the Director of Finance are each authorized to execute, acknowledge and deliver, on behalf of the City of Cincinnati, to the Trustee, the Twentieth Supplemental Trust Agreement (the "Twentieth Supplement") or any additional supplements to secure the Series 2023 Bonds. The City Manager and the Director of Finance are each further authorized to make any changes in the final Twentieth Supplement or any additional supplements consistent with this ordinance, which are in their opinion necessary or appropriate and in the best interests of the City.

This ordinance shall constitute a part of the Twentieth Supplement or any additional supplements as therein provided and for all purposes of the Twentieth Supplement or any additional supplements, including, without limitation, application to this ordinance of the provisions in the Twentieth Supplement or any additional supplements relating to amendment, modification and supplementation, and provisions for severability.

Section 5. The Series 2023 Bonds shall be secured by a pledge of the revenues and the special funds that secure the Prior Bonds pursuant to the Trust Agreement dated as of May 1, 1996, by and between the City and the Trustee as successor trustee, (the "Original Trust Agreement"),

as amended and supplemented. The Series 2023 Bonds shall be paid solely from such revenues and the special funds that secure the Prior Bonds pursuant to the Original Trust Agreement, as amended and supplemented. Notwithstanding anything in this ordinance, the Series 2023 Bonds or the Original Trust Agreement, as amended and supplemented, to the contrary, neither this ordinance, the Series 2023 Bonds, nor the Original Trust Agreement, as amended and supplemented, shall constitute a debt or a pledge of the faith, general credit, taxing power, or general funds of the City, and the Series 2023 Bonds shall contain on the face thereof a statement to the effect that the Series 2023 Bonds are not general obligations of the City but are payable solely from the aforesaid sources pledged to their payment; provided, however, that nothing herein shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of this ordinance, the Series 2023 Bonds or the Original Trust Agreement, as amended and supplemented. The Series 2023 Bonds are being issued under authority of this ordinance, Article VIII, Sections 13 and 16 of the Constitution of the State of Ohio, and Chapter 133 of the Revised Code.

Section 6. The Director of Finance is authorized to award and sell the Series 2023 Bonds at public or private sale, at such price as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the Series 2023 Bonds from their dates to the date of delivery and payment and to set forth such terms in the Fiscal Officer's Certificate and to execute and deliver the same in his or her sound discretion, without further action by this Council. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the Series 2023 Bonds and payment therefor by the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement for the Series 2023 Bonds without further action by this Council. In addition, the Director of Finance is authorized to take such other actions as may be necessary to comply with the requirements of Securities and Exchange Commission Rule 15c2-12, as amended from time to time.

Section 7. The proceeds received by the City from the sale of the Series 2023 Bonds shall be allocated, and are appropriated, in the amounts, and to the funds set forth in the Original Trust Agreement, as amended and supplemented by the Twentieth Supplement or any additional supplements.

Section 8. The City Manager and the Director of Finance are authorized to make provision in the Twentieth Supplement or any additional supplements securing the Series 2023 Bonds for: the application of the Revenues; creation of such funds including a debt service reserve fund as are necessary or appropriate; investment of moneys in such funds; use of such funds; recordkeeping; such covenants of the City as are necessary or appropriate; and such other matters as are customary or appropriate to be contained in the Supplement or any additional supplements.

Section 9. The City Manager and the Director of Finance are each separately authorized to execute and deliver a preliminary official statement and a final official statement on behalf of the City and directed to offer the bonds for sale and to execute and deliver a final official statement no later than seven business days from the date of sale of the bonds, with such changes therein from the preliminary official statement as shall be necessary to reflect any material change in the condition of the City from that set forth in the preliminary official statement; and that the

preliminary and final official statement with respect to the bonds, and the distribution thereof on behalf of the City and furnished to the original purchaser(s) of the bonds for distribution to prospective purchasers of the bonds, are approved and ratified in all respects.

The City Manager and the Director of Finance on behalf of the City and each of them are each separately authorized to furnish such information, to execute such instruments and to take such other actions in cooperation with the original purchasers of the Series 2023 Bonds as may be reasonably requested to qualify the Series 2023 Bonds for offer and sale under the Blue Sky or other securities laws and regulations and to determine their eligibility for investment under the laws and regulations of such states and other jurisdictions of the United States of America as may be designated by the original purchasers; provided however, that the City shall not be required to register as a dealer or broker in any such state or jurisdiction or become subject to the service of process in any jurisdiction in which the City is not now subject to such service.

In addition, the City Manager and the Director of Finance are each separately authorized to (i) apply for a rating on the Series 2023 Bonds from one or more nationally recognized bond rating agencies; (ii) apply for and, if they deem it in the City's best interest, to purchase a policy of bond insurance from a company whose insurance of the issue will result in the reduction of debt service payable on the Series 2023 Bonds in an amount the present value of which exceeds the cost of such policy; and (iii) execute on a continuing disclosure certificate, in such form and containing such terms, covenants and conditions not inconsistent herewith, and to take such other actions as may be necessary to comply with the requirements of Securities and Exchange Commission Rule 15c2-12, as amended from time to time.

Section 10. As to any Series 2023 Bonds which obligations the interest on which is excludable from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), this Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of such Series 2023 Bonds in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Code. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Series 2023 Bonds is authorized to give an appropriate certificate on behalf of the City on the date of delivery of the Series 2023 Bonds for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

Section 11. The Council determines to issue the bonds in Book-Entry-Only form through The Depository Trust Company, New York, New York, or as otherwise described in the Fiscal Officer's Certificate, including in certificated form. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

To the extent and so long as the bonds are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(A) **Definitions.**

“Beneficial Owner” means the person in whose name a bond is recorded as the beneficial owner of such bond by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, as defined in the bond ordinances, to DTC with respect to the bonds, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(B) **Book Entry Bonds.** (i) Except as provided herein, the registered owner of all of the bonds shall be DTC and the bonds shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds. Upon initial issuance, the ownership of such bonds shall be registered in the City’s bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds, selecting the bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, with respect to the accuracy of any records

maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds only to or “upon the order of” DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of, and premium, if any, and interest on the bonds to the extent of the sum or sums so paid. Except as otherwise provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds, the word “CEDE & Co” in this Ordinance shall refer to such new nominee of DTC.

(C) ***Delivery of Bond Certificates.*** In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City’s expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds to any DTC Participant having bonds credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds.

Section 12. With respect to the funding of any escrow or escrows necessary or appropriate in connection with the refunding of the Refunded Prior Bonds with the proceeds of the Series 2023 Bonds, the Director of Finance is authorized to take any and all appropriate action for the acquisition, at the appropriate time, of U.S. government obligations for the credit of such escrow or escrows and if necessary, to execute an escrow agreement with the Trustee and Paying Agent for the refunding defeasance of the Refunded Prior Bonds. Such U.S. government obligations may be in the form or forms recommended in writing by the Financial Advisor to the City and approved

by bond counsel. If determined to be necessary by the Financial Advisor, the Financial Advisor is specifically authorized to procure on behalf of the City a bidding agent, to purchase escrow securities such as open market treasuries and similar defeasance obligations for the credit of the escrow fund(s) as provided in any escrow agreement, as may be necessary, in order to fund, in part, any escrow or escrows in connection with refunding any Prior Bonds. The Trustee, or any attorney with nationally-ranked bond counsel firm, is specifically authorized to execute and file on behalf of the City any subscriptions for United States Treasury Obligations, State and Local Government Series, as may be necessary, in order to fund, in part, any escrow or escrows in connection with refunding any Prior Bonds.

Section 13. The City Manager and the Director of Finance are each separately authorized to take any and all actions and to execute such other instruments that may be necessary or appropriate in the opinion of bond counsel, in order to effect the issuance of the Series 2023 Bonds and the intent of this ordinance. The Director of Finance, or other appropriate officer of the City of Cincinnati, shall certify a true transcript of all proceedings with respect to the issuance of the Series 2023 Bonds, along with such information from the records of the City of Cincinnati as is necessary to determine the regularity and validity of the issuance of the Series 2023 Bonds.

Section 14. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council; and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 15. 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 that the sale of the Series 2023 Bonds or notes authorized herein may be required within thirty days of passage of the ordinance in order to take advantage of currently favorable interest rates.

Passed _____, 2023.

By: _____
Aftab Pureval, Mayor

Attest:By: _____
Clerk

ATTACHMENT A

THE PRIOR BONDS

Pursuant to the foregoing ordinance, all or a portion of the outstanding economic development bonds of the City, including, but not limited to, the outstanding economic development bonds listed in the following table (collectively, the “Prior Bonds”), may be refunded with a portion of the proceeds of its economic development bonds to be issued pursuant thereto.

1. \$9,995,000 Economic Development Revenue Bonds, Series 2007 (Convergys Corporation Project) (Taxable) dated November 13, 2007;
2. \$13,950,000 Economic Development Revenue Bonds, Series 2012A (Convergys Corporation Project) (Taxable) dated June 7, 2012;
3. \$6,200,000 Economic Development Revenue Bonds, Series 2015A (Jordan Crossing Redevelopment Project) dated November 18, 2015;
4. \$4,800,000 Economic Development Revenue Bonds, Series 2015B (The Mercer Commons Phase 2 Project) dated November 18, 2015;
5. \$2,300,000 Economic Development Revenue Bonds, Series 2015C (Seymour Plaza Redevelopment Project) dated November 18, 2015;
6. \$2,500,000 Economic Development Revenue Bonds, Series 2015D (McMillan Redevelopment Project) dated November 18, 2015;
7. \$1,750,000 Economic Development Revenue Bonds, Series 2015E (Incline District Parking Garage Project) dated November 18, 2015;
8. \$2,000,000 Economic Development Revenue Bonds, Series 2015F (Avondale Blight Removal Phase 1 Project) (Taxable) dated November 18, 2015;
9. \$750,000 Economic Development Revenue Bonds, Series 2015G (Evanston Commercial Redevelopment Project) (Taxable) dated November 18, 2015;
10. \$3,500,000 Economic Development Revenue Bonds, Series 2015H (Walnut Hills Development Project) (Taxable) dated November 18, 2015;
11. \$6,030,000 Economic Development Revenue Bonds, Series 2016A (Vernon Manor II Project) dated February 17, 2016;
12. \$5,700,000 Economic Development Revenue Bonds, Series 2016B (Keystone Parke Phase III Project) dated February 17, 2016;
13. \$3,790,000 Economic Development Revenue Refunding Bonds, Series 2016C (The Keystone Project) dated February 17, 2016;

14. \$25,590,000 Economic Development Revenue Refunding Bonds, Series 2016D (Baldwin 300 Project) dated February 17, 2016;
15. \$4,845,000 Economic Development Revenue Refunding Bonds, Series 2016E (The Madison Circle Project) dated February 17, 2016;
16. \$10,000,000 Economic Development Revenue Bonds, Series 2016F (OTR Arts Permanent Improvements Project) dated February 17, 2016;
17. \$2,550,000 Economic Development Revenue Refunding Bonds, Series 2016G (Columbia Square Project) dated February 17, 2016;
18. \$6,000,000 Economic Development Revenue Bonds, Series 2018A (OTR Arts Permanent Improvements Project) dated December 20, 2018;
19. \$2,500,000 Economic Development Revenue Bonds, Series 2018B (Industrial Site Redevelopment Project) (Federally Taxable) dated December 20, 2018;
20. \$1,000,000 Economic Development Revenue Bonds, Series 2018C (Hudepohl Brewery Remediation Project) (Federally Taxable) dated December 20, 2018;
21. \$750,000 Economic Development Revenue Bonds, Series 2018D (East Price Hill Revitalization Project) dated December 20, 2018;
22. \$5,285,000 Economic Development Revenue Refunding Bonds, Series 2020A (Graeter's Manufacturing Co. Project) dated November 3, 2020; and
23. \$15,985,000 Economic Development Revenue Refunding Bonds, Series 2020B (U-Square @ The Loop Project) (Federally Taxable) dated November 3, 2020.

June 7, 2023

202301594

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$6,000,000 Street Improvement Bond Anticipation Notes**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,000,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of notes in the amount of \$6,000,000 to fund street infrastructure improvements. Note sales for street improvements will occur in FY 2024 in connection with tax credit revenue generated from ownership of the Cincinnati Southern Railway. The issuance of these notes will finance a portion of the FY 2024 Capital Improvement Program and eligible prior year appropriations. An emergency ordinance is necessary due to the immediate need to provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF NOTES IN THE PRINCIPAL AMOUNT OF \$6,000,000 BY THE CITY OF CINCINNATI IN ANTICIPATION OF THE ISSUANCE OF BONDS, AND TO PROVIDE FUNDS FOR STREET IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is twenty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio (“City”), in the principal amount of \$6,000,000 for the purpose of providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, paving, repaving, resurfacing, and constructing sewers and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights; and paying legal, advertising, printing, and all expenses incidental to said improvements. Said bonds shall be dated as determined by the Director of Finance, shall bear interest at the rate of not more than six percent per annum, payable semiannually until the principal sum is paid; and shall mature in five substantially equal annual installments after the issuance thereof.

Section 2. That it is necessary that notes in the aggregate principal amount not to exceed \$6,000,000 shall be issued in anticipation of the issuance of a like principal amount of said bonds, for the purposes described in Section 1. Such notes shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate not in excess of the legal maximum rate of interest, if any, for obligations of this type under Ohio law, as shall be approved by the Director of Finance, payable at maturity; may be issuable in installments as determined by the Director of Finance; shall be dated on the date of issuance; shall mature on such date or dates as determined by the Director of Finance; may be callable prior to maturity upon such terms as determined by the Director of Finance; shall be designated “Street Improvements Bond Anticipation Notes”; and shall be payable as to both principal and interest at the City Treasurer’s Office provided that such payment shall be made in Federal Reserve funds of the United States of America if the purchaser or purchasers shall so request. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall

bear the facsimile or manual impression of the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 3. That such notes or installments shall first be offered to the City Treasurer as the officer in charge of the Bond Retirement Fund and, if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase and, if not offered to or taken by such Account, shall be sold at private sale by the Director of Finance, such sales to be made at not less than the par value of such notes together with accrued interest thereon, if any. The proceeds from such sales, except any premium and accrued interest thereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose, and for which purpose said money is appropriated. Any premium and accrued interest shall be transferred to the Bond Retirement Fund to be applied to the payment of principal and interest of said notes in the manner provided by law.

Section 4. That said notes shall be the full general obligations of the City and the full faith, credit and revenue of the City of Cincinnati are pledged for the payment of both principal and interest of said notes at maturity, in accordance with the laws and Ohio Constitution. The par value to be received from the bonds anticipated by said notes shall, to the extent necessary, be used only for the retirement of said notes at maturity, together with interest thereon, and are pledged for such purpose.

Section 5. That during the period while such notes run, there shall, except as hereinafter provided, be levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of such notes.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levied as required shall be placed in an appropriate fund, which shall be irrevocably pledged for the payment of the interest and principal of bonds and said notes in anticipation of which they are issued, when and as the same fall due.

Provided, however, that in any year in which the income under a certain memorandum of understanding between the City and the Board of Trustees of the Cincinnati Southern Railway (the "Board") regarding certain funds received by the Board and generated from tax credit agreements entered into between the Board and the lessee of the CSR, the Cincinnati, New Orleans, and Texas Pacific Railway is sufficient to cover the cost of all interest charges on said notes or bonds and to provide a sufficient amount for retirement to retire said notes or bonds as they become due, and such income is duly appropriated by this Council to the payment of such interest and principal, said tax shall not be levied for such purpose.

Section 6. That the notes authorized will constitute obligations the interest on which is subject to federal income taxation under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder.

These notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 7. That it is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of said notes in order to make the same legal, valid and binding obligations of the City have happened, have been done and performed in regular and due form as required by law and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of said notes.

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9. That the Director of Finance is authorized to forward a certified copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 8.

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 provide for the issuance of said notes and to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement notes in an amount not to exceed \$6,000,000 for the purpose of (a) providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and appurtenances, traffic lights, and traffic control equipment and boulevard lights (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.

2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(B)(5) of the Ohio Revised Code, is twenty years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:

Karen S. Alder
Finance Director

Dated: June 1, 2023

June 7, 2023

202301595

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$1,020,000 Parks and Recreation Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,020,000 FOR THE PURPOSE OF MAKING PARKS AND RECREATION IMPROVEMENTS.

This Emergency Ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$1,020,000 to fund parks and recreation improvements. These bonds are ten-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for equipment improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$1,020,000 FOR THE PURPOSE OF MAKING PARKS AND RECREATION IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is ten years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio ("City"), in the principal amount of \$1,020,000 (property tax supported), for the purpose of providing funds to acquire real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers; and paying legal, advertising, printing, and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$1,020,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1431, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the Director of Finance. The Director of Finance will determine whether the \$1,020,000 parks and recreation improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Parks and Recreation Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$1,020,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1. Such notes shall be designated "Parks and Recreation Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund

redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in his or her discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable

expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City’s bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from

moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or “upon the order of” DTC (as that term is used in the Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City’s obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word “CEDE & Co” in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City’s expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. 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 that the sale of the bonds or notes authorized herein may be required within thirty days of passage of the ordinance in order to take advantage of currently favorable interest rates or to ensure

adequate funds are available to support contracts for parks and recreation improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

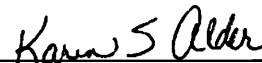
ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of parks and recreation improvement bonds or notes in an amount not to exceed \$1,020,000 for the purpose of (a) providing funds to acquire real estate or interest in same, for parks, parkways, playgrounds and recreation centers, improving and equipping such real estate and also rehabilitating existing parks, parkways, playgrounds and recreation centers (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(C) of the Ohio Revised Code, is ten years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By:


Finance Director

Dated: June 1, 2023

June 7, 2023

202301596

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance for Issuance of \$14,860,000 Street Improvement Bonds**

Transmitted herewith is an Emergency Ordinance captioned as follows:

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$14,860,000 FOR THE PURPOSE OF MAKING STREET IMPROVEMENTS.

This emergency ordinance authorizes the Finance Director to proceed with the sale of bonds in the amount of \$14,860,000 to fund street infrastructure improvements. These bonds are twenty-year bonds supported by property tax revenue and the interest rate is expected to be below 6.00%. The proceeds of the bond sale will finance a portion of the FY 2024 Capital Improvement Program, as approved by City Council. An emergency ordinance is necessary to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

The Administration recommends passage of this Emergency Ordinance.

cc: William "Billy" Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

EMERGENCY

-2023

PROVIDING FOR THE ISSUANCE OF BONDS OR NOTES IN ANTICIPATION OF SUCH BONDS, BY THE CITY OF CINCINNATI, OHIO IN THE PRINCIPAL AMOUNT OF \$14,860,000 FOR THE PURPOSE OF MAKING STREET IMPROVEMENTS.

WHEREAS, pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio, being the fiscal officer of said City within the meaning of Section 133.01 of the Ohio Revised Code, has, as reflected in the Certificate as to Maximum Maturity attached hereto as Attachment A, estimated the life of the improvements to be at least five years, and has further certified that the maximum maturity of the bonds is twenty years, and the maximum maturity of any notes, to be issued in anticipation thereof, is five years; now, therefore,

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

Section 1. That it is necessary to issue bonds of the City of Cincinnati, Ohio ("City"), in the principal amount of \$14,860,000 (property tax supported), for the purpose of providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and equipment and boulevard lights; and paying legal, advertising, printing, and all expenses incidental to said improvements. Such principal amount may be increased by the amounts necessary to fund a debt service reserve fund (if needed), capitalized interest (if any), costs of issuance, and other necessary and permitted costs, all as determined by the Fiscal Officer.

Section 2. That bonds of the City of Cincinnati, Ohio, be issued in the principal amount of \$14,860,000 for the purpose aforesaid. Said bonds shall be dated as determined by the Director of Finance, of the denomination of \$5,000 each, or any integral multiple thereof, or such other denomination, numbered sequentially as determined by the Director of Finance, and shall bear interest at the rate, or rates, not in excess of six percent per annum, payable December 1, 2024, and semiannually thereafter on June 1 and December 1 of each year, or such other dates as determined by the Director of Finance, until the principal sum is paid. Provided, however, that if said bonds are sold bearing a different rate or rates of interest from that herein before specified, said bonds shall bear such rate, or rates, of interest as may be accepted by the Director of Finance. The property tax supported bonds shall be designated 23-1-G1428, or as otherwise designated by the Director of Finance. Said bonds shall mature or be subject to mandatory sinking fund redemption on December 1, or such other date of each year as determined by the Director of Finance, such maturities and mandatory sinking fund redemption amounts to be determined by the

Director of Finance. The Director of Finance will determine whether the \$14,860,000 street improvement bonds are callable (and associated call features) or non-callable at the time of financing.

Notice of the call for redemption of said bonds, specifying the numbers of the bonds to be redeemed, shall be sent by the Bond Registrar and Paying Agent by registered or certified mail to the registered holders thereof, not less than thirty days nor more than sixty days prior to the date of redemption, upon which date all interest upon said bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Bond Registrar and Paying Agent, and the City shall direct the Bond Registrar and Paying Agent in writing to make any notice of call for redemption.

Section 3. That said bonds shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, Chapter 303 of the Cincinnati Municipal Code and Chapter 133 of the Ohio Revised Code. They shall bear the facsimile signature of the Mayor and the facsimile signature of the Director of Finance, and shall bear the manual authenticating signature of an authorized representative of U.S. Bank, N. A. (herein the "Bond Registrar and Paying Agent"), Cincinnati, Ohio, which is designated to act as bond registrar, transfer agent and paying agent with respect to the bonds. The bonds shall also bear the corporate seal of the City or a facsimile thereof. The bonds shall be issued in fully registered form. The bonds shall be designated "Street Improvement Bonds." Such bonds shall be payable as to principal, upon the presentment and surrender for cancellation of the bonds, in lawful money of the United States of America at the Bond Registrar and Paying Agent, and payment of the interest thereon shall be made by the Bond Registrar and Paying Agent on each interest payment date to the person whose name appears on the bond registration records as the registered holder thereof, by check or draft mailed to such registered holder at his or her address as it appears on such registration records.

Section 4. That, if the Director of Finance, in the exercise of his or her judgment, determines that it is preferable that notes rather than bonds be issued initially, there are authorized notes in the aggregate principal amount of \$14,860,000, which may be issued in anticipation of the issuance of a like principal amount of said bonds for the purpose described in Section 1 hereof. Such notes shall be designated "Street Improvement Bond Anticipation Notes," as applicable; shall be issued in such numbers and denominations as may be determined by the Director of Finance; shall bear interest at a rate or rates not in excess of six percent per annum, as shall be approved by the Director of Finance, payable on such dates as are determined by the Director of Finance; shall be dated as of their date of issuance; shall mature on such date or dates as may be selected by the Director of Finance; may be callable in whole or in part at any time prior to maturity as approved by the Director of Finance; may be issued in installments as approved by the Director of Finance; and shall be payable as to principal at the office of the Bond Registrar and Paying Agent or the office of the Treasurer of the City, and the interest thereon shall be paid by the Bond Registrar and Paying Agent or the office of the Treasurer of the City on each interest payment date to the holders of the notes. Said notes shall bear the facsimile signature of the Mayor and the manual signature of the Director of Finance, shall bear the corporate seal of the City, and shall express on their faces the purpose for which they are issued and that they are issued pursuant to this ordinance.

Section 5. That, for the purpose of providing the necessary funds to pay the interest on the foregoing issue of bonds or notes promptly when and as the same falls due, and also to provide for

the discharge of said bonds or notes at maturity and for the payment of mandatory sinking fund redemptions, there shall be and is levied on all the taxable property in the City of Cincinnati, in addition to all other taxes, a direct tax annually during the period said bonds are to run, outside of the limitations imposed by Article XII, Section 2, of the Ohio Constitution and Section 5705.02 of the Ohio Revised Code, and by virtue of Section 4 of Article VIII of the Charter of the City of Cincinnati, in an amount sufficient to provide for the payment of said interest, when and as the same shall fall due, and also to discharge the principal of said bonds or notes at maturity and to pay mandatory sinking fund redemptions, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution.

Said tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of principal of and interest on said bonds or notes when and as the same fall due.

Section 6. That said bonds or notes shall be first offered to the City Treasurer as the officer in charge of the Bond Retirement Fund of said City, and if not taken by the Treasurer, may be offered to the Treasury Investment Account for purchase, and, if not offered to or taken by such account, the Director of Finance is authorized to award and sell the bonds at public or private sale, in the Director of Finance's sound discretion without further action by this Council, at such price (but not less than 97 percent of par, excluding original issue discount) as is determined by the Director of Finance, plus accrued interest on the aggregate principal amount of the bonds from their dates to the date of delivery and payment. The City Manager or Director of Finance is authorized to make arrangements for the delivery of the bonds to, and payment therefore by, the purchaser or purchasers thereof at the price determined by the Director of Finance; and the City Manager or Director of Finance is authorized to execute a purchase agreement (including the certificate of award) for the bonds without further action by this Council. The Director of Finance is expressly authorized to execute a purchase agreement for the bonds provided that the true interest cost for the bonds shall not exceed six percent per annum, and that the true interest cost for the notes shall not exceed six percent per annum.

The Director of Finance, in his or her discretion, is authorized to waive the requirements of Section 303-7 of the Municipal Code and to direct the sale of the bonds or notes in whatever manner he or she deems appropriate.

Section 7. That Council, for and on behalf of the City, covenants that it will restrict the use of the proceeds of the bonds or notes authorized in such manner and to such extent, if any, and take such other actions as may be necessary, after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute obligations the interest on which is subject to federal income taxation or that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the regulations prescribed thereunder. The Director of Finance or any other officer having responsibility with respect to the issuance of the bonds or notes is authorized to give an appropriate certificate on behalf of the City, on the date of delivery of the bonds or notes for inclusion in the

transcript of proceedings, setting forth the facts, estimates, circumstances and reasonable expectations pertaining to the use of the proceeds thereof and the provisions of said Sections 103(b)(2) and 148 and regulations thereunder.

These bonds or notes are not designated “qualified tax-exempt obligations” for the purposes set forth in Section 265(b)(3) of the Code.

Section 8. That the Director of Finance is authorized to certify a copy of this ordinance to the County Auditor of Hamilton County, Ohio, according to law and do all things necessary to comply with Sections 1 through 7.

Section 9. That, pursuant to the provisions of Section 133.30 of the Ohio Revised Code, these bonds or notes may be consolidated into a single issue with other bond or notes which have been authorized by this Council as determined by the Director of Finance.

That these bonds or notes shall be issued in such designations, series, and shall have maturities or principal payments, as are consistent with the aggregate of the series, periodic maturities or principal payments of the separate issues of bonds as set forth in the respective bond ordinances and as provided in the bond purchase agreement (the “Purchase Agreement”) to be entered into by and between the City and an underwriter as determined by the Director of Finance as provided in a certificate of award executed by the Director of Finance.

Section 10. That this Council determines to issue these bonds or notes in Book-Entry-Only form through The Depository Trust Company, New York, New York. The Letter of Representations to The Depository Trust Company from the City, dated March 21, 1995, as supplemented from time to time, is ratified and confirmed.

So long as these bonds or notes are in Book-Entry-Only form, the following covenants and agreements of the City shall be in effect:

(a) Definitions

“Beneficial Owner” means the person in whose name a bond or note is recorded as the beneficial owner of such bond or note by the respective systems of DTC and each of the DTC Participants.

“CEDE & Co” means CEDE & Co, the nominee of DTC, and any successor nominee of DTC with respect to the bonds or notes.

“DTC” means The Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

“DTC Participant” means banks, brokers or dealers who are participants of DTC.

“Letter of Representations” means the Letter of Representations dated March 21, 1995, as supplemented from time to time, from the City and the Paying

Agent and Registrar, to DTC with respect to the bonds or notes, which shall be the binding obligation of the City and the Paying Agent and Registrar.

The bonds or notes shall initially be issued in global book entry form registered in the name of CEDE & Co, as nominee for DTC.

While in book entry form, payment of interest for any bond or note registered in the name of CEDE & Co shall be made by wire transfer or such other manner as permitted by the Letter of Representations, to the account of CEDE & Co on the Interest Payment Date or the redemption date at the address indicated for CEDE & Co in the bond register.

(b) Book Entry Bonds

(i) Except as provided herein, the registered owner of all of the bonds or notes shall be DTC and the bond or notes shall be registered in the name of CEDE & Co, as nominee for DTC. The City and the Paying Agent and Registrar shall supplement (with a description of the bonds) the Letter of Representations with DTC, and the provisions of such Letter of Representations shall be incorporated herein by reference.

(ii) The bonds or notes shall be initially issued in the form of single fully registered global certificates in the amount of each separate stated maturity of the bonds or notes. Upon initial issuance, the ownership of such bonds or notes shall be registered in the City's bond register in the name of CEDE & Co, as nominee of DTC. The Paying Agent and Registrar and the City may treat DTC (or its nominee) as the sole and exclusive registered owner of the bonds or notes registered in its name for the purposes of payment of the principal, or redemption price of or interest on the bonds or notes, selecting the bonds or notes or portions thereof to be redeemed, giving any notice permitted or required to be given to bondholders under this ordinance, registering the transfer of bonds or notes, obtaining any consent or other action to be taken by bondholders and for all other purposes whatsoever; and neither the Paying Agent and Registrar nor the City shall be affected by any notice to the contrary. Neither the Paying Agent and Registrar nor the City shall have any responsibility or obligation to any DTC Participant, any person claiming a beneficial ownership interest in the bonds or notes under or through DTC or any DTC Participant, or any other person which is not shown on the registration books of the Paying Agent and Registrar as being a registered owner, regarding any of the following: the accuracy of any records maintained by DTC or any DTC Participant; the payment of DTC or any DTC Participant of any amount in respect of the principal or redemption price of or interest on the bonds or notes; any notice which is permitted or required to be given to bondholders under this ordinance; the selection by DTC or any DTC Participant of any person to receive payment in the event of a partial redemption of the bonds or notes; or any consent given or other action taken by DTC as bondholder. The Paying Agent and Registrar shall pay from moneys available hereunder all principal of, and premium, if any, and interest on the bonds or notes only to or "upon the order of" DTC (as that term is used in the

Uniform Commercial Code as adopted in the State of Ohio), and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of, and premium, if any, and interest on the bonds or notes to the extent of the sum or sums so paid. Except as provided herein, no person other than DTC shall receive an authenticated bond certificate for each separate stated maturity evidencing the obligation of the City to make payments of principal of, and premium, if any, and interest pursuant to this ordinance. Upon delivery by DTC to the Paying Agent and Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of CEDE & Co, and subject to the provisions of this ordinance with respect to transfers of bonds or notes, the word "CEDE & Co" in this ordinance shall refer to such new nominee of DTC.

(c) Delivery of Bond Certificates. In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain bond certificates, the City may notify DTC and the Paying Agent and Registrar, whereupon DTC will notify the DTC Participants, of the availability through DTC of bond certificates. In such event, the Paying Agent and Registrar shall issue, transfer and exchange, at the City's expense, bond certificates as requested by DTC in appropriate amounts. DTC may determine to discontinue providing its services with respect to the bonds or notes at any time by giving notice to the City and the Paying Agent and Registrar and discharging its responsibilities with respect thereto under applicable law. Under such circumstances (if there is no successor securities depository), the City and Paying Agent and Registrar shall be obligated to deliver bond certificates as described in this ordinance, provided that the expense in connection therewith shall be paid by DTC. In the event bond certificates are issued, the provisions of this ordinance shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of, premium, if any, and interest on such certificates. Whenever DTC requests the City and the Paying Agent and Registrar to do so, the Paying Agent and Registrar and the City will cooperate with DTC in taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the bonds or notes to any DTC Participant having bonds or notes credited to its DTC account or (ii) to arrange for another securities depository to maintain custody of certificates evidencing the bonds or notes.

Section 11. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 12. 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 that the sale of the bonds or notes authorized herein may be required within thirty days of passage

of the ordinance in order to take advantage of currently favorable interest rates or to ensure adequate funds are available to support contracts for street improvements at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest:

Clerk

ATTACHMENT A

CERTIFICATE AS TO MAXIMUM MATURITY OF BONDS AND BOND ANTICIPATION NOTES

Pursuant to Section 133.19 of the Ohio Revised Code, the Director of Finance of the City of Cincinnati, Ohio (the "City"), being the fiscal officer of said City, within the meaning of Section 133.01 of the Ohio Revised Code, hereby certifies in connection with the proposed issue of street improvement bonds or notes in an amount not to exceed \$14,860,000 for the purpose of (a) providing funds to pay the cost and expense of widening, opening, extending, realigning, grading, repaving, resurfacing, constructing sewers, and drains or otherwise rehabilitating and improving streets, roads, thoroughfares, avenues, expressways, sidewalks, plazas, and other public ways; constructing and acquiring improvements to the stormwater system; purchasing and/or installing street lights and equipment and boulevard lights (the "Improvements"); and (b) paying legal, advertising, printing, and all expenses incidental to said Improvements, that:

1. The estimated life or period of usefulness of the Improvements described above is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with Section 133.20(B)(5) of the Ohio Revised Code, is twenty years and the maximum maturity of any notes issued in anticipation of such bonds, calculated in accordance with Section 133.19 of the Ohio Revised Code, is five years.

By: Karen S Alder
Finance Director

Dated: June 1, 2023

June 7, 2023

To: Mayor and Members of City Council

202301598

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Budget: Deferred FY 2023 General Fund Appropriations

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer and return of \$4,418,931 to source the General Fund unappropriated surplus in accordance with attached Schedule of Transfer Part A; **AUTHORIZING** the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to preserve resources for commitments made during Fiscal Year 2023; **AUTHORIZING** the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to the General Fund unappropriated surplus effective July 1, 2023; and **AUTHORIZING** the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

Approval of this Emergency Ordinance authorizes the transfer and return to source of \$4,418,931 to the General Fund unappropriated surplus in accordance with the attached Schedule of Transfer Part A. The Emergency Ordinance further authorizes the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” for the purpose of preserving resources for commitments made during Fiscal Year 2023. The Emergency Ordinance authorizes the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to the General Fund unappropriated surplus effective July 1, 2023. Finally, the Emergency Ordinance authorizes the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment

Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

A total of \$4,418,931 in General Fund resources is required in FY 2024 to meet the commitments outlined below.

Cincinnati Fire Department Social Services Outreach Pilot Program (\$591,000)

Ordinance No. 0171-2022 authorized the appropriation of \$100,000 in donated resources from Hamilton County Public Health to the Cincinnati Fire Department (CFD) for a social service outreach pilot program. Ordinance No. 0029-2023 authorized an additional appropriation of \$500,000 in donated resources from Hamilton County Public Health to CFD for the social service outreach pilot program. Of the total \$600,000 in appropriations, \$591,000 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Childcare Pilot Program (\$1.0 million)

Ordinance No. 0188-2022 authorized the appropriation of \$1,000,000 to the City Manager's Office for a childcare pilot program. However, the contract will not be completed before the end of Fiscal Year 2023, necessitating that \$1,000,000 be provided for this program in Fiscal Year 2024.

Artswave Black and Brown Artists Fund (\$25,000)

Ordinance No. 0188-2022 authorized the appropriation of \$25,000 for the Artswave Black and Brown Artists Fund. However, the contract will not be completed before the end of Fiscal Year 2023, necessitating that \$25,000 be provided for this program in Fiscal Year 2024.

Human Services Fund (\$134,785)

Ordinance No. 0188-2022 authorized the appropriation of \$7,976,930 for the Human Services Fund, and \$134,785 of the \$7,976,930 will not be expended before the end of Fiscal Year 2023 and is needed in Fiscal Year 2024.

Green Cincinnati (\$100,000)

Ordinance No. 0188-2022 authorized the appropriation of \$100,000 to the Office of Environment and Sustainability (OES) for Green Cincinnati, but the resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Neighborhood Business Districts (\$3,750)

Ordinance No. 0188-2022 authorized the appropriation of \$120,000 to the Department of Community and Economic Development (DCED) for Neighborhood Business Districts, and \$3,750 of the \$120,000 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Department of Public Services Work Crew Bonus Pilot (\$313,000)

Ordinance No. 0188-2022 authorized the appropriation of \$500,000 to the Department of Public Services for a pilot program to provide signing or retention bonuses to work crews. The Department of Public Services pilot program will be divided between Fiscal Year 2023 and Fiscal Year 2024, and \$313,000 of the \$500,000 appropriation will be provided in Fiscal Year 2024.

311 Service Line Chat Bot (\$55,000)

Ordinance No. 0188-2022 authorized the appropriation of \$55,000 to the Enterprise Software and License Non-Departmental Account for the Emergency Communications Center (ECC) 311 service line chat bot. ECC will be unable to complete the contract for the chat bot before the end of Fiscal Year 2023, and the sum of \$55,000 will be provided in Fiscal Year 2024.

YWCA of Greater Cincinnati (\$12,218)

Ordinance No. 0233-2022 authorized the appropriation of \$12,218 for the YWCA of Greater Cincinnati, but the resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Neighborhood Catalytic Capital Investment Program (\$1,944,178)

Ordinance No. 0103-2023 appropriated \$1,944,178 to the Department of Community and Economic Development for various projects as part of the Neighborhood Catalytic Capital Investment Program, but resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Neighborhood Catalytic Capital Investment Program – OTR A.D.O.P.T. (\$50,000)

Ordinance No. 0104-2023 appropriated \$50,000 to the Department of Community and Economic Development for OTR A.D.O.P.T. for project management of The Volkhaus Renovation Project as part of the Neighborhood Catalytic Capital Investment Program, but the resources will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

WarmUp Cincy (\$175,000)

The \$175,000 appropriation to the Office of Environment and Sustainability for WarmUp Cincy authorized by Ordinance No. 0136-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024.

Housing Solutions Summit (\$15,000)

Ordinance No. 0166-2023 authorized the appropriation of \$15,000 to the Department of City Planning and Engagement for the Housing Solutions Summit, but the funds will not be expended in Fiscal Year 2023 and will be provided in Fiscal Year 2024.

The reason for the emergency is the immediate need to meet commitments and ensure contracts can be executed as soon as possible.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

LES

-2023

AUTHORIZING the transfer and return of \$4,418,931 to source the General Fund unappropriated surplus in accordance with attached Schedule of Transfer Part A; **AUTHORIZING** the transfer of \$4,418,931 from the General Fund unappropriated surplus to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to preserve resources for commitments made during Fiscal Year 2023; **AUTHORIZING** the transfer and return to source of \$4,418,931 from balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to the General Fund unappropriated surplus effective July 1, 2023; and **AUTHORIZING** the transfer and appropriation of \$4,418,931 from the unappropriated surplus of General Fund 050 to various operating budget accounts according to the attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

WHEREAS, the \$100,000 donation from Hamilton County Public Health appropriated to the Cincinnati Fire Department (“CFD”) for a social service outreach pilot program authorized by Ordinance No. 171-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, Ordinance No. 188-2022 authorized the appropriation of \$1,000,000 to the City Manager’s Office for a childcare pilot program and \$25,000 for the Artswave Black and Brown Artists Fund; and

WHEREAS, the contracts for the City Manager’s Office childcare pilot program and the Artswave Black and Brown Artists Fund will not be completed before the end of Fiscal Year 2023, necessitating that \$1,025,000 be provided for these programs in Fiscal Year 2024; and

WHEREAS, \$134,785 of the \$7,976,930 appropriation for the City Human Services Fund authorized by Ordinance No. 188-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$100,000 appropriation to the Office of Environment and Sustainability for implementation of the Green Cincinnati Plan authorized by Ordinance No. 188-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, \$3,750 of the \$120,000 appropriation to the Department of Community and Economic Development (“DCED”) for Neighborhood Business Districts authorized by Ordinance No. 188-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, Ordinance No. 188-2022 authorized the appropriation of \$500,000 to the Department of Public Services for a pilot program to provide signing or retention bonuses to work crews; and

WHEREAS, the Department of Public Services pilot program will be divided between Fiscal Year 2023 and Fiscal Year 2024, with \$313,000 of the \$500,000 appropriation provided in Fiscal Year 2024; and

WHEREAS, Ordinance No. 188-2022 authorized the appropriation of \$55,000 to the Enterprise Software and License Non-Departmental Account for the Emergency Communications Center (“ECC”) 311 service line chat bot; and

WHEREAS, ECC will be unable to complete the contract for the chat bot before the end of Fiscal Year 2023, and \$55,000 will be provided for this purpose in Fiscal Year 2024; and

WHEREAS, the \$12,218 appropriation for the YWCA of Greater Cincinnati authorized by Ordinance No. 233-2022 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, \$491,000 of the \$500,000 donation by Hamilton County Public Health appropriated to CFD for a social service outreach pilot program authorized by Ordinance No. 29-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$1,944,178 appropriation to DCED for various projects as part of the Neighborhood Catalytic Capital Investment Program authorized by Ordinance No. 103-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$50,000 appropriation to DCED for OTR A.D.O.P.T. for project management of The Volkhaus Renovation authorized by Ordinance No. 104-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the \$175,000 appropriation to the Office of Environment and Sustainability for WarmUp Cincy authorized by Ordinance No. 136-2023 will not be expended before the end of Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, the appropriation of \$15,000 to the Department of City Planning and Engagement for the Housing Solutions Summit authorized by Ordinance No. 166-2023 will not be expended in Fiscal Year 2023 and will be provided in Fiscal Year 2024; and

WHEREAS, \$4,418,931 will be transferred to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” in Fiscal Year 2023, and Council wishes to appropriate the funding for the various commitments identified in this ordinance in Fiscal Year 2024; now, therefore,

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

Section 1. That \$4,418,931 is hereby transferred and returned to the unappropriated surplus of the General Fund in accordance with attached Schedule of Transfer Part A.

Section 2. That \$4,418,931 is hereby transferred from the unappropriated surplus of the General Fund to balance sheet reserve account no. 050x3422, “Deferred Appropriations,” to preserve resources for commitments made during Fiscal Year 2023.

Section 3. That \$4,418,931 is hereby transferred and returned to the unappropriated surplus of the General Fund from balance sheet reserve account no. 050x3422, “Deferred Appropriations,” effective July 1, 2023.

Section 4. That \$4,418,931 is hereby transferred and appropriated from the unappropriated surplus of General Fund 050 to various operating budget accounts according to attached Schedule of Transfer Part B, effective July 1, 2023, to provide resources for leveraged support commitments, the Housing Solutions Summit, the Department of Public Services bonus and retention pilot program, the Emergency Communications Center 311 service line chat bot, the Neighborhood Catalytic Capital Investment Program, and the Cincinnati Fire Department social service outreach pilot program that were previously approved by Council in Fiscal Year 2023.

Section 5. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 through 4 and the attached Schedule of Transfer.

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 meet commitments and ensure contracts can be executed as soon as possible.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

SCHEDULE OF TRANSFER

PART A. GENERAL FUND ADJUSTMENTS EFFECTIVE FY 2023

Fund 050 General Fund

<i>REDUCTIONS</i>	<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>	<i>INCREASES</i>	<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
OFFICE OF THE CITY MANAGER					UNAPPROPRIATED SURPLUS	050			4,418,931
OFFICE OF THE CITY MANAGER	050	101	7400	1,172,003					
OFFICE OF ENVIRONMENT & SUSTAINABILITY	050	104	7200	100,000					
OFFICE OF ENVIRONMENT & SUSTAINABILITY	050	104	7400	175,000					
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT									
DIVISION OF HOUSING DEVELOPMENT	050	162	7400	3,750					
DIVISION OF ECONOMIC DEVELOPMENT	050	164	7100	108,435					
DIVISION OF ECONOMIC DEVELOPMENT	050	164	7200	1,840,200					
DIVISION OF ECONOMIC DEVELOPMENT	050	164	7500	45,543					
CITY PLANNING & ENGAGEMENT									
CITY PLANNING	050	171	7200	15,000					
DEPARTMENT OF PUBLIC SERVICES									
NEIGHBORHOOD OPERATIONS	050	253	7100	313,000					
CINCINNATI FIRE DEPARTMENT									
RESPONSE	050	271	7200	591,000					
NON-DEPARTMENTAL ACCOUNTS									
ENTERPRISE SOFTWARE AND LICENSES	050	952	7400	55,000					
TOTAL FUND REDUCTIONS				4,418,931	TOTAL FUND INCREASES				4,418,931

PART B. GENERAL FUND ADJUSTMENTS EFFECTIVE FY 2024

Fund 050 General Fund

<i>REDUCTIONS</i>	<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>	<i>INCREASES</i>	<i>Fund</i>	<i>Agency</i>	<i>Appropriation Unit</i>	<i>\$ Amount</i>
SUPPLEMENTAL APPROPRIATIONS					SUPPLEMENTAL APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
UNAPPROPRIATED SURPLUS	050			4,418,931	OFFICE OF THE CITY MANAGER				
					OFFICE OF THE CITY MANAGER	050	101	7400	1,172,003
					OFFICE OF ENVIRONMENT & SUSTAINABILITY	050	104	7200	100,000
					OFFICE OF ENVIRONMENT & SUSTAINABILITY	050	104	7400	175,000
					DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT				
					DIVISION OF HOUSING DEVELOPMENT	050	162	7400	3,750
					DIVISION OF ECONOMIC DEVELOPMENT	050	164	7100	108,435
					DIVISION OF ECONOMIC DEVELOPMENT	050	164	7200	1,840,200
					DIVISION OF ECONOMIC DEVELOPMENT	050	164	7500	45,543
					CITY PLANNING & ENGAGEMENT				
					CITY PLANNING	050	171	7200	15,000
					DEPARTMENT OF PUBLIC SERVICES				
					NEIGHBORHOOD OPERATIONS	050	253	7100	313,000
					CINCINNATI FIRE DEPARTMENT				
					RESPONSE	050	271	7200	591,000
					NON-DEPARTMENTAL ACCOUNTS				
					ENTERPRISE SOFTWARE AND LICENSES	050	952	7400	55,000
TOTAL FUND REDUCTIONS				4,418,931	TOTAL FUND INCREASES				4,418,931

June 1, 2023

To: Mayor and Members of City Council **202301510**

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – Council: FY 2023 City Council Budget Adjustments

Attached is an Emergency Ordinance captioned:

AUTHORIZING the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.

Approval of this Emergency Ordinance authorizes the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.

The reason for the emergency is the immediate need to ensure necessary funds for the operation of various City Councilmember offices.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

CMZ

- 2023

AUTHORIZING the transfer of the sum of \$14,449.85 within the General Fund, from various non-personnel operating budget accounts and to various personnel operating budget accounts according to the attached Schedule of Transfer, for the purpose of realigning the office budgets of various City Councilmembers.

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

Section 1. That the sum of \$14,449.85 existing within the General Fund is hereby transferred within the General Fund according to the attached Schedule of Transfer to realign the office budgets of various City Councilmembers.

Section 2. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Section 1 and the attached Schedule of Transfer.

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 ensure necessary funds for the operation of various City Councilmember offices.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

SCHEDULE OF TRANSFER

FY 2023 GENERAL FUND ADJUSTMENTS

Fund 050 General Fund

<i>REDUCTIONS</i>					<i>INCREASES</i>				
	Fund	Agency	Appropriation Unit	\$ Amount		Fund	Agency	Appropriation Unit	\$ Amount
TRANSFERS WITHIN APPROPRIATIONS					TRANSFERS WITHIN APPROPRIATIONS				
SOURCE ACCOUNTS					USE ACCOUNTS				
CITY COUNCIL					CITY COUNCIL				
COUNCILMEMBER KEATING	050	012	7200	3,846.69	COUNCILMEMBER KEATING	050	012	7100	3,846.69
COUNCILMEMBER WALSH	050	015	7200	1,365.94	COUNCILMEMBER WALSH	050	015	7100	1,365.94
COUNCILMEMBER HARRIS	050	021	7200	2,898.52	COUNCILMEMBER HARRIS	050	021	7100	2,898.52
COUNCILMEMBER JEFFREYS	050	022	7200	2,181.06	COUNCILMEMBER JEFFREYS	050	022	7100	2,181.06
COUNCILMEMBER OWENS	050	025	7200	1,693.78	COUNCILMEMBER OWENS	050	025	7100	1,693.78
COUNCILMEMBER KEARNEY	050	029	7200	2,463.86	COUNCILMEMBER KEARNEY	050	029	7100	2,463.86
TOTAL FUND REDUCTIONS				14,449.85	TOTAL FUND INCREASES				14,449.85



Interdepartmental Correspondence Sheet

202301575

Date: June 1, 2023

To: Councilmember Scotty Johnson

From: Emily Smart Woerner, City Solicitor *ESW*

Subject: **Emergency Ordinance – FY 2023 Budget Reallocations**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer and return to source of \$18,500 from Councilmember Johnson's General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer of \$8,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323; **AUTHORIZING** the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission ("CRC") non-personnel operating budget account no. 323x199x7200 to provide resources for CRC programming and for CRC senior programming; **AUTHORIZING** the transfer of \$5,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416; **AUTHORIZING** the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 to provide resources for the children's dental program; and **AUTHORIZING** the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 to provide resources for affordable housing initiatives.

ESW/MSS(dmm)
Attachment
384018

EMERGENCY

City of Cincinnati

MSS

EESW

An Ordinance No. _____ - 2023

AUTHORIZING the transfer and return to source of \$18,500 from Councilmember Johnson's General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050; **AUTHORIZING** the transfer of \$8,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323; **AUTHORIZING** the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission ("CRC") non-personnel operating budget account no. 323x199x7200 to provide resources for CRC programming and for CRC senior programming; **AUTHORIZING** the transfer of \$5,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Cincinnati Health District Fund 416; **AUTHORIZING** the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 to provide resources for the children's dental program; and **AUTHORIZING** the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 to provide resources for affordable housing initiatives.

WHEREAS, the Approved FY 2023 Budget Update included \$18,500 for Councilmember Johnson's office, which is available to support other City programs; and

WHEREAS, Council desires to provide resources of \$3,500 for Cincinnati Recreation Commission ("CRC") programming, \$4,750 for CRC seniors programming, \$5,250 for the children's dental program administered by the Cincinnati Health Department, and \$5,000 for the Affordable Housing Trust Fund to fund important programs benefiting the community; 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 \$18,500 from Councilmember Johnson's General Fund personnel services operating budget account no. 050x023x7100 to the unappropriated surplus of General Fund 050 is authorized.

Section 2. That the transfer of \$8,250 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Recreation Special Activities Fund 323 is authorized.

Section 3. That the transfer and appropriation of \$8,250 from the unappropriated surplus of Recreation Special Activities Fund 323 to Cincinnati Recreation Commission ("CRC")

Recreation Special Activities Fund non-personnel operating budget account no. 323x199x7200 is authorized to provide resources for CRC programming and for CRC senior programming.

Section 4. That the transfer of \$5,250 from the unappropriated surplus of the General Fund to the unappropriated surplus of Cincinnati Health District Fund 416 is authorized.

Section 5. That the transfer and appropriation of \$5,250 from the unappropriated surplus of Cincinnati Health District Fund 416 to Cincinnati Health Department non-personnel operating budget account no. 416x266x7200 is authorized to provide resources for the children's dental program.

Section 6. That the transfer of \$5,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Affordable Housing Trust Fund 439 is authorized to provide resources for affordable housing initiatives.

Section 7. That the proper City officials are hereby authorized to do all things necessary and proper to carry out the terms of Sections 1 through 6.

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 transfer Councilmember Johnson's personnel services operating budget savings to other City programs before the end of Fiscal Year 2023.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

202301584
Date: June 1, 2023

To: Councilmember Victoria Parks
From: Emily Smart Woerner, City Solicitor EESW
Subject: **Emergency Ordinance – FY 2023 Transfer for Girls in Government Programming**

Transmitted herewith is an emergency ordinance captioned as follows:

AUTHORIZING the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus; and **AUTHORIZING** the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 for the purpose of providing resources for upcoming Girls in Government programming.

ESW/LES(dmm)
Attachmt
384021

EMERGENCY

City of Cincinnati

LES

EESW

An Ordinance No. _____

-2023

AUTHORIZING the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus; and **AUTHORIZING** the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 for the purpose of providing resources for upcoming Girls in Government programming.

WHEREAS, the Approved FY 2023 Budget Update included \$29,000 for the office budget of President Pro Tem Parks; and

WHEREAS, Council desires to provide resources of \$29,000 for upcoming Girls in Government programming to fund an important program that benefits the community; and

WHEREAS, \$29,000 in the existing FY 2023 operating budget of the office of President Pro Tem Parks is available for transfer to provide resources for upcoming Girls in Government programming; now, therefore,

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

Section 1. That the transfer and return to source of \$26,300 from President Pro Tem Parks General Fund personnel services operating budget account no. 050x027x7100 and \$2,700 from President Pro Tem Parks General Fund non-personnel services operating budget account no. 050x027x7200 to the General Fund 050 unappropriated surplus is hereby authorized.

Section 2. That the transfer of \$29,000 from the unappropriated surplus of General Fund 050 to the unappropriated surplus of Special Events Fund 314 is hereby authorized for the purpose of providing resources for upcoming Girls in Government programming.

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

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 funds from the operating budget of President Pro Tem Parks to Special Events Fund 314 before the end of Fiscal Year 2023 to provide resources for upcoming Girls in Government programming.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 1, 2023

To: Mayor and Members of City Council **202301508**

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Police: FY 2023 State Homeland Security Program (SHSP) Grant**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for, accept, and appropriate a Fiscal Year 2023 State Homeland Security Program Grant (“FY23 SHSP Grant”) (ALN 97.067) from the United States Department of Homeland Security, Federal Emergency Management Agency, administered by the State of Ohio Department of Public Safety, Ohio Emergency Management Agency, of up to \$260,000 to enhance and sustain the Greater Cincinnati Fusion Center; and **AUTHORIZING** the Director of Finance to deposit FY23 SHSP Grant funds into Law Enforcement Grant Fund 368, project account no. 23SHSP.

This Ordinance authorizes the City Manager to apply for, accept, and appropriate a Fiscal Year 2023 State Homeland Security Program Grant (FY23 SHSP Grant) from the United States Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), administered by the State of Ohio Department of Public Safety (ODPS), Ohio Emergency Management Agency (OEMA), of up to \$260,000 to enhance and sustain the Greater Cincinnati Fusion Center (GCFC). This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 23SHSP.

The Cincinnati Police Department (CPD) manages the GCFC, which serves to combat potential domestic extremism, violence, and terrorist activity, and serves as a focal point for the receipt, gathering, analysis, and sharing of threat related information between local, tribal, territorial, state, and federal partners, and private sector stakeholders. If awarded and accepted, the grant funds will be used to cover salary and fringe benefit costs for the Supervisory Intelligence Analyst (SIA) and a contracted cybersecurity analyst at the GCFC, as well as costs related to software, training, and other equipment for the GCFC.

The grant application deadline was May 4, 2023, and the Cincinnati Police Department has already submitted an application for the FY23 SHSP Grant. No grant funds will be accepted without prior approval from the City Council.

There are no new FTEs associated with this grant. Although the grant does not require matching funds, approximately \$5,300 of the SIA’s salary and fringe benefits will surpass the FY23 SHSP Grant allowance and will be provided from the CPD General Fund operating budget.

Acceptance of this grant is in accordance with the “Live” goal to “[c]reate a more livable community” as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



EMERGENCY

IMD

- 2022

AUTHORIZING the City Manager to apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant (“FY22 SHSP-LE Grant”) (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to \$250,000 to enhance and sustain the Greater Cincinnati Fusion Center; and **AUTHORIZING** the Finance Director to deposit FY22 SHSP-LE Grant funds into Law Enforcement Grant Fund 368, Project Account 22SHSP.

WHEREAS, the Greater Cincinnati Fusion Center (“GCFC”) serves to combat potential domestic extremism, violence, and terrorist activity and also serves as a focal point for the receipt, analysis, gathering, and sharing of threat-related information between local, tribal, territorial, state, and federal partners, and private sector stakeholders; and

WHEREAS, administration of the GCFC transferred to the Cincinnati Police Department (“CPD”) from the Hamilton County Sheriff’s Office (“HCSO”) on January 1, 2022; and

WHEREAS, the HCSO previously applied for and received four State Homeland Security Program – Law Enforcement grants from Fiscal Years 2018, 2019, 2020, and 2021, all of which were transferred to CPD along with the administration of the GCFC; and

WHEREAS, the application deadline for the SHSP-LE grant from Fiscal Year 2022 (“FY22 SHSP-LE Grant”) was September 30, 2022, and as a result, CPD has already submitted an application for the FY22 SHSP-LE Grant; and

WHEREAS, CPD will not accept any FY22 SHSP-LE Grant funds without approval from Council; and

WHEREAS, if the City is awarded and accepts a FY22 SHSP-LE Grant, the funds will be used to cover salary and fringe benefit costs for a Supervisory Intelligence Analyst (“SIA”) and a contracted cybersecurity analyst at the GCFC, as well as costs related to software, training, network firewalls, Automated License Plate Reader cameras and licenses, and other cybersecurity projects within the GCFC; and

WHEREAS, although the FY22 SHSP-LE Grant does not require matching funds or additional FTEs, approximately \$3,500 of the SIA’s salary and benefits surpass the FY22 SHSP-LE Grant allowance and will be paid through the CPD General Fund operating budget; and

WHEREAS, acceptance of the FY22 SHSP-LE Grant is in accordance with the “Live” goal to “[c]reate a more livable community,” as described on pages 156-163 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 apply for, accept, and appropriate a Fiscal Year 2022 State Homeland Security Program – Law Enforcement Grant (“FY22 SHSP-LE Grant”) (ALN 97.067) from the Ohio Emergency Management Agency in an amount of up to \$250,000 for enhancing and sustaining the Greater Cincinnati Fusion Center.

Section 2. That the Finance Director is hereby authorized to deposit FY22 SHSP-LE Grant funds into Law Enforcement Grant Fund 368, Project Account 22SHSP.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to comply with 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 need to meet the Ohio Emergency Management Agency’s sixty-day grant acceptance deadline, if the grant is awarded to the City.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

June 1, 2023

To: Mayor and Members of City Council **202301509**

From: Sheryl M. M. Long, City Manager

Subject: **Ordinance – Police: FY 2024 State Victims Assistance Act (SVAA) and Victims of Crime Act (VOCA) Grants**

Attached is an Ordinance captioned:

AUTHORIZING the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit's Victim Advocate; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.

This Ordinance authorizes the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act (SVAA) and the federal Victims of Crime Act (VOCA) grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit's Victim Advocate. This Ordinance also authorizes the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.

The grant is available through the State of Ohio, Office of the Attorney General, for the purpose of funding the Cincinnati Police Department (CPD) Homicide Unit's Victim Advocate, who provides support and advocacy to survivors of victims whose deaths are investigated by the CPD Homicide Unit.

The grant application deadline is June 14, 2023, and no funds will be accepted without approval of the City Council.

There are no new FTEs associated with this grant. The grant does require a 25 percent local match, to be provided by student volunteer hours utilized by CPD.

Acceptance of this grant is in accordance with the "Live" goal to "[c]reate a more livable community" as described on pages 156-163 of Plan Cincinnati (2012).

The Administration recommends passage of this Ordinance.

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

Attachment



AUTHORIZING the City Manager to apply for in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit's Victim Advocate; and **AUTHORIZING** the Director of Finance to deposit the grant funds into Law Enforcement Grant Fund 368, project account no. 24VALU.

WHEREAS, the State Victims Assistance Act and Victims of Crime Act grant programs will fund the Cincinnati Police Department ("CPD") Homicide Unit's Victim Advocate, who provides support and advocacy to the survivors of victims whose deaths are investigated by the Homicide Unit; and

WHEREAS, the grant application deadline is June 14, 2023, and no grant funds will be accepted without approval by Council; and

WHEREAS, the grant requires a 25 percent in-kind local match, which will be provided by student volunteers utilized by CPD; and

WHEREAS, acceptance of the grant will not require any additional FTEs/full time equivalents; and

WHEREAS, acceptance of the grant is in accordance with the "Live" goal to "[c]reate a more livable community" as described on pages 156-163 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 in FY 2023, and accept and appropriate a grant of up to \$42,000, effective FY 2024, from the State of Ohio, Office of the Attorney General, State Victims Assistance Act and the federal Victims of Crime Act grant programs for the purpose of providing funds for the Cincinnati Police Department Homicide Unit's Victim Advocate.

Section 2. That the Director of Finance is authorized to deposit the grant funds in Law Enforcement Grant Fund 368, project account no. 24VALU.

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.

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

June 1, 2023
202301512

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance – DOTE: Streetcar VTICA Donation Acceptance

Attached is an Emergency Ordinance captioned:

AUTHORIZING the City Manager to accept a donation of up to \$750,000 from CinciVTICA, LLC, to support the operations and maintenance of the Cincinnati streetcar; **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

This Emergency Ordinance authorizes the City Manager to accept a donation of up to \$750,000 from CinciVTICA, LLC to support the operations and maintenance of the Cincinnati streetcar. The Finance Director will be authorized to deposit the donated funds into Streetcar Operations Fund revenue account no. 455x8645.

The City identified non-City funding sources to augment the resources available for operating and maintaining the Streetcar. On November 19, 2014, the City Council passed a motion supporting the creation of a tax incentive contribution policy in certain neighborhoods that would incentivize applicants for real property tax abatements to enter into a Voluntary Tax Incentive Contribution Agreement (“VTICA”) to voluntarily contribute a portion of their abated tax savings to the Streetcar.

Previously, the City and the Southwest Ohio Regional Transit Authority (SORTA) cooperated with Downtown Cincinnati Inc. (operating for this purpose as CinciVTICA, LLC) to facilitate the collection of VTICA payments by CinciVTICA and the application of such payments to the streetcar with those payments going directly to SORTA. With the termination of SORTA’s role in management and operation of the streetcar, this Emergency Ordinance will allow the City to receive donated funds that will cover the VTICA payments collected from July 1, 2022 until June 30, 2023.

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

The reason for the emergency is the immediate need for the City to accept the donations to provide resources for the operation and maintenance of the streetcar system.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment



EMERGENCY

MSS

-2023

AUTHORIZING the City Manager to accept a donation of up to \$750,000 from CincinnatiVTICA, LLC, to support the operations and maintenance of the Cincinnati streetcar; and **AUTHORIZING** the Director of Finance to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

WHEREAS, the City of Cincinnati (“City”) constructed a modern streetcar project in downtown Cincinnati (“Streetcar”), which began passenger service in September 2016; and

WHEREAS, the City identified non-City funding sources to augment the resources available for operating and maintaining the Streetcar; and

WHEREAS, on November 19, 2014, Council passed a motion supporting the creation of a tax incentive contribution policy in certain neighborhoods to incentivize applicants for real property tax abatements to enter into Voluntary Tax Incentive Contribution Agreements (“VTICA”) to voluntarily contribute a portion of their abated tax savings to support the Streetcar; and

WHEREAS, the City is not a party to VTICA commitments, and payments made thereunder are managed and collected by a third party; and

WHEREAS, the City and the Southwest Ohio Regional Transit Authority (“SORTA”) cooperated with Downtown Cincinnati Inc., operating for this purpose as CincinnatiVTICA, LLC, (“CincinnatiVTICA”) to facilitate collection of VTICA payments by CincinnatiVTICA and application of such payments to the Streetcar; and

WHEREAS, the City and SORTA agreed to terminate SORTA’s role in management and operation of the Streetcar effective January 1, 2020, and the City now directly operates and manages the Streetcar; and

WHEREAS, CincinnatiVTICA therefore wishes to donate the proceeds of the VTICA payments collected from July 1, 2022 until June 30, 2023 to the City to ensure that the funds will be used for operation and maintenance of the Streetcar; and

WHEREAS, accepting funds to support Streetcar maintenance and operations is in accordance with the “Connect” goal to “[d]evelop an efficient multi-modal transportation system that supports neighborhood livability” and the strategies to “[e]xpand options for non-automotive travel” and “[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 City Manager is authorized to accept a donation of up to \$750,000 from Cincinnati, LLC, to operate and maintain the City's streetcar system.

Section 2. That the Director of Finance is authorized to deposit the donation into Streetcar Operations Fund revenue account no. 455x8645.

Section 3. That the proper City officials are hereby authorized to do all things necessary and proper to carry out Sections 1 and 2.

Section 4. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the City to accept the donations to provide resources for the operation and maintenance of the streetcar system.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 1, 2023

To: Mayor and Members of City Council **202301513**

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – Cincinnati Health Department: Moral
Obligation to Cross Country Staffing**

Attached is an Emergency Ordinance captioned:

AUTHORIZING a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

Approval of this Emergency Ordinance would authorize a payment of \$17,411 from Cincinnati Health Department (CHD) Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

Cincinnati Health Department utilized the temporary staff without obtaining the proper approvals and therefore, resources to pay Cross Country Staffing were not encumbered in a timely manner, necessitating a moral obligation payment.

The Cincinnati Health Department staff has since implemented a procurement and accounting review policy to ensure compliance in the future.

The reason for the emergency is the immediate need to pay Cross Country Staffing in a timely manner for services provided to the Cincinnati Health Department.

The Administration recommends passage of this Emergency Ordinance.

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

Attachment

EMERGENCY

LES

- 2023

AUTHORIZING a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City of Cincinnati for providing a temporary clinical pharmacist to the Cincinnati Health Department.

WHEREAS, the City has a contract with Cross Country Staffing for temporary staffing needs, and the Cincinnati Health Department (“CHD”) regularly utilizes temporary staffing for healthcare related positions; and

WHEREAS, a temporary clinical pharmacist was needed between March 13, 2023 and April 21, 2023; and

WHEREAS, CHD utilized the temporary staffing contract to obtain the services of a clinical pharmacist without obtaining the proper approvals, and therefore, resources to pay Cross Country Staffing were not encumbered in a timely manner, necessitating a moral obligation payment; and

WHEREAS, CHD staff members were informed of the encumbrance issues and advised of the proper financial and procurement processes to prevent moral obligations in the future; and

WHEREAS, sufficient resources are available in CHD Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to pay for the services provided by Cross Country Staffing; and

WHEREAS, Council desires to provide payment of \$17,411 to Cross Country Staffing for services provided to CHD; now, therefore,

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

Section 1. That the Finance Director is authorized to make a payment of \$17,411 from Cincinnati Health Department Community Health Center Activities Fund non-personnel operating budget account no. 395x265x3520x7297 to Cross Country Staffing as a moral obligation of the City for providing a temporary clinical pharmacist to the Cincinnati Health Department.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1.

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 pay Cross Country Staffing in a timely manner for services provided to the Cincinnati Health Department.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

Date: June 1, 2023

To: Mayor and Members of City Council **202301511**

From: Sheryl M. M. Long, City Manager

Subject: EMERGENCY ORDINANCE – PLK COOPER, LLC PROPERTY SALE AGREEMENT
(VANDALIA AVENUE)

Attached is an emergency ordinance captioned as follows:

AUTHORIZING the City Manager to execute a *Property Sale Agreement* with PLK Cooper, LLC, and Vandalia Point, LLC, pursuant to which the City will vacate and convey a portion of certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati.

The City of Cincinnati owns certain real property designated as public right-of-way, namely Vandalia Avenue, formerly known as Railroad Street, in the Northside neighborhood (the “Property”), which is under the management and control of the City’s Department of Transportation and Engineering (“DOTE”).

PLK Cooper, LLC (“Petitioner”) desires to purchase the Property from the City to facilitate the construction of a 52-unit affordable housing development on Petitioner’s abutting real property.

The City Manager, upon consultation with DOTE, has determined that the Property is not needed for transportation or any other municipal purpose, that there is good cause to vacate the Property, and that such vacation will not be detrimental to the general interest.

The approximate fair market value of the Property is \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property.

The City Planning Commission approved the sale of the Property at its meeting on April 7, 2023.

The Administration recommends passage of the attached emergency ordinance.

Attachment I – Property Sale Agreement

Attachment II – Legal Description

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

EMERGENCY

City of Cincinnati

CHM

EE3W

An Ordinance No. _____

- 2023

AUTHORIZING the City Manager to execute a *Property Sale Agreement* with PLK Cooper, LLC, and Vandalia Point, LLC, pursuant to which the City will vacate and convey a portion of certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati.

WHEREAS, the City owns certain real property designated as public right-of-way, namely, an approximately 0.115-acre tract of Vandalia Avenue, formerly known as Railroad Street, in the Northside neighborhood, as more particularly depicted and described in the *Property Sale 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 Transportation and Engineering ("DOTE"); and

WHEREAS, PLK Cooper, LLC, an Ohio limited liability company ("Petitioner"), owns the real property abutting the Property, and Vandalia Point, LLC, an Ohio limited liability company ("Developer") is under contract to purchase Petitioner's property to construct a 52-unit affordable housing development on Petitioner's property ("Project"); and

WHEREAS, Petitioner and Developer have petitioned the City to vacate and sell the Property to Petitioner to facilitate the Project; and

WHEREAS, Natalie H. Rauf, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Petitioner owns all real property abutting the Property; and

WHEREAS, pursuant to Ohio Revised Code Sec. 723.04, the City may, upon petition, vacate a street or alley if it has determined that there is good cause for the vacation and that the vacation will not be detrimental to the general interest; and

WHEREAS, pursuant to Cincinnati Municipal Code Section 331-1, the City may sell real property that is not needed for municipal purposes; and

WHEREAS, the City Manager, in consultation with DOTE, has determined that: (i) the Property is not needed for transportation purposes or any other municipal purpose; (ii) there is good cause to vacate the Property; and (iii) the vacation of the Property will not be detrimental to the general interest; and

WHEREAS, the City's Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Property is approximately \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it 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 temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City's objective of creating good quality housing options in the Northside neighborhood, thereby

contributing to the social and economic viability and stability of the neighborhood and restore Purchaser's property to productive use; 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 eliminating competitive bidding in connection with the City's sale of the Property is appropriate because Petitioner owns all real property abutting the Property, and, as a practical matter, no one other than an abutting property owner would have any use for it; 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 acquire, construct, enlarge, improve, or equip and 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, in furtherance of the foregoing public purposes, 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 is in accordance with applicable state and local laws; and

WHEREAS, the City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the vacation and sale of the Property at its regularly scheduled meeting on April 7, 2023; 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 Agreement* ("Agreement") with PLK Cooper, LLC, an Ohio limited liability company ("Petitioner"), and Vandalia Point, LLC, an Ohio limited liability company ("Developer"), in substantially the form attached to this ordinance as Attachment A and incorporated herein by reference, pursuant to which the City of Cincinnati ("City") will vacate and convey to Petitioner an approximately 0.115-acre tract of Vandalia Avenue in the Northside neighborhood, as more particularly depicted and described in the Agreement ("Property"), which Property is more particularly described below and on the legal description attached to this ordinance as Attachment B and incorporated herein by reference:

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

Section 2. That the Property is not needed for transportation or other municipal purposes, that there is good cause to vacate and sell the Property, and that such vacation and sale will not be detrimental to the general interest.

Section 3. That the City's Real Estate Services Division has determined, by a professional appraisal, the fair market value of the Property is approximately \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits that equal

or exceed the fair market value of the Property because the vacation and sale of the Property will facilitate the construction of a 52-unit affordable housing development by Developer that is anticipated to create new temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City's objective of creating good quality housing options in the Northside neighborhood, thereby contributing to the social and economic viability and stability of the neighborhood and restore Purchaser's property to productive use.

Section 4. That eliminating competitive bidding in connection with the City's sale of the Property is in the best interest of the City because Petitioner owns all real property that abuts the Property, and, as a practical matter, no one other than an abutting property owner would have any use for the Property.

Section 5. That the proceeds from the sale of the Property, if any, 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 the excess amount thereof into Miscellaneous Permanent Improvement Fund 757.

Section 6. That the City's Finance Director is hereby authorized to transfer and appropriate such excess funds from Miscellaneous Permanent Improvement Fund 757 into Capital Improvement Program Project Account No. 980x233xYY2306, "Street 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, pursuant to Ohio Revised Code Sec. 723.041, any affected public utility shall be deemed to have a permanent easement in the Property to maintain, operate, renew, reconstruct, and remove its utility facilities and to access said utility facilities.

Section 8. That the City Manager is hereby authorized to vacate the Property as public right-of-way, and the City Manager and other City officials are hereby authorized to take all necessary and proper actions to carry out the provisions of this ordinance and the Agreement, including, without limitation, executing any and all ancillary agreements, deeds, plats, or other documents described in or contemplated by the Agreement to facilitate the vacation and sale of the Property to Petitioner.

Section 9. That the City Solicitor shall cause an authenticated copy of this ordinance to be duly recorded in the Hamilton County, Ohio Recorder's Office.

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 allow the shovel-ready project to move forward so that the City may receive the economic and non-economic benefits from the sale and redevelopment of the Property at the earliest possible time.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Contract No. _____
Property: Vandalia Ave., f/k/a Railroad Street

PROPERTY SALE AGREEMENT

This Property Sale Agreement (this "**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, the address of which for purposes of this Agreement is 801 Plum Street, Cincinnati, OH 45202 (the "**City**"), **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 ("**Purchaser**"), and **VANDALIA POINT, LLC**, an Ohio limited liability Company, whose tax mailing address is 114 West 14th Street, Cincinnati, OH 45202 ("**Developer**").

Recitals:

A. The City owns certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati, Ohio, as more particularly described on Exhibit A (Legal Description- the Sale Property) hereto (the "**Sale Property**"), which Sale Property is under the management of the City's Department of Transportation and Engineering ("**DOT**").

B. Purchaser owns certain real property adjoining the Sale Property, as depicted on Exhibit B (Vacation Plat) hereto ("**Purchaser's Property**").

C. Developer is under contract to purchase Purchaser's Property and intends to construct a 52-unit affordable housing development thereon (the "**Project**").

D. Purchaser and Developer desire the City to vacate and convey the Sale Property prior to Developer purchases Purchaser's Property to facilitate the Project.

E. Following the acquisition of Purchaser's Property, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks as generally depicted on Exhibit C (Dedication Plat) hereto (the "**Dedication Property**").

F. Pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets and alleys if it has determined that the property is not needed for municipal purposes.

G. The City has determined that the Sale Property is not needed for transportation or other municipal purposes and that the sale of the Sale Property will not be detrimental to the public interest.

H. Natalie H. Rauf, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Purchaser owns all the real property abutting the Sale Property.

I. The City's Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Sale Property is \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property because the Developer will provide the Dedication Property to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks, and it is anticipated that the Project will create new temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City's objective of creating good quality housing options in the Northside neighborhood, thereby contributing to the social and economic viability and stability of the neighborhood and restore Purchaser's Property to productive use. However, notwithstanding the foregoing, to ensure the timely dedication, construction, and completion of the street improvements on the Dedication Property, Developer has agreed to pay the fair market value of the Sale

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Property into escrow (the “**Escrow Funds**”) as additional consideration for the City agreeing to vacate and convey the Sale Property to Purchaser in advance of Developer’s closing on Purchaser’s Property.

J. The City has determined that eliminating competitive bidding in connection with the City’s sale of the Sale Property is justified because Purchaser owns all real property abutting the Sale Property, and as a practical matter, no one other than an abutting property owner would have any use for it.

K. 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.

L. 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.

M. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to Purchaser at its meeting on April 7, 2023.

N. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. []-2023, passed on [], 2023.

NOW, THEREFORE, the parties agree as follows:

1. Agreement to Convey Property Interests.

(A) Agreement to Vacate and Convey the Sale Property. Subject to the terms and conditions set forth herein, the City hereby agrees to vacate and sell the Sale Property to Purchaser, and Purchaser hereby agrees to purchase and accept the Sale Property from the City. The purchase price of the Sale Property shall be \$1.00 (the “**Purchase Price**”). Purchaser acknowledges that it is familiar with the condition of the Sale Property, and, at Closing (as defined below), the City shall convey the Sale Property to Purchaser in “as is” condition. The City makes no representations or warranties to Purchaser with respect to the condition of the Sale Property and, from and after the Closing, the City shall have no liability of any kind to Purchaser for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

(B) Agreement to Dedicate the Dedication Property. Developer hereby agrees to dedicate the Dedication Property to the City within 18 months of closing on the Purchaser’s Property. Developer acknowledges that the City shall have no obligation to accept the Dedication Property as public right-of-way under the management and control of the City until and unless such real property interests have been approved by formal action of the Cincinnati City Council. The City makes no representations or other assurances to Developer that Cincinnati City Council will accept such real property interests. Developer hereby waives any and all rights and remedies under this Agreement or otherwise available at law or in equity against the City, its officers, councilmembers, and employees for the Cincinnati City Council’s failure to accept and confirm the dedication of the Dedication Property as public right-of-way. As a material inducement for the City to enter into this Agreement, at Closing, the City and Developer shall execute an *Escrow Agreement* in substantially the form attached hereto as Exhibit D (Escrow Agreement) (the “**Escrow Agreement**”), pursuant to which Developer shall deposit the Escrow Funds with Mercantile Title Agency, Inc., an Ohio Corporation, an affiliate of Developer’s legal counsel (the “**Escrow Agent**”). The Escrow Agent shall hold and transfer the Escrow Funds in the manner set forth on Exhibit D.

(C) Title and Condition of Dedication Property. Developer acknowledges that before Cincinnati City Council considers an ordinance to accept the Dedication Property, Developer shall represent and warrant that (a) it holds title to the Dedication Property in fee simple, with full power to convey; (b) there are no tenants or other third parties who are entitled to the use or possession of any part of the Dedication

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Property; (c) the Dedication Property is free and clear of all liens and encumbrances, or that Developer has made satisfactory provision for release thereof, except: [i] easements, restrictions, conditions and covenants of record; [ii] legal highways; and [iii] zoning and building laws, ordinances, rules and regulations; and (d) free and clear of any and all taxes and assessments or that Developer has made satisfactory provision for payment of all real estate taxes and assessment. Developer shall assist, in whatever manner reasonably possible under the circumstances as requested by the City, to procure and deliver to the City any releases, assignments or cancellations of any and all other rights, titles and interests in the Dedication Property, whether attaching to the Dedication Property prior to or during Developer's ownership of the Dedication Property. Such interests may include, but are not limited to, those belonging to tenants, lessees, mortgagees, or others now in possession or otherwise occupying the Dedication Property, and all tax and assessment claims against the Dedication Property. Any mortgage or other monetary liens on the Dedication Property shall be discharged and paid by Developer at or before Cincinnati City Council considers an ordinance to accept the Dedication Property. Developer, at no cost to the City, shall provide the City with a phase one assessment prepared by a reputable environmental consulting firm, evidencing that the environmental condition of the Dedication Property is acceptable to the City's Office of Environment and Sustainability.

2. Closing.

(A) Conditions. The closing on the City's sale of the Sale Property to Purchaser (the "**Closing**") shall not occur unless and until the following conditions have been satisfied or waived (the "**Conditions**"); *provided however*, that if the City, in its sole discretion, determines that one or more of the 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 Purchaser or handle such Conditions post-Closing. Developer shall perform or shall cause the performance of all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

- (i) Title & Survey: Purchaser's approval of title to the Sale Property and, if obtained by Purchaser, an ALTA property survey of the Sale Property;
- (ii) Inspections, Utilities & Zoning/Building Code Requirements: Purchaser's approval of inspections of the Sale Property, including, without limitation, environmental assessments and soil assessments, all matters pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;
- (iii) Plats, Legal Descriptions and Deed: 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 Auditor and Recorder in connection with the City's sale of the Sale Property, including, but not limited to: [x] an acceptable deed of record evidencing Purchaser as the vested legal owner as to Purchaser's Property; [y] an acceptable survey plat and legal description with closure of the Sale Property to accompany the transfer and recording of the Quitclaim Deed in substantially the form attached as Exhibit C – (Form of Quitclaim Deed – Sale Property); and [z] an acceptable survey plat and legal description with closure to consolidate the Sale Property with Purchaser's Property immediately after recording of the *Quitclaim Deed*;
- (iv) Coordinated Report Conditions (CR #84-2022/ #1-2021):
 - (a) DOTE:
 - 1. [Intentionally Omitted].
 - 2. [Intentionally Omitted].
 - 3. [Intentionally Omitted].

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4. [Intentionally Omitted].
5. No Auditor's parcels shall be landlocked by this vacation/sale. If possible, potential landlocked parcels should be consolidated with parcels having legal street frontage.
6. Developer is required, at their expense, to provide the City with an acceptable legal description for the sale area that meets the recordable standards of the Hamilton County Recorder's Office.
7. Abutting streets must be delineated with a continuous curb, sidewalk, and/or drive approach.
8. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

(b) Metropolitan Sewer District of Greater Cincinnati ("MSD"): The MSD Request for Availability of Sewer Service (RASS) will be required for a future development or redevelopment project. The MSD RASS will determine the availability of a sewer and outline any additional MSD project requirements that could impact a project schedule if not considered early in project conceptual planning. Such considerations may include the need to obtain any MSD tap permits, easements, Ohio EPA Permit to Install, utilization of licensed and bonded sewer tappers with MSD, sewer inspection scheduling, project on-site separation of flow requirements, MSD Excavation/Fill permitting and bonding, MSD storm water detention requirements, need for a grease interception system, and/or a reminder for the project to coordinate with City of Cincinnati Stormwater Management Utility (SMU) for their specific storm water, erosion control, and storm water detention requirements.

(c) Duke Energy: Existing 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 request will be handled entirely at the property owner's expense.

(d) Altafiber: Existing 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 request will be handled entirely at the property owner's expense.

(B) Right to Terminate. If any party determines, after exercising good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **90 days** after the Effective Date, this Agreement and all rights and obligations of the parties hereunder shall automatically terminate.

(C) Closing Date. Provided the Conditions have been satisfied, the Closing shall take place **30 days** after the Effective Date, or on such earlier or later date as the parties may agree upon.

(D) Closing Costs and Closing Documents. At the Closing, (i) the City shall confirm that Purchaser has paid the Purchase Price in full; (ii) the City shall convey all its right, title, and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of Exhibit E (*Form of Quitclaim Deed*); {00383816-4}

(iii) the City and Developer shall execute the Escrow Agreement; and (iv) Developer shall deposit the Escrow Funds with the Escrow Agent. Purchaser or Developer shall pay all Hamilton County, Ohio recording fees, transfer tax, and any and all other customary closing costs associated with the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Purchaser shall pay all real estate taxes and assessments thereafter becoming due. At Closing, the parties shall execute a settlement statement and all other customary closing documents that are necessary for the Closing, in such forms as are approved by the City. The City shall not however be required to execute a title affidavit at Closing or other similar documents pertaining to title, it being acknowledged by Purchaser that the City is selling the Property "as is." Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing, Purchaser shall pay to the City all unpaid related and unrelated fines, penalties, judgments, water, or other utility charges, and any and all other outstanding amounts owed by Purchaser to the City.

(E) Survival. The provisions of this Agreement shall survive the City's execution and delivery of the *Quitclaim Deed* and shall not be deemed to have been merged therein or waive any of the obligations of Developer under this Agreement not stipulated or contained in the *Quitclaim Deed*, nor shall the *Quitclaim Deed* in any way prejudice or bar the City in asserting any of its rights hereunder, all of which shall survive the execution and delivery of the *Quitclaim Deed*.

3. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. regular or certified mail, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Agreement. If Purchaser sends a notice to the City alleging that the City is in default under this Agreement, Purchaser shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. Notices shall be deemed given on the date of receipt.

4. Representations, Warranties, and Covenants of Purchaser and Developer. Purchaser and Developer make the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) Purchaser is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in 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 relevant to the transactions contemplated by this Agreement.

(ii) Developer is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in 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 relevant to the transactions contemplated by this Agreement.

(iii) Developer has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed and delivered by Purchaser, and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Developer.

(iv) Developer's execution, delivery, and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or any mortgage, 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.

(v) 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.

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(vi) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute or governmental proceedings or investigation affecting Developer that could reasonably be expected to interfere substantially or materially and adversely affect its financial condition or the Project.

(vii) The statements made in the documentation provided by Developer to the City 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.

(viii) Neither Purchaser, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

(ix) Neither Developer, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

5. General Provisions.

(A) Entire Agreement. This Agreement (including the exhibits hereto) contains 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.

(B) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(C) 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 the parties agree that venue in such court is proper.

(D) 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 assigns. The City hereby consents to an assignment by the Purchaser of any and all of its rights and obligations under this Agreement to Developer upon the sale by Purchaser of Purchaser's Property to Developer. Developer shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City's sole discretion, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

(E) 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.

(F) 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.

(G) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

(H) Brokers. The parties represent to the City that neither Purchaser nor Developer have dealt with any real estate brokers and agents in connection with this transaction.

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(I) 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.

(J) 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 property sale shall have any personal financial interest, direct or indirect, in the property sale, and the parties shall take appropriate steps to assure compliance.

(K) 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.

(L) Counterparts; E-Signature. The parties hereto agree that this Agreement may be executed and delivered by electronic signature, which shall have the same force and effect as an original signature. Electronic signatures may be delivered via email or other electronic means agreed upon by the parties. The parties hereto may execute this Agreement in two or more counterparts, and each executed counterpart shall be considered an original.

6. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description -the Sale Property*

Exhibit B – *Vacation Plat*

Exhibit C – *Dedication Plat*

Exhibit D – *Escrow Agreement*

Exhibit E – *Form of Quit Claim Deed*

[Signature Pages Follow]

Executed by the parties on the dates indicated below their respective signatures, effective as of the latest of such dates (the “Effective Date”).

PLK COOPER, LLC,
{00383816-4}

an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

[Developer signatures on the following page]

{00383816-4}

VANDALIA POINT, LLC
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Recommended by:

John Brazina, Director
Department of Transportation and
Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

EXHIBIT A
to Property Sale Agreement

Legal Description - the Sale Property

Auditor's Parcel No.: None

Property Address: None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

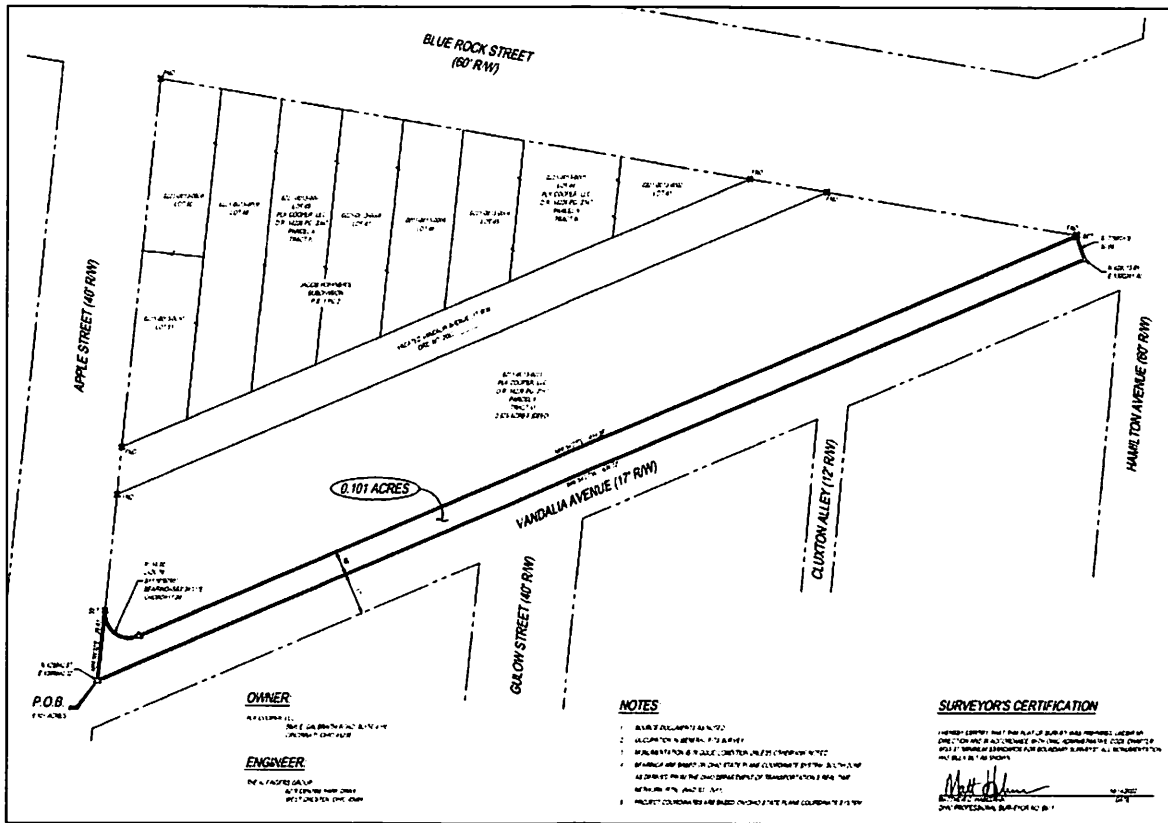
The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

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EXHIBIT C
to Property Sale Agreement
Dedication Plat



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EXHIBIT D
to Property Sale Agreement
Escrow Agreement

ESCROW AGREEMENT

THIS ESCROW AGREEMENT (this "Escrow Agreement") dated as of the ____ day of _____, 2023 (the "Effective Date"), by and among **VANDALIA POINT, LLC**, an Ohio limited liability company ("Developer"), **CITY OF CINCINNATI**, an Ohio municipal corporation (the "City"), and **Mercantile Title Agency, Inc.**, an Ohio corporation ("Escrow Agent").

WHEREAS, PLK Cooper, LLC ("PLK"), Developer and the City are parties to a Property Sale Agreement dated _____ (the "Purchase Agreement").

WHEREAS, pursuant to the Purchase Agreement, the City has agreed to sell to PLK certain property and in partial payment therefor, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue (the "Dedication Property").

WHEREAS to ensure Developer's performance of its covenants under the Purchase Agreement, including, but not limited to, the dedication of the Dedication Property, Developer has deposited the sum of Thirty-Two Thousand and No/100 Dollars (\$32,500.00) into escrow to be held in Escrow Agent's escrow account, such amount to be held and disbursed by Escrow Agent as set forth herein.

WHEREAS, the parties hereto now wish to enter into this Escrow Agreement providing for the appointment of Escrow Agent as escrow agent to hold the Escrowed Funds and to set forth the terms and conditions under which the Escrowed Funds shall be disbursed.

NOW THEREFORE, intending to be legally bound hereby, the parties hereto agree as follows:

1. **Appointment of Escrow Agent.** The City and Developer hereby jointly appoint Escrow Agent as the escrow agent under this Escrow Agreement, and Escrow Agent hereby accepts such appointment and agrees to hold all of the funds deposited into escrow with it pursuant to Section 1B of the Purchase Agreement (collectively, the "Escrowed Funds") in accordance with the terms hereof and to perform its other duties hereunder.

2. **Establishment of Escrow.** Escrow Agent shall hold the Escrowed Funds in a non-interest bearing account with U.S. Bank, a national banking association and disburse it pursuant to the terms of this Escrow Agreement.

3. **Disposition of Escrowed Funds.** Escrow Agent shall disburse the Escrowed Funds as follows:

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- (a) upon receipt of written notice from the City (which such notice may be provided to Escrow Agent via e-mail) that Developer has not completed the dedication of the Dedication Property on or before _____ [20 months from the Effective Date]; or
- (b) upon receipt of joint written instructions of Developer and the City (which such instructions may be provided to Escrow Agent via e-mail) directing the disposition of the Escrowed Funds, Escrow Agent shall promptly disburse the Escrowed Funds in accordance with such joint written instructions.

If there is a dispute between the parties (other than Escrow Agent) with regard to the payment of an amount from the Escrowed Funds, the fees and expenses of Escrow Agent, including, but not limited to, reasonable attorneys' fees and expenses and other costs incurred by Escrow Agent in connection with the adjudication of such dispute, shall be paid by the party that is not the prevailing party in such dispute.

4. Resignation or Removal of Escrow Agent. Escrow Agent may resign at any time upon ten (10) days' prior notice to the City and Developer, and may be removed by the mutual consent of the City and Developer upon thirty (30) days' prior notice to Escrow Agent. Upon receipt of Escrow Agent's notice of resignation, the City and Developer shall jointly appoint a successor escrow agent to hold the Escrowed Funds, and any such successor escrow agent shall execute and deliver to the predecessor escrow agent an instrument accepting such appointment, upon which such successor agent shall, without further act, become vested with all of the rights, powers and duties of the predecessor escrow agent as if originally named herein and the predecessor escrow agent's resignation shall become effective and such predecessor escrow agent shall be discharged from any future duties and obligations under this Escrow Agreement.

5. Escrow Agent. Escrow Agent undertakes to perform only such duties as are expressly set forth herein and no duties shall be implied. Escrow Agent shall have no liability under and no duty to inquire as to the provisions of any agreement other than this Escrow Agreement. Escrow Agent may rely upon and shall not be liable for acting or refraining from acting upon any written notice, instruction or request furnished to it hereunder and reasonably believed by it to be genuine and to have been signed or presented by the proper party or parties. Escrow Agent shall be under no duty to inquire into or investigate the validity, accuracy, or content of any such document. Escrow Agent shall have no duty to solicit any payments which may be due it or the Escrowed Funds. Escrow Agent shall not be liable for any action reasonably taken or omitted by it in good faith except to the extent that a court of competent jurisdiction determines that Escrow Agent's gross negligence or willful misconduct was the primary cause of any loss to the City or Developer. Escrow Agent may execute any of its powers and perform any of its duties hereunder directly or through agents or attorneys (and shall be liable only for the careful selection of any such agent or attorney) and may consult with counsel, accountants, and other skilled persons to be selected and retained by it. Escrow Agent shall not be liable for anything reasonably done, suffered, or omitted in good faith by it in accordance with the advice or opinion of any such counsel, accountants or other skilled persons. In the event that Escrow Agent shall be uncertain as to its duties or rights hereunder or shall receive instructions, claims or demands from any party hereto which, in its opinion, conflict with any of the provisions of this Escrow Agreement, it shall be entitled to refrain from taking any action and its sole obligation shall be to keep all property held in escrow until it shall be directed otherwise in writing by all of the other parties hereto or by a final order or judgment of a court of competent jurisdiction. Notwithstanding anything to the contrary contained in this Escrow Agreement, if at any time a dispute shall exist as to the duty of the Escrow Agent under the terms hereof, the right to possession, title or proceeds of any funds in escrow, or as to any dispute arising between the parties as to any matter under this Escrow Agreement, the Escrow Agent may deposit this Escrow Agreement and funds in escrow with any court of competent jurisdiction, and may interplead the parties hereto. Upon so depositing such Agreement and funds in escrow and filing its complaint in interpleader, Escrow Agent shall be released from all liability under the terms hereof, as to the funds so deposited. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THE PURCHASE AGREEMENT OR THIS ESCROW AGREEMENT, IN NO EVENT SHALL ESCROW AGENT BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL LOSS

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OR DAMAGE OF ANY KIND WHATSOEVER (INCLUDING BUT NOT LIMITED TO LOST PROFITS), EVEN IF ESCROW AGENT HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH LOSS OR DAMAGE AND REGARDLESS OF THE FORM OF ACTION.

6. **Fees and Expenses of Escrow Agent.** Developer hereby agrees to (a) pay Escrow Agent the sum of \$_____ as its fee for serving as Escrow Agent under this Escrow Agreement, and (b) pay or reimburse Escrow Agent upon request for its extraordinary fees and for all expenses, disbursements and advances, including reasonable attorney's fees and expenses as incurred, reasonably required by Escrow Agent to be incurred or made by it in connection with the performance, delivery, modification and termination of this Escrow Agreement, such payments to be split equally among such parties, subject to any right of the prevailing party as per Section 3 hereof.

7. **Indemnity.** Developer shall indemnify, defend and save harmless Escrow Agent and its directors, officers, agents and employees (each an "Indemnitee") from all loss, liability or expense (including the reasonable fees and expenses of outside counsel) arising out of or in connection with (i) Escrow Agent's performance of this Escrow Agreement, except in the case of any Indemnitee to the extent that such loss, liability or expense is due to the gross negligence or willful misconduct of such Indemnitee, or (ii) its following any instructions or other directions from Developer and the City, except to the extent that it is following any such instruction or direction is expressly forbidden by the terms hereof. The parties hereto acknowledge that the foregoing indemnities shall survive the resignation or removal of Escrow Agent or the termination of this Escrow Agreement.

8. **Notices.** All notices hereunder shall be in writing and shall be sufficiently given or sent if hand-delivered, sent by documented overnight delivery service or registered or certified mail, postage prepaid, return receipt requested or by telegram, fax or telecopy (confirmed by U.S. mail), receipt acknowledged, addressed as set forth below or to such other person and/or at such other address as may be furnished in writing by any party hereto to the other. Any such notice shall be deemed to have been given as of the date received, in the case of personal delivery, or on the date shown on the receipt or confirmation therefor, in all other cases.

(a) If to Developer:

Phone: _____
E-mail: _____

(b) If to the City:

Phone: _____
E-mail: _____

(c) If to Escrow Agent:

Mercantile Title Agency, Inc.

Attn: Brian K. Groemminger, Esq.

255 East Fifth Street, Suite 1900

Cincinnati, Ohio 45202

Phone: 513-977-8331

E-mail: brian.groemminger@dinsmore.com

9. Entire Agreement and Modification. This Escrow Agreement and the Purchase Agreement constitutes the entire agreement between the parties hereto with respect to the Escrowed Funds and supersedes all prior agreements and understandings with respect thereto. Any amendment, modification, or waiver of this Escrow Agreement shall not be effective unless in writing. Neither the failure nor any delay on the part of any party to exercise any right, remedy, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence.

10. Governing Law. This Escrow Agreement is made pursuant to, and shall be construed and enforced in accordance with, the internal laws of the State of Ohio (and United States federal law, to the extent applicable), without giving effect to otherwise applicable principles of conflicts of law.

11. Counterparts. This Escrow Agreement may be executed in any two or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to constitute but one and the same agreement.

12. Further Assurances. Each of the parties hereto shall execute such further instruments and take such other actions as any other party shall reasonably request in order to effectuate the purposes of this Escrow Agreement.

13. Binding Effect. This Escrow Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, heirs, executors, and administrators. If any provision of this Escrow Agreement shall be or become illegal or unenforceable in whole or in part for any reason whatsoever, the remaining provisions shall nevertheless be deemed valid, binding and subsisting.

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IN WITNESS WHEREOF, this Escrow Agreement has been executed as of the date and year first-above written.

DEVELOPER:

VANDALIA POINT, LLC

By: _____

Name: _____

Its: _____

CITY:

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Recommended by:

John Brazina, Director
Department of Transportation and
Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

{00383816-4}

ESCROW AGENT:

MERCANTILE TITLE AGENCY, INC.

By: _____
Brian K. Groemminger, President

{00383816-4}

EXHIBIT F
to Property Sale Agreement
Form of Quitclaim Deed

[SEE ATTACHED]

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the "**City**"), for valuable consideration paid, hereby grants and conveys to **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 ("**Grantee**"), all of the City's right, title, and interest in and to the real property depicted on Exhibit A (*Survey Plat*) and described on Exhibit B (*Legal Description*) hereto (the "**Property**").

Property Address:	None; former public right-of-way known as Vandalia Avenue, f/k/a Railroad Street
Auditor's Parcel ID No.:	None; (former public right-of-way)
Prior instrument reference:	Plat Book 1, Pages 2-3, Hamilton County, Ohio records

Pursuant to Ohio Revised Code Chapter 723 and Ordinance No. []-2023, passed by Cincinnati City Council on [], 2023, the Property is hereby vacated as public right-of-way by the City.

This conveyance is subject to the exceptions, reservations, easements, covenants, and restrictions set forth below. Grantee, its successors, and assigns shall forever hold, develop, encumber, lease, occupy, improve, build upon, use, and convey the Property subject to such exceptions, reservations, easements, covenants, and restrictions, which shall "run with the land" and be binding upon Grantee and its successors-in-interest with respect to the Property.

(A) Creation of Utility Easements: This conveyance is subject to R.C. Section 723.041 so that any affected public utility shall be deemed to have a permanent easement in such vacated portions of the Property to maintain, operate, renew, reconstruct, and remove said utility facilities and to access said facilities.

(B) Consolidation. This conveyance shall not create an additional building site. Grantee may not convey the Property separately from Grantee's adjoining parcel without the prior approval of the authority having jurisdiction of plats.

This conveyance was authorized by Ordinance No. []-2023, passed by Cincinnati City Council on [], 2023.

The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Survey Plat*
Exhibit B – *Legal Description*

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Executed on the date of acknowledgment below.

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

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 municipal corporation.

Notary Public:
My commission expires: _____

Approved as to Form:

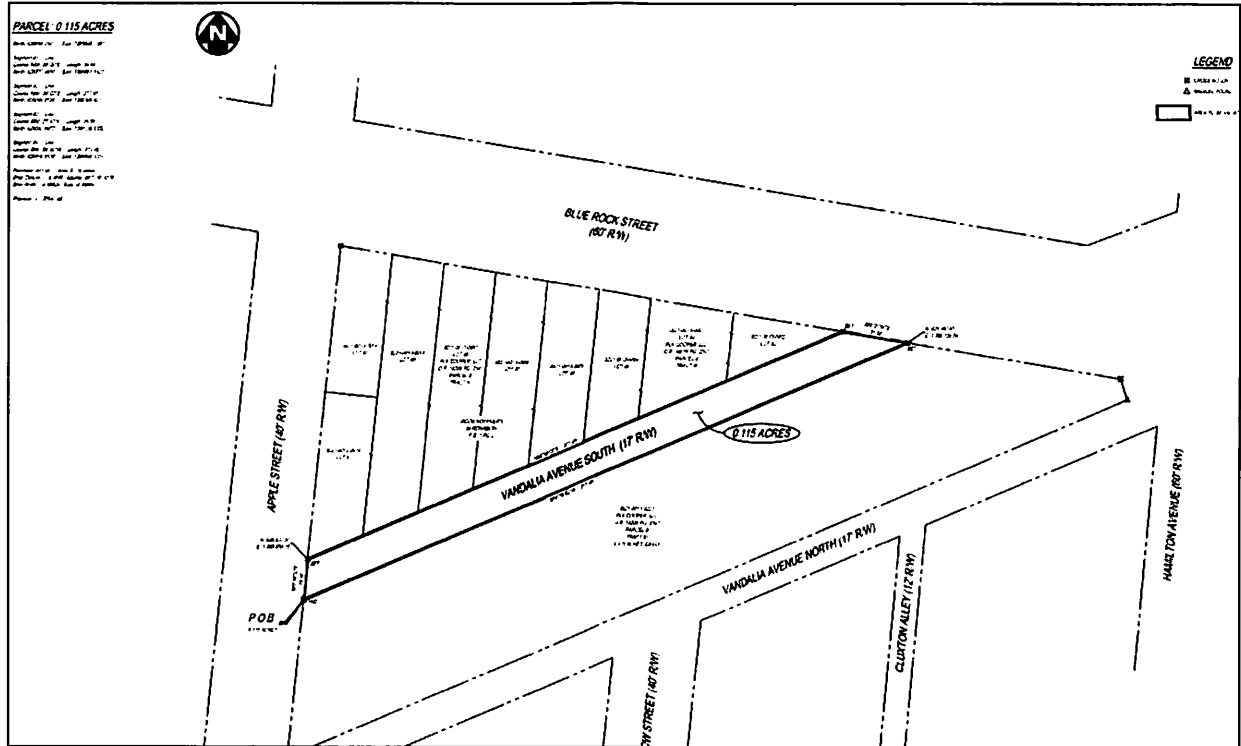
Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department,
801 Plum Street, Suite 214,
Cincinnati, Ohio 45202

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EXHIBIT A to Quitclaim Deed Survey Plat



{00383816-4}

EXHIBIT B
to Quitclaim Deed
Legal Description

Auditor's Parcel No.: None

Property Address: None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

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ATTACHMENT B

LEGAL DESCRIPTION

May 18, 2023

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at the intersection of the centerlines of Hoffner Street, 60' R/W and Cherry Street, 40' R/W; thence with the centerline of said Cherry Street, South 00°26'15" West, 300.00 feet to the centerline of Cooper Street, 50' R/W; thence with the centerline of said Cooper Street, North 89°31'40" West, 372.71 feet to the centerline of Colerain Avenue, 60' R/W; thence with the centerline of said Colerain Avenue, North 26°40'00" West, 28.71 feet to the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) extended to the centerline of Colerain Avenue; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) as so extended, the following three courses, North 44°53'46" East, 91.71 feet to an existing iron pin; thence North 63°20'00" East, 62.99 feet to an existing iron pin; thence North 26°40'00" West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North 63°20'00" East, 16.24 feet to an existing iron pin; thence North 02°14'36" West, 103.51 feet to the centerline of said Hoffner Street; thence with the centerline of said Hoffner Street, South 89°31'40" East, 291.40 feet to the Place of Beginning. Containing 2.135 Acres. Bearings based on P.B. 277, Pg. 33. Subject to all legal highways, easements, and restrictions of record.

PROPERTY SALE AGREEMENT

This Property Sale Agreement (this “**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, the address of which for purposes of this Agreement is 801 Plum Street, Cincinnati, OH 45202 (the “**City**”), **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 (“**Purchaser**”), and **VANDALIA POINT, LLC**, an Ohio limited liability Company, whose tax mailing address is 114 West 14th Street, Cincinnati, OH 45202 (“**Developer**”).

Recitals:

A. The City owns certain real property designated as public right-of-way known as Vandalia Avenue in the Northside neighborhood of Cincinnati, Ohio, as more particularly described on Exhibit A (*Legal Description- the Sale Property*) hereto (the “**Sale Property**”), which Sale Property is under the management of the City’s Department of Transportation and Engineering (“**DOT**”).

B. Purchaser owns certain real property adjoining the Sale Property, as depicted on Exhibit B (*Vacation Plat*) hereto (“**Purchaser’s Property**”).

C. Developer is under contract to purchase Purchaser’s Property and intends to construct a 52-unit affordable housing development thereon (the “**Project**”).

D. Purchaser and Developer desire the City to vacate and convey the Sale Property prior to Developer purchases Purchaser’s Property to facilitate the Project.

E. Following the acquisition of Purchaser’s Property, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks as generally depicted on Exhibit C (*Dedication Plat*) hereto (the “**Dedication Property**”).

F. Pursuant to Chapter 723 of the Ohio Revised Code, the legislative authority of a municipal corporation may convey the fee simple estate or other interest in land used for streets and alleys if it has determined that the property is not needed for municipal purposes.

G. The City has determined that the Sale Property is not needed for transportation or other municipal purposes and that the sale of the Sale Property will not be detrimental to the public interest.

H. Natalie H. Rauf, Esq., a reputable attorney practicing in Hamilton County, Ohio, has certified that Purchaser owns all the real property abutting the Sale Property.

I. The City’s Real Estate Services Division has determined, by a professional appraisal, that the fair market value of the Sale Property is \$32,500; however, the City is agreeable to convey the Property for less than fair market value, namely, for \$1.00 because the City anticipates that it will receive economic and non-economic benefits from the Project that equal or exceed the fair market value of the Property because the Developer will provide the Dedication Property to facilitate the widening and improvement of Vandalia Avenue with new curbs, gutters, and sidewalks, and it is anticipated that the Project will create new temporary construction jobs, stimulate economic growth in the Northside neighborhood, will create additional housing in Cincinnati and is consistent with the City’s objective of creating good quality housing options in the Northside neighborhood, thereby contributing to the social and economic viability and stability of the neighborhood and restore Purchaser’s Property to productive use. However, notwithstanding the foregoing, to ensure the timely dedication, construction, and completion of the street improvements on the Dedication Property, Developer has agreed to pay the fair market value of the Sale

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Property into escrow (the “**Escrow Funds**”) as additional consideration for the City agreeing to vacate and convey the Sale Property to Purchaser in advance of Developer’s closing on Purchaser’s Property.

J. The City has determined that eliminating competitive bidding in connection with the City’s sale of the Sale Property is justified because Purchaser owns all real property abutting the Sale Property, and as a practical matter, no one other than an abutting property owner would have any use for it.

K. 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.

L. 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.

M. City Planning Commission, having the authority to approve the change in the use of City-owned property, approved the sale of the Sale Property to Purchaser at its meeting on April 7, 2023.

N. Execution of this Agreement was authorized by Cincinnati City Council by Ordinance No. []-2023, passed on [], 2023.

NOW, THEREFORE, the parties agree as follows:

1. Agreement to Convey Property Interests.

(A) Agreement to Vacate and Convey the Sale Property. Subject to the terms and conditions set forth herein, the City hereby agrees to vacate and sell the Sale Property to Purchaser, and Purchaser hereby agrees to purchase and accept the Sale Property from the City. The purchase price of the Sale Property shall be \$1.00 (the “**Purchase Price**”). Purchaser acknowledges that it is familiar with the condition of the Sale Property, and, at Closing (as defined below), the City shall convey the Sale Property to Purchaser in “as is” condition. The City makes no representations or warranties to Purchaser with respect to the condition of the Sale Property and, from and after the Closing, the City shall have no liability of any kind to Purchaser for any defects, adverse environmental condition, or any other matters affecting the Sale Property.

(B) Agreement to Dedicate the Dedication Property. Developer hereby agrees to dedicate the Dedication Property to the City within 18 months of closing on the Purchaser’s Property. Developer acknowledges that the City shall have no obligation to accept the Dedication Property as public right-of-way under the management and control of the City until and unless such real property interests have been approved by formal action of the Cincinnati City Council. The City makes no representations or other assurances to Developer that Cincinnati City Council will accept such real property interests. Developer hereby waives any and all rights and remedies under this Agreement or otherwise available at law or in equity against the City, its officers, councilmembers, and employees for the Cincinnati City Council’s failure to accept and confirm the dedication of the Dedication Property as public right-of-way. As a material inducement for the City to enter into this Agreement, at Closing, the City and Developer shall execute an *Escrow Agreement* in substantially the form attached hereto as Exhibit D (Escrow Agreement) (the “**Escrow Agreement**”), pursuant to which Developer shall deposit the Escrow Funds with Mercantile Title Agency, Inc., an Ohio Corporation, an affiliate of Developer’s legal counsel (the “**Escrow Agent**”). The Escrow Agent shall hold and transfer the Escrow Funds in the manner set forth on Exhibit D.

(C) Title and Condition of Dedication Property. Developer acknowledges that before Cincinnati City Council considers an ordinance to accept the Dedication Property, Developer shall represent and warrant that (a) it holds title to the Dedication Property in fee simple, with full power to convey; (b) there are no tenants or other third parties who are entitled to the use or possession of any part of the Dedication

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Property; (c) the Dedication Property is free and clear of all liens and encumbrances, or that Developer has made satisfactory provision for release thereof, except: [i] easements, restrictions, conditions and covenants of record; [ii] legal highways; and [iii] zoning and building laws, ordinances, rules and regulations; and (d) free and clear of any and all taxes and assessments or that Developer has made satisfactory provision for payment of all real estate taxes and assessment. Developer shall assist, in whatever manner reasonably possible under the circumstances as requested by the City, to procure and deliver to the City any releases, assignments or cancellations of any and all other rights, titles and interests in the Dedication Property, whether attaching to the Dedication Property prior to or during Developer's ownership of the Dedication Property. Such interests may include, but are not limited to, those belonging to tenants, lessees, mortgagees, or others now in possession or otherwise occupying the Dedication Property, and all tax and assessment claims against the Dedication Property. Any mortgage or other monetary liens on the Dedication Property shall be discharged and paid by Developer at or before Cincinnati City Council considers an ordinance to accept the Dedication Property. Developer, at no cost to the City, shall provide the City with a phase one assessment prepared by a reputable environmental consulting firm, evidencing that the environmental condition of the Dedication Property is acceptable to the City's Office of Environment and Sustainability.

2. Closing.

(A) Conditions. The closing on the City's sale of the Sale Property to Purchaser (the "**Closing**") shall not occur unless and until the following conditions have been satisfied or waived (the "**Conditions**"); *provided however*, that if the City, in its sole discretion, determines that one or more of the 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 Purchaser or handle such Conditions post-Closing. Developer shall perform or shall cause the performance of all work and investigations and shall obtain and prepare all necessary documents pertaining to the satisfaction of the Conditions, at no cost to the City.

- (i) Title & Survey: Purchaser's approval of title to the Sale Property and, if obtained by Purchaser, an ALTA property survey of the Sale Property;
- (ii) Inspections, Utilities & Zoning/Building Code Requirements: Purchaser's approval of inspections of the Sale Property, including, without limitation, environmental assessments and soil assessments, all matters pertaining to utility service for the Sale Property, and all zoning and building code requirements that are applicable to the Sale Property;
- (iii) Plats, Legal Descriptions and Deed: 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 Auditor and Recorder in connection with the City's sale of the Sale Property, including, but not limited to: [x] an acceptable deed of record evidencing Purchaser as the vested legal owner as to Purchaser's Property; [y] an acceptable survey plat and legal description with closure of the Sale Property to accompany the transfer and recording of the Quitclaim Deed in substantially the form attached as Exhibit C – (Form of Quitclaim Deed – Sale Property); and [z] an acceptable survey plat and legal description with closure to consolidate the Sale Property with Purchaser's Property immediately after recording of the *Quitclaim Deed*;
- (iv) Coordinated Report Conditions (CR #84-2022/ #1-2021):
 - (a) DOTE:
 - 1. [Intentionally Omitted].
 - 2. [Intentionally Omitted].

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3. [Intentionally Omitted].
4. [Intentionally Omitted].
5. No Auditor's parcels shall be landlocked by this vacation/sale. If possible, potential landlocked parcels should be consolidated with parcels having legal street frontage.
6. Developer is required, at their expense, to provide the City with an acceptable legal description for the sale area that meets the recordable standards of the Hamilton County Recorder's Office.
7. Abutting streets must be delineated with a continuous curb, sidewalk, and/or drive approach.
8. A DOTE street opening permit, obtained by a DOTE licensed street contractor, is required for all private improvements in the public right-of-way. All improvements in the public right-of-way must be built to City standards, policies, and guidelines. Application for permits may be made at Room 425, City Hall, 801 Plum Street. Please note that plan drawings (2 sets), to be reviewed by DOTE, must be attached to the permit application.

(b) Metropolitan Sewer District of Greater Cincinnati ("MSD"): The MSD Request for Availability of Sewer Service (RASS) will be required for a future development or redevelopment project. The MSD RASS will determine the availability of a sewer and outline any additional MSD project requirements that could impact a project schedule if not considered early in project conceptual planning. Such considerations may include the need to obtain any MSD tap permits, easements, Ohio EPA Permit to Install, utilization of licensed and bonded sewer tappers with MSD, sewer inspection scheduling, project on-site separation of flow requirements, MSD Excavation/Fill permitting and bonding, MSD storm water detention requirements, need for a grease interception system, and/or a reminder for the project to coordinate with City of Cincinnati Stormwater Management Utility (SMU) for their specific storm water, erosion control, and storm water detention requirements.

(c) Duke Energy: Existing 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 request will be handled entirely at the property owner's expense.

(d) Altafiber: Existing 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 request will be handled entirely at the property owner's expense.

(B) Right to Terminate. If any party determines, after exercising good faith efforts, that any of the Conditions are not or cannot be satisfied within a reasonable period, such party shall have the right to terminate this Agreement by giving written notice thereof to the other party, whereupon this Agreement and all rights and obligations of the parties hereunder shall terminate. If all the Conditions have not been satisfied to the satisfaction of both parties or waived in writing and for that reason the Closing has not occurred within **90 days** after the Effective Date, this Agreement and all rights and obligations of the parties hereunder shall automatically terminate.

(C) Closing Date. Provided the Conditions have been satisfied, the Closing shall take place **30 days** after the Effective Date, or on such earlier or later date as the parties may agree upon.

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(D) Closing Costs and Closing Documents. At the Closing, (i) the City shall confirm that Purchaser has paid the Purchase Price in full; (ii) the City shall convey all its right, title, and interest in and to the Sale Property to Purchaser by *Quitclaim Deed* in the form of Exhibit E (Form of Quitclaim Deed); (iii) the City and Developer shall execute the Escrow Agreement; and (iv) Developer shall deposit the Escrow Funds with the Escrow Agent. Purchaser or Developer shall pay all Hamilton County, Ohio recording fees, transfer tax, and any and all other customary closing costs associated with the Closing. There shall be no proration of real estate taxes and assessments at Closing, and from and after the Closing, Purchaser shall pay all real estate taxes and assessments thereafter becoming due. At Closing, the parties shall execute a settlement statement and all other customary closing documents that are necessary for the Closing, in such forms as are approved by the City. The City shall not however be required to execute a title affidavit at Closing or other similar documents pertaining to title, it being acknowledged by Purchaser that the City is selling the Property "as is." Pursuant to Section 301-20, Cincinnati Municipal Code, at Closing, Purchaser shall pay to the City all unpaid related and unrelated fines, penalties, judgments, water, or other utility charges, and any and all other outstanding amounts owed by Purchaser to the City.

(E) Survival. The provisions of this Agreement shall survive the City's execution and delivery of the *Quitclaim Deed* and shall not be deemed to have been merged therein or waive any of the obligations of Developer under this Agreement not stipulated or contained in the *Quitclaim Deed*, nor shall the *Quitclaim Deed* in any way prejudice or bar the City in asserting any of its rights hereunder, all of which shall survive the execution and delivery of the *Quitclaim Deed*.

3. Notices. All notices given by the parties hereunder shall be deemed given if personally delivered, delivered by Federal Express, UPS, or other recognized overnight courier, or mailed by U.S. regular or certified mail, addressed to the parties at their respective addresses set forth in the introductory paragraph of this Agreement. If Purchaser sends a notice to the City alleging that the City is in default under this Agreement, Purchaser shall simultaneously send a copy of such notice by U.S. certified mail to: City Solicitor, 801 Plum Street, Suite 214, Cincinnati, OH 45202. Notices shall be deemed given on the date of receipt.

4. Representations, Warranties, and Covenants of Purchaser and Developer. Purchaser and Developer make the following representations, warranties, and covenants to induce the City to enter into this Agreement:

(i) Purchaser is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in 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 relevant to the transactions contemplated by this Agreement.

(ii) Developer is an Ohio limited liability company duly organized and validly existing under the laws of the State of Ohio, is authorized to transact business in 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 relevant to the transactions contemplated by this Agreement.

(iii) Developer has full power and authority to execute and deliver this Agreement and to carry out the transactions provided for herein. This Agreement has by proper action been duly authorized, executed and delivered by Purchaser, and all actions necessary have been taken to constitute this Agreement, when executed and delivered, valid and binding obligations of Developer.

(iv) Developer's execution, delivery, and performance of this Agreement and the transaction contemplated hereby will not violate any applicable laws, or any writ or decree of any court or governmental instrumentality, or any mortgage, 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.

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(v) 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.

(vi) Developer shall give prompt notice in writing to the City of the occurrence or existence of any litigation, labor dispute or governmental proceedings or investigation affecting Developer that could reasonably be expected to interfere substantially or materially and adversely affect its financial condition or the Project.

(vii) The statements made in the documentation provided by Developer to the City 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.

(viii) Neither Purchaser, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

(ix) Neither Developer, nor any of its affiliates, owe any outstanding fines, penalties, judgments, water or other utility charges or other amounts to the City.

5. General Provisions.

(A) Entire Agreement. This Agreement (including the exhibits hereto) contains 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.

(B) Amendments. This Agreement may be amended only by a written amendment signed by both parties.

(C) 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 the parties agree that venue in such court is proper.

(D) 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 assigns. The City hereby consents to an assignment by the Purchaser of any and all of its rights and obligations under this Agreement to Developer upon the sale by Purchaser of Purchaser's Property to Developer. Developer shall not assign its rights or obligations under this Agreement without the prior written consent of the City, which may be withheld in the City's sole discretion, and any attempt to do so without the City's consent shall, at the City's option, render this Agreement null and void.

(E) 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.

(F) 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.

(G) No Third-Party Beneficiaries. The parties hereby agree that no third-party beneficiary rights are intended to be created by this Agreement.

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(H) Brokers. The parties represent to the City that neither Purchaser nor Developer have dealt with any real estate brokers and agents in connection with this transaction.

(I) 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.

(J) 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 property sale shall have any personal financial interest, direct or indirect, in the property sale, and the parties shall take appropriate steps to assure compliance.

(K) 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.

(L) Counterparts; E-Signature. The parties hereto agree that this Agreement may be executed and delivered by electronic signature, which shall have the same force and effect as an original signature. Electronic signatures may be delivered via email or other electronic means agreed upon by the parties. The parties hereto may execute this Agreement in two or more counterparts, and each executed counterpart shall be considered an original.

6. Exhibits. The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Legal Description -the Sale Property*

Exhibit B – *Vacation Plat*

Exhibit C – *Dedication Plat*

Exhibit D – *Escrow Agreement*

Exhibit E – *Form of Quit Claim Deed*

[*Signature Pages Follow*]

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Executed by the parties on the dates indicated below their respective signatures, effective as of the latest of such dates (the “**Effective Date**”).

PLK COOPER, LLC,
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

[Developer signatures on the following page]

VANDALIA POINT, LLC
an Ohio limited liability company

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Recommended by:

John Brazina, Director
Department of Transportation and
Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

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EXHIBIT A
to Property Sale Agreement

Legal Description - the Sale Property

Auditor's Parcel No.: None

Property Address: None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

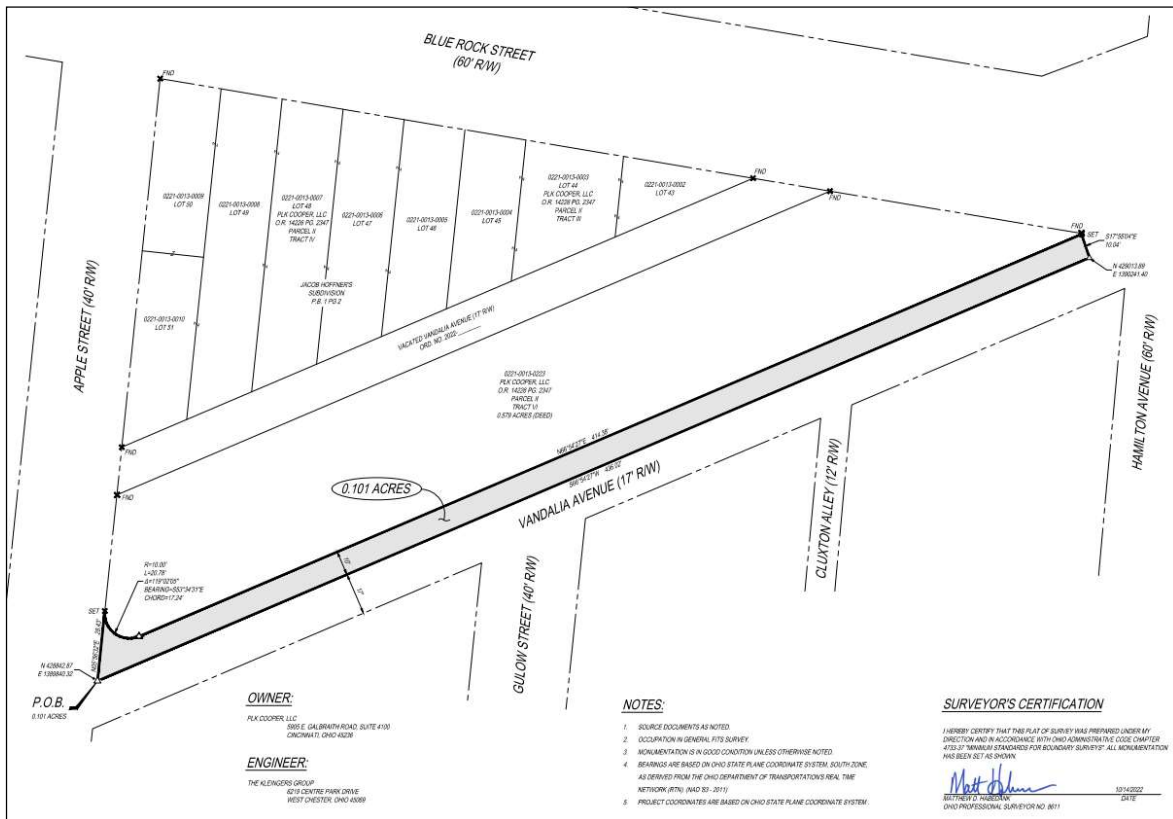
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EXHIBIT B to Property Sale Agreement *Vacation Plat*



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EXHIBIT C
to Property Sale Agreement
Dedication Plat



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EXHIBIT D
to Property Sale Agreement
Escrow Agreement

ESCROW AGREEMENT

THIS ESCROW AGREEMENT (this “Escrow Agreement”) dated as of the ____ day of _____, 2023 (the “Effective Date”), by and among **VANDALIA POINT, LLC**, an Ohio limited liability company (“Developer”), **CITY OF CINCINNATI**, an Ohio municipal corporation (the “City”), and **Mercantile Title Agency, Inc.**, an Ohio corporation (“Escrow Agent”).

WHEREAS, PLK Cooper, LLC (“PLK”), Developer and the City are parties to a Property Sale Agreement dated _____ (the “Purchase Agreement”).

WHEREAS, pursuant to the Purchase Agreement, the City has agreed to sell to PLK certain property and in partial payment therefor, Developer has agreed to dedicate public right-of-way to facilitate the widening and improvement of Vandalia Avenue (the “Dedication Property”).

WHEREAS to ensure Developer’s performance of its covenants under the Purchase Agreement, including, but not limited to, the dedication of the Dedication Property, Developer has deposited the sum of Thirty-Two Thousand and No/100 Dollars (\$32,500.00) into escrow to be held in Escrow Agent’s escrow account, such amount to be held and disbursed by Escrow Agent as set forth herein.

WHEREAS, the parties hereto now wish to enter into this Escrow Agreement providing for the appointment of Escrow Agent as escrow agent to hold the Escrowed Funds and to set forth the terms and conditions under which the Escrowed Funds shall be disbursed.

NOW THEREFORE, intending to be legally bound hereby, the parties hereto agree as follows:

1. Appointment of Escrow Agent. The City and Developer hereby jointly appoint Escrow Agent as the escrow agent under this Escrow Agreement, and Escrow Agent hereby accepts such appointment and agrees to hold all of the funds deposited into escrow with it pursuant to Section 1B of the Purchase Agreement (collectively, the “Escrowed Funds”) in accordance with the terms hereof and to perform its other duties hereunder.

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2. Establishment of Escrow. Escrow Agent shall hold the Escrowed Funds in a non-interest bearing account with U.S. Bank, a national banking association and disburse it pursuant to the terms of this Escrow Agreement.

3. Disposition of Escrowed Funds. Escrow Agent shall disburse the Escrowed Funds as follows:

- (a) upon receipt of written notice from the City (which such notice may be provided to Escrow Agent via e-mail) that Developer has not completed the dedication of the Dedication Property on or before _____ [20 months from the Effective Date]; or
- (b) upon receipt of joint written instructions of Developer and the City (which such instructions may be provided to Escrow Agent via e-mail) directing the disposition of the Escrowed Funds, Escrow Agent shall promptly disburse the Escrowed Funds in accordance with such joint written instructions.

If there is a dispute between the parties (other than Escrow Agent) with regard to the payment of an amount from the Escrowed Funds, the fees and expenses of Escrow Agent, including, but not limited to, reasonable attorneys' fees and expenses and other costs incurred by Escrow Agent in connection with the adjudication of such dispute, shall be paid by the party that is not the prevailing party in such dispute.

4. Resignation or Removal of Escrow Agent. Escrow Agent may resign at any time upon ten (10) days' prior notice to the City and Developer, and may be removed by the mutual consent of the City and Developer upon thirty (30) days' prior notice to Escrow Agent. Upon receipt of Escrow Agent's notice of resignation, the City and Developer shall jointly appoint a successor escrow agent to hold the Escrowed Funds, and any such successor escrow agent shall execute and deliver to the predecessor escrow agent an instrument accepting such appointment, upon which such successor agent shall, without further act, become vested with all of the rights, powers and duties of the predecessor escrow agent as if originally named herein and the predecessor escrow agent's resignation shall become effective and such predecessor escrow agent shall be discharged from any future duties and obligations under this Escrow Agreement.

5. Escrow Agent. Escrow Agent undertakes to perform only such duties as are expressly set forth herein and no duties shall be implied. Escrow Agent shall have no liability under and no duty to inquire as to the provisions of any agreement other than this Escrow Agreement. Escrow Agent may rely upon and shall not be liable for acting or refraining from acting upon any written notice, instruction or request furnished to it hereunder and reasonably believed by it to be genuine and to have been signed or presented by the proper party or parties. Escrow Agent shall be under no duty to inquire into or investigate the validity, accuracy, or content of any such document. Escrow Agent shall have no duty to solicit any payments which may be due it or the Escrowed Funds. Escrow Agent shall not be liable for any action reasonably taken or omitted by it in good faith except to the extent that a court of competent jurisdiction determines that Escrow Agent's gross negligence or willful misconduct was the primary cause of

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any loss to the City or Developer. Escrow Agent may execute any of its powers and perform any of its duties hereunder directly or through agents or attorneys (and shall be liable only for the careful selection of any such agent or attorney) and may consult with counsel, accountants, and other skilled persons to be selected and retained by it. Escrow Agent shall not be liable for anything reasonably done, suffered, or omitted in good faith by it in accordance with the advice or opinion of any such counsel, accountants or other skilled persons. In the event that Escrow Agent shall be uncertain as to its duties or rights hereunder or shall receive instructions, claims or demands from any party hereto which, in its opinion, conflict with any of the provisions of this Escrow Agreement, it shall be entitled to refrain from taking any action and its sole obligation shall be to keep all property held in escrow until it shall be directed otherwise in writing by all of the other parties hereto or by a final order or judgment of a court of competent jurisdiction. Notwithstanding anything to the contrary contained in this Escrow Agreement, if at any time a dispute shall exist as to the duty of the Escrow Agent under the terms hereof, the right to possession, title or proceeds of any funds in escrow, or as to any dispute arising between the parties as to any matter under this Escrow Agreement, the Escrow Agent may deposit this Escrow Agreement and funds in escrow with any court of competent jurisdiction, and may interplead the parties hereto. Upon so depositing such Agreement and funds in escrow and filing its complaint in interpleader, Escrow Agent shall be released from all liability under the terms hereof, as to the funds so deposited. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THE PURCHASE AGREEMENT OR THIS ESCROW AGREEMENT, IN NO EVENT SHALL ESCROW AGENT BE LIABLE FOR SPECIAL, INDIRECT OR CONSEQUENTIAL LOSS OR DAMAGE OF ANY KIND WHATSOEVER (INCLUDING BUT NOT LIMITED TO LOST PROFITS), EVEN IF ESCROW AGENT HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH LOSS OR DAMAGE AND REGARDLESS OF THE FORM OF ACTION.

6. Fees and Expenses of Escrow Agent. Developer hereby agrees to (a) pay Escrow Agent the sum of \$_____ as its fee for serving as Escrow Agent under this Escrow Agreement, and (b) pay or reimburse Escrow Agent upon request for its extraordinary fees and for all expenses, disbursements and advances, including reasonable attorney's fees and expenses as incurred, reasonably required by Escrow Agent to be incurred or made by it in connection with the performance, delivery, modification and termination of this Escrow Agreement, such payments to be split equally among such parties, subject to any right of the prevailing party as per Section 3 hereof.

7. Indemnity. Developer shall indemnify, defend and save harmless Escrow Agent and its directors, officers, agents and employees (each an "Indemnitee") from all loss, liability or expense (including the reasonable fees and expenses of outside counsel) arising out of or in connection with (i) Escrow Agent's performance of this Escrow Agreement, except in the case of any Indemnitee to the extent that such loss, liability or expense is due to the gross negligence or willful misconduct of such Indemnitee, or (ii) its following any instructions or other directions from Developer and the City, except to the extent that it is following any such instruction or direction is expressly forbidden by the terms hereof. The parties hereto acknowledge that the foregoing indemnities shall survive the resignation or removal of Escrow Agent or the termination of this Escrow Agreement.

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8. Notices. All notices hereunder shall be in writing and shall be sufficiently given or sent if hand-delivered, sent by documented overnight delivery service or registered or certified mail, postage prepaid, return receipt requested or by telegram, fax or telecopy (confirmed by U.S. mail), receipt acknowledged, addressed as set forth below or to such other person and/or at such other address as may be furnished in writing by any party hereto to the other. Any such notice shall be deemed to have been given as of the date received, in the case of personal delivery, or on the date shown on the receipt or confirmation therefor, in all other cases.

(a) If to Developer:

Phone: _____
E-mail: _____

(b) If to the City:

Phone: _____
E-mail: _____

(c) If to Escrow Agent:

Mercantile Title Agency, Inc.
Attn: Brian K. Groemminger, Esq.
255 East Fifth Street, Suite 1900
Cincinnati, Ohio 45202
Phone: 513-977-8331
E-mail: brian.groemminger@dinsmore.com

9. Entire Agreement and Modification. This Escrow Agreement and the Purchase Agreement constitutes the entire agreement between the parties hereto with respect to the Escrowed Funds and supersedes all prior agreements and understandings with respect thereto. Any amendment, modification, or waiver of this Escrow Agreement shall not be effective unless in writing. Neither the failure nor any delay on the part of any party to exercise any right, remedy, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence.

10. Governing Law. This Escrow Agreement is made pursuant to, and shall be construed and enforced in accordance with, the internal laws of the State of Ohio (and United States federal law, to the extent applicable), without giving effect to otherwise applicable principles of conflicts of law.

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11. Counterparts. This Escrow Agreement may be executed in any two or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to constitute but one and the same agreement.

12. Further Assurances. Each of the parties hereto shall execute such further instruments and take such other actions as any other party shall reasonably request in order to effectuate the purposes of this Escrow Agreement.

13. Binding Effect. This Escrow Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, assigns, heirs, executors, and administrators. If any provision of this Escrow Agreement shall be or become illegal or unenforceable in whole or in part for any reason whatsoever, the remaining provisions shall nevertheless be deemed valid, binding and subsisting.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, this Escrow Agreement has been executed as of the date and year first-above written.

DEVELOPER:

VANDALIA POINT, LLC

By: _____

Name:_____

Its:_____

CITY:

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

Date: _____, 2023

Recommended by:

John Brazina, Director
Department of Transportation and
Engineering

Approved as to Form:

Assistant City Solicitor

Certified Date: _____

Fund/Code: _____

Amount: _____

By: _____
Karen Alder, City Finance Director

{00383816-4}

ESCROW AGENT:

MERCANTILE TITLE AGENCY, INC.

By: _____
Brian K. Groemminger, President

{00383816-4}

EXHIBIT F
to Property Sale Agreement
Form of Quitclaim Deed

[SEE ATTACHED]

{00383816-4}

QUITCLAIM DEED

The **CITY OF CINCINNATI**, an Ohio municipal corporation (the “**City**”), for valuable consideration paid, hereby grants and conveys to **PLK COOPER, LLC**, an Ohio limited liability company, whose tax mailing address is 5905 East Galbraith Road, Cincinnati, OH 45236 (“**Grantee**”), all of the City’s right, title, and interest in and to the real property depicted on Exhibit A (Survey Plat) and described on Exhibit B (Legal Description) hereto (the “**Property**”).

Property Address:	None; former public right-of-way known as Vandalia Avenue, f/k/a Railroad Street
Auditor’s Parcel ID No.:	None; (former public right-of-way)
Prior instrument reference:	Plat Book 1, Pages 2-3, Hamilton County, Ohio records

Pursuant to Ohio Revised Code Chapter 723 and Ordinance No. []-2023, passed by Cincinnati City Council on [], 2023, the Property is hereby vacated as public right-of-way by the City.

This conveyance is subject to the exceptions, reservations, easements, covenants, and restrictions set forth below. Grantee, its successors, and assigns shall forever hold, develop, encumber, lease, occupy, improve, build upon, use, and convey the Property subject to such exceptions, reservations, easements, covenants, and restrictions, which shall “run with the land” and be binding upon Grantee and its successors-in-interest with respect to the Property.

(A) Creation of Utility Easements: This conveyance is subject to R.C. Section 723.041 so that any affected public utility shall be deemed to have a permanent easement in such vacated portions of the Property to maintain, operate, renew, reconstruct, and remove said utility facilities and to access said facilities.

(B) Consolidation. This conveyance shall not create an additional building site. Grantee may not convey the Property separately from Grantee’s adjoining parcel without the prior approval of the authority having jurisdiction of plats.

This conveyance was authorized by Ordinance No. []-2023, passed by Cincinnati City Council on [], 2023.

The following exhibits are attached hereto and made a part hereof:

Exhibit A – *Survey Plat*
Exhibit B – *Legal Description*

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Executed on the date of acknowledgment below.

CITY OF CINCINNATI

By: _____

Printed Name: _____

Title: _____

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 municipal corporation.

Notary Public:
My commission expires: _____

Approved as to Form:

Assistant City Solicitor

This instrument prepared by:

City of Cincinnati Law Department,
801 Plum Street, Suite 214,
Cincinnati, Ohio 45202

504

EXHIBIT B
to Quitclaim Deed
Legal Description

Auditor's Parcel No.: None

Property Address: None; Vandalia Avenue f/k/a Railroad Street

Situated in Section 28, Town 3, Fractional Range 2, Miami Purchase, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being a part of an original 100' railroad right of way dedicated in P.B. 1, Pg. 2 of the Hamilton County, Ohio Recorder's Office, the boundary of which being more particularly described as follows:

Beginning at a cross notch found at the intersection of the east right of way line of Apple Street with the south right of way line of Vandalia Street (north);

Thence along said east right of way line, N05°56'32" E a distance of 19.44 feet to a cross notch set at the intersection of said east right of way line with the north right of way line of Vandalia Street;

Thence along said north right of way line, N66°56'02" E a distance of 277.45 feet to a cross notch set at the intersection of said north right of way line with the south right of way line of Blue Rock Street;

Thence along said south right of way line, S80°27'47" E a distance of 31.55 feet to a cross notch set at the intersection of said south right of way line with the aforementioned south right of way line of Vandalia Street;

Thence along said south right of way line, S66°56'02" W a distance of 313.46 feet to the Point of Beginning.

Containing 0.115 acres of land, more or less.

Bearings are based on the Ohio State Plane Coordinate System South Zone as derived from the Ohio Department of Transportation's Virtual Reference Stationing System. (VRS) (NAD 83)

The above description is based on a field survey performed by The Kleingers Group under the direct supervision of Matthew D. Habedank, Ohio Professional Land Surveyor No. 8611.

{00383816-4}

LEGAL DESCRIPTION

May 18, 2023

Situate in Section 27, Town 3, Fractional Range 2, Millcreek Township, City of Cincinnati, Hamilton County, Ohio and being part of Lots 40 and 43, all of Lots 39, 44 thru 47, 51 and 306 thru 312 of E. Knowlton's Subdivision as recorded in Plat Book 1, Page 226 and being part of a tract conveyed to PLK Cooper, LLC (O.R. 14226, Pg. 2347) and being more particularly described as follows:

Beginning at the intersection of the centerlines of Hoffner Street, 60' R/W and Cherry Street, 40' R/W; thence with the centerline of said Cherry Street, South 00°26'15" West, 300.00 feet to the centerline of Cooper Street, 50' R/W; thence with the centerline of said Cooper Street, North 89°31'40" West, 372.71 feet to the centerline of Colerain Avenue, 60' R/W; thence with the centerline of said Colerain Avenue, North 26°40'00" West, 28.71 feet to the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) extended to the centerline of Colerain Avenue; thence with the southeasterly line of a tract conveyed to GNE, LLC (O.R. 8536, Pg. 3480) as so extended, the following three courses, North 44°53'46" East, 91.71 feet to an existing iron pin; thence North 63°20'00" East, 62.99 feet to an existing iron pin; thence North 26°40'00" West, 78.00 feet to an existing iron pin; thence with southeasterly line of a tract conveyed to Brian Johnson (O.R. 12705, Pg. 156), the following two courses, North 63°20'00" East, 16.24 feet to an existing iron pin; thence North 02°14'36" West, 103.51 feet to the centerline of said Hoffner Street; thence with the centerline of said Hoffner Street, South 89°31'40" East, 291.40 feet to the Place of Beginning. Containing 2.135 Acres. Bearings based on P.B. 277, Pg. 33. Subject to all legal highways, easements, and restrictions of record.

June 1, 2023

To: Mayor and Members of City Council 202301514

From: Sheryl M.M. Long, City Manager

Subject: Ordinance Utility Easement Kirby Avenue

Attached is an Ordinance captioned:

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati in accordance with the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, 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 storm sewer lines and related fixtures, equipment, and appurtenances through certain real property located at 4945 Kirby Avenue, City of Cincinnati, in accordance with the plat entitled *4929 Kirby Avenue Permanent Easement*, and which easement has been granted by Sue A. Hartman. The plat has been examined and approved as to its technical features by the Greater Cincinnati Water Works, Stormwater Management Utility Engineer, and found to be correct. The City Manager, upon consultation with the Greater Cincinnati Water Works, Stormwater Management Utility, recommends that Council accept and confirm the acceptance of the public utility easement.

The Administration recommends passage of this Ordinance.

cc: Andrea Yang, GCWW, Interim Executive Director

ACCEPTING AND CONFIRMING the grant of a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati in accordance with the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, Hamilton County, Ohio Recorder's Office.

WHEREAS, Sue A. Hartman has granted a public utility easement in favor of the City of Cincinnati for storm sewer lines and related fixtures, equipment, and appurtenances through certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati, which property is more particularly identified as Hamilton County, Ohio Auditor's Parcel Identification No. 227-0A03-0003 on the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, 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, Stormwater Management Utility 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, Stormwater Management Utility 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 Sue A. Hartman to the City of Cincinnati for the construction, perpetual maintenance, reconstruction, repair, and operation of storm sewers and associated fixtures, appurtenances, and equipment in, through, and upon certain real property generally located at 4945 Kirby Avenue in the City of Cincinnati, as more particularly depicted on the plat entitled *4929 Kirby Avenue Permanent Easement*, as recorded in Plat Book 496, Page 94, 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:

Situate in the City of Cincinnati, County of Hamilton and State of Ohio, an accurate description and plat of each separate body or parcel of which are as follows, to-wit:

Situate in Section 35, Town 3, Fractional Range 2, and being more particularly described as follows: beginning at a point in the center of Kirby Avenue, said point being the extreme easterly point of land registered under certificate no. 1476, Hamilton County, Registered Lands, said point being also 532.48 feet northwestwardly from the intersection of the center line of Kirby Avenue with the east line of said Section 35; thence in the center of Kirby Avenue, North 58° 01' West 294.00 feet; thence South 31° 59' West 337.3 feet to a point; thence South 58° 01' East 264.28 feet to a point; thence North 37° 01' East 338.62 feet to the place of beginning.

Registered Land Certificate No. 225236

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

June 1, 2023

202301517

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

**Subject: Emergency Ordinance – 2024 Urban Forestry Assessment
Determination to Proceed**

Attached is an Emergency Ordinance captioned:

DETERMINING to proceed with a special assessment for the Urban Forestry Program for the calendar year 2024 for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

The Administration recommends passage of this Emergency Ordinance.

cc: Jason Barron, Director, Cincinnati Park Board

Attachment

EMERGENCY

KKF

- 2023

DETERMINING to proceed with a special assessment for the Urban Forestry Program for the calendar year 2024 for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

WHEREAS, on February 8, 2023, Council passed Resolution No. 8-2023 pursuant to Ohio Revised Code ("R.C.") Section 727.12, declaring the necessity of continuing the Urban Forestry Program for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public right-of-way in the City's Urban Forestry Maintenance District, for the calendar year 2024; and

WHEREAS, under Resolution 8-2023, Council also authorized the assessment of properties within the Urban Forestry Maintenance District at the rate of \$0.31 per front foot, and the estimated assessments were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, no objections were filed to the special assessment pursuant to R.C. Section 727.15; now, therefore,

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

Section 1. That the Council of the City of Cincinnati is determined to proceed with the Urban Forestry Program for the control of blight and disease of shade trees within the public right-of-way and for planting, maintaining, trimming, and removing shade trees along the streets of the City of Cincinnati's Urban Forestry Maintenance District for the year 2024 as set out and approved in accordance with the provisions of Resolution No. 8-2023.

Section 2. That the estimated assessments, as prepared and filed in the Office of the Clerk of Council, are hereby approved and adopted.

Section 3. That no claim for damages has been filed pursuant to R.C. Section 727.18.

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 that Council must pass this ordinance determining the need to proceed with the assessment before Council passes the levying ordinance required by statute.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

June 1, 2023

To: Mayor and Members of City Council

202301516

From: Sheryl M. M. Long, City Manager

Subject: Ordinance – Levying 2024 Urban Forestry Assessment

Attached is an Ordinance captioned:

LEVYING a special assessment for the Urban Forestry Program for the calendar year 2024 for control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees within the public-right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

The Administration recommends passage of this Ordinance.

cc: Jason Barron, Director, Cincinnati Park Board

Attachment

LEVYING a special assessment for the Urban Forestry Program for the calendar year 2024 for control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees within the public right-of-way in the City of Cincinnati's Urban Forestry Maintenance District.

WHEREAS, on February 8, 2023, Council passed Resolution No. 8-2023 pursuant to Ohio Revised Code ("R.C.") Section 727.12, declaring the necessity of continuing the Urban Forestry Program for the control of blight and disease of shade trees and for planting, maintaining, trimming, and removing shade trees in the public right-of-way in the City's Urban Forestry Maintenance District, for the calendar year 2024; and

WHEREAS, under Resolution 8-2023, Council also authorized the assessment of properties within the Urban Forestry Maintenance District at the rate of \$0.31 per front foot, and the estimated assessments were prepared and placed on file in the Office of the Clerk of Council; and

WHEREAS, notice of the passage of the resolution was published in a newspaper of general circulation as required by law, and notice by certified mail has been completed to the property owners for whom the assessment amount exceeds \$500.00; and

WHEREAS, there are no outstanding objections to the estimated assessments; and

WHEREAS, on _____, 2023, Council passed Ordinance No. ____-2023 determining to proceed with the special assessment; and

WHEREAS, Council has determined that the actual cost of the Urban Forestry Program ("Program") does not exceed the estimated cost for the Program for the year 2024; now, therefore,

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

Section 1. That there is hereby levied, in accordance with R.C. Chapter 727, an assessment of \$0.31 per front foot upon the property abutting the public right-of-way and streets within the Urban Forestry Maintenance District, which includes all territory within, and

coextensive with, the City's boundaries, for the portion of the cost and expense of said shade tree program for the Urban Forestry Maintenance District for the year 2024.

Section 2. That it is hereby determined that said assessments do not exceed the special benefits resulting from said Urban Forestry Program and do not exceed any statutory limitations.

Section 3. That the special assessment against each lot and parcel of land shall be payable in one annual installment to the Treasurer of Hamilton County, Ohio at the same time and in the same manner as real property taxes, due and payable in December 2023, are paid.

Section 4. That the City Treasurer and the Clerk of Council are hereby directed to certify said assessments to the Auditor of Hamilton County, Ohio to be placed by the Auditor on the Tax List and collected in the same manner as real property taxes are collected for December 2023, as provided by law.

Section 5. That said assessments, when collected, shall be placed into a fund for the purpose of paying the cost and expense of the Urban Forestry Program and shall be paid out upon proper vouchers in payment of such cost and expense.

Section 6. That the following costs shall be paid out of a fund provided to pay the City's portion of the cost and expense of the shade tree program: the cost of street intersections, any uncollectible assessments on property owned by the federal government or the State of Ohio, assessments on property owned by the City of Cincinnati, and any portion of the cost not specifically assessed.

Section 7. That the Clerk of Council is hereby directed to cause notice of this ordinance to be published once in a newspaper of general circulation within the City of Cincinnati.

Section 8. That this ordinance shall take effect and be in force from and after the earliest time allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

202301523
Date: June 1, 2023

To: Councilmembers Meeka Owens and Mark Jeffreys
From: Emily Smart Woerner, City Solicitor *EESW*
Subject: **Emergency Ordinance – Waste Plan Adoption**

Transmitted herewith is an emergency ordinance captioned as follows:

APPROVING the 2023 Hamilton County Solid Waste Management Plan Update on file with the Clerk of Council, as adopted by the Hamilton County Solid Waste Management District.

EESW/KKF(dmm)
Attachment
383407

EMERGENCY

City of Cincinnati

KKF

173W

An Ordinance No. _____

- 2023

APPROVING the 2023 Hamilton County Solid Waste Management Plan Update on file with the Clerk of Council, as adopted by the Hamilton County Solid Waste Management District.

WHEREAS, the mission of the Hamilton County Solid Waste Management District (“HCSWMD”) is to reduce reliance on landfills through waste reduction, reuse, and recycling programs throughout Hamilton County; and

WHEREAS, the HCSWMD is responsible for ensuring Hamilton County meets State mandated waste reduction rates through the development of a countywide Solid Waste Management Plan; and

WHEREAS, the City of Cincinnati is committed to reducing its reliance on landfill disposal by promoting reuse, recycling, and composting, and further ensuring adequate waste disposal for the residents of the City; and

WHEREAS, the City of Cincinnati adopted the 2023 Green Cincinnati Plan by Resolution No. 37-2023 on April 12, 2023, which included a focus area on Zero Waste, which had the vision of achieving fifty percent waste diversion city-wide by 2030, and city-wide zero waste (ninety percent diversion) by 2040; and

WHEREAS, pursuant to the provisions of Chapter 3734 of the Ohio Revised Code, the HCSWMD Policy Committee approved an update of the Hamilton County Solid Waste Plan (“Update”) for the Hamilton County Solid Waste Management District; and

WHEREAS, pursuant to state law, the legislative authority of each municipal corporation or township under the jurisdiction of HCSWMD must approve or disapprove the Update, and failure to do so will be construed as disapproval; and

WHEREAS, Council reviewed the Update and determined that the Update is in the best interest of the City and Hamilton County; now, therefore,

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

Section 1. That the Hamilton County Solid Waste Management Plan Update (“Update”), which is on file with the Clerk of Council, the Introduction section of which is attached to this ordinance as Attachment A, is hereby approved by Council.

Section 2. That all formal actions and deliberations of Council relating to the adoption of this ordinance were taken in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That a certified copy of this ordinance will be promptly sent to the Hamilton County Solid Waste Management District, 250 William Howard Taft Road, Cincinnati, Ohio 45219, by the Clerk of Council.

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 need to comply with statutory provisions and to proceed with solid waste management policies without delay in order to properly serve the Cincinnati community.

Passed: _____, 2023

Aftab Pureval, Mayor

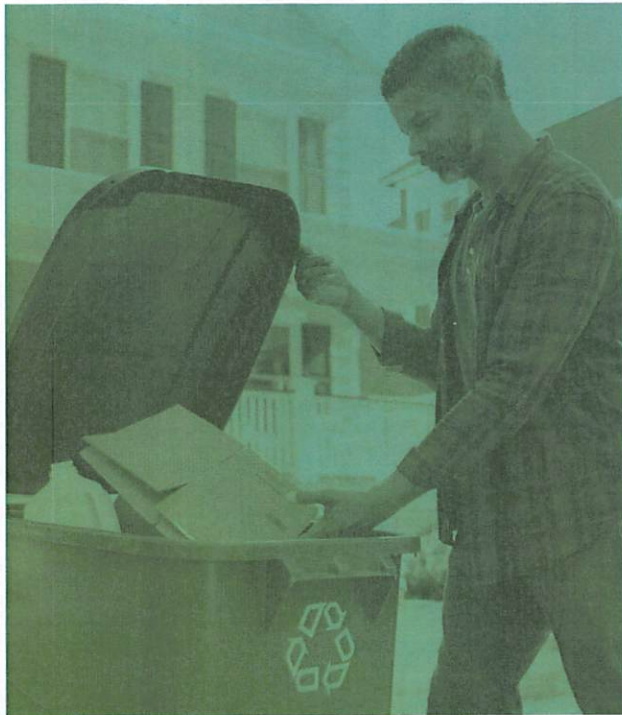
Attest: _____
Clerk

ATTACHMENT A

HAMILTON COUNTY

SOLID WASTE MANAGEMENT

PLAN UPDATE



HAMILTON COUNTY
R3SOURCE
REDUCE. REUSE. RECYCLE.

1 Introduction

A. Solid Waste Planning in Ohio

In 1988, Ohio faced a combination of solid waste management problems, including rapidly declining disposal capacity at existing landfills, increasing quantities of waste generated and disposed, environmental problems at many existing solid waste disposal facilities, and increasing quantities of waste imported into Ohio from other states. These issues, combined with Ohio's outdated and incomplete solid waste regulations, caused Ohio's General Assembly to pass House Bill (H.B.) 592, which dramatically revised Ohio's outdated solid waste regulatory program and established a comprehensive solid waste planning process.

There are three overriding purposes of this planning process: to reduce the amount of waste Ohioans generate and dispose; to ensure that Ohio has adequate, protective capacity at landfills to dispose of its waste; and to reduce Ohio's reliance on landfills.

B. Requirements of County and Joint Solid Waste Management Districts

1. Structure

As a result of H.B. 592, each of Ohio's 88 counties must be a member of a solid waste management district (SWMD). A SWMD is formed by county commissioners. A board of county commissioners has the option of forming a single county SWMD or joining with board(s) of county commissioners from one or more other counties to form a multi-county SWMD. Ohio currently has 52 SWMDs. Of these, 37 are single-county SWMDs and 15 are multi-county SWMDs.¹

A SWMD is governed by two bodies. The first is the Board of Directors which consists of the county commissioners from all counties in the SWMD. The second is a Policy Committee. The Policy Committee is responsible for developing a solid waste management plan for the SWMD. The Board of Directors is responsible for implementing the Policy Committee's solid waste management plan.²

2. Solid Waste Management Plan

In its solid waste management plan, the Policy Committee must, among other things, demonstrate that the SWMD will have access to at least 10 years of landfill capacity to manage all the SWMD's solid wastes that will be disposed. The solid waste management plan must also show how the SWMD will meet the waste reduction and recycling goals established in Ohio's state solid waste management plan and present a budget for implementing the solid waste management plan.

Solid waste management plans must contain the information and data prescribed in Ohio Revised Code (ORC) 3734.53 and Ohio Administrative Code (OAC) Rule 3745-27-90. Ohio EPA prescribes the format and way that information is presented.

¹ Counties have the option of forming either a SWMD or a regional solid waste management authority (Authority). The majority of planning districts in Ohio are SWMDs, and Ohio EPA generally uses "solid waste management district", or "SWMD", to refer to both SWMDs and Authorities.

² In the case of an Authority, it is a Board of Trustees that prepares, adopts, and submits the solid waste management plan. Whereas a SWMD has two governing bodies, a Policy Committee and Board of Directors, an Authority has one governing body of trustees. The Board of Trustees performs all of the duties of a SWMD Board of Directors and Policy Committee.

The Policy Committee begins by preparing a draft of the solid waste management plan. After completing the draft version, the Policy Committee submits the draft to Ohio EPA. Ohio EPA reviews the draft and provides the Policy Committee with comments. After revising the draft to address Ohio EPA's comments, the Policy Committee makes the solid waste management plan available to the public for comment, holds a public hearing, and revises the plan as necessary to address the public's comments.

Next, the Policy Committee ratifies the solid waste management plan. Ratification is the process that the Policy Committee must follow to provide the SWMD's communities the opportunity to approve or reject the draft plan. Once the plan is ratified, the Policy Committee submits the ratified plan to Ohio EPA for review and approval or disapproval. From start to finish, preparing a solid waste management plan can take up to 33 months.

The Policy Committee is required to submit periodic updates to its solid waste management plan to Ohio EPA. How often the Policy Committee must update its plan depends upon the number of years in the planning period. For an approved plan that covers a planning period of 10 and 14 years, the Policy Committee must submit a revised plan to Ohio EPA within three years of the date the plan was approved. For an approved plan that covers a planning period of 15 or more years, the Policy Committee must submit a revised plan to Ohio EPA within five years of the date the plan was approved.

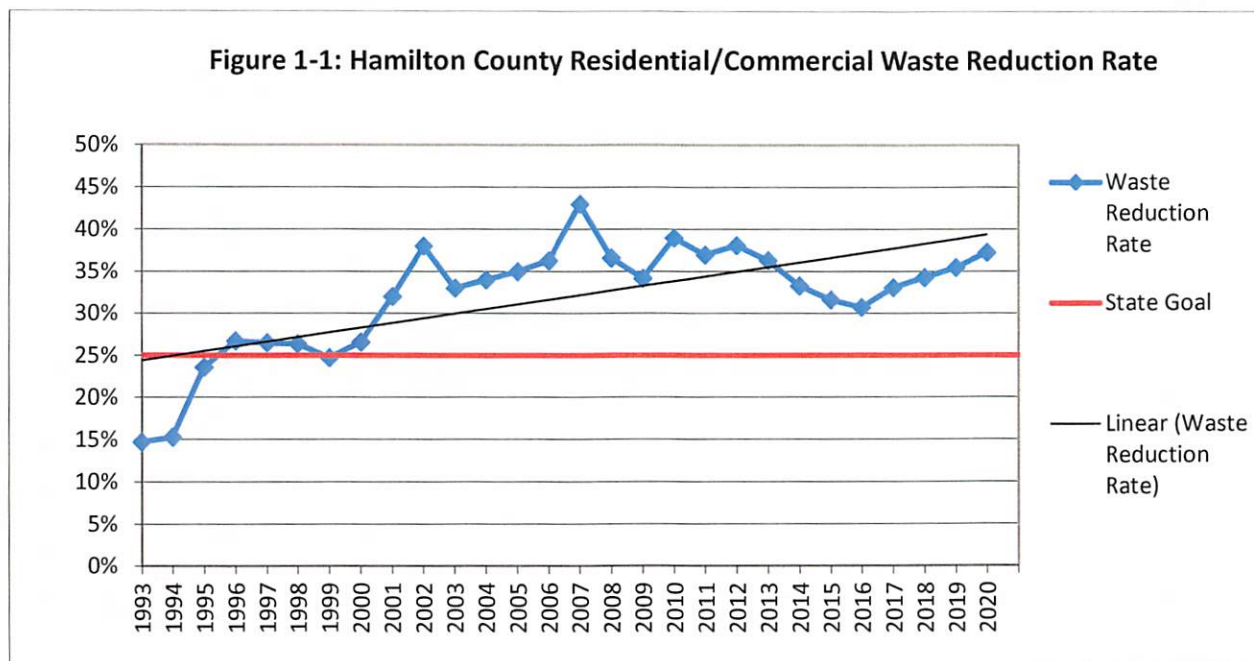
C. District Overview

Hamilton County R3Source (formerly Hamilton County Recycling and Solid Waste District and legally Hamilton County Solid Waste Management District) is a single-county SWMD whose first plan was approved by Ohio EPA in July 1993. Since that time, R3Source has remained true to its core philosophies of:

- Enacting programs that meet state mandates and needs of stakeholders.
- Relying on the private sector to provide collection, disposal, and processing.
- Filling in gaps if the private sector is not providing services.
- Passing resources through to local governments to encourage flexibility in developing waste reduction and recycling programs.

In 2020, Hamilton County's overall waste reduction rate was 55.78%. The residential/commercial sector rate was 37.25% percent, and the industrial rate was 83.32% percent. The residential/commercial rate is well above the mandated goal (see Figure 1-1). Ohio no longer has a state-mandated goal for industrial waste reduction. R3Source's success can be attributed to three factors:

- **Partnerships:** R3Source works closely with communities, schools, businesses, and the private sector waste industry to develop the most appropriate waste reduction programs.
- **Creativity:** R3Source continues to create award-winning programs and outreach to maintain and increase recycling efforts.
- **Continuous Improvement:** R3Source does not simply accept the fact that the state-mandated goals are achieved. Continual examination of programs is part of the culture.



Reference Year

The reference year for the solid waste management plan is 2020. R3Source initiated data collection for recycling, composting, and source reduction in 2021.

Planning Period

The planning period for this solid waste management plan is 2024 – 2038.

D. Waste Reduction and Recycling Goals

As explained earlier, a SWMD must achieve goals established in the state solid waste management plan. The current state solid waste management plan is the *2020 State Solid Waste Management Plan (2020 State Plan)* that established ten goals as follows:

1. The SWMD shall ensure that there is adequate infrastructure to give residents and commercial businesses opportunities to recycle solid waste; and/or
2. The SWMD shall reduce and recycle at least 25 percent of the solid waste generated by the residential/commercial sector.
3. The SWMD shall provide the following required programs: a web site; a comprehensive resource guide; an inventory of available infrastructure; and a speaker or presenter.
4. The SWMD shall provide education, outreach, marketing, and technical assistance regarding reduction, recycling, composting, reuse, and other alternative waste management methods to identified target audiences using best practices.
5. The SWMD shall incorporate a strategic initiative for the industrial sector into its solid waste management plan.
6. The SWMD shall provide strategies for managing scrap tires, yard waste, lead-acid batteries, household hazardous waste, and obsolete/end-of-life electronic devices.

7. The SWMD shall explore how to incorporate economic incentives into source reduction and recycling programs.
8. The SWMD will use U.S. EPA's Waste Reduction Model (WARM) (or an equivalent model) to evaluate the impact of recycling programs on reducing greenhouse gas emissions.
9. The SWMD has the option of providing programs to develop markets for recyclable materials and the use of recycled-content materials (optional).
10. The SWMD shall report annually to Ohio EPA regarding implementation of the SWMD's solid waste management plan.

All nine SWMD goals in this state plan are crucial to furthering solid waste reduction and recycling in Ohio. However, by virtue of the challenges posed by Goals 1 and 2, SWMDs typically must devote more resources to achieving those two goals than to the remaining goals. Thus, Goals 1 and 2 are the primary goals of the state plan.

A SWMD is not required to demonstrate that it will achieve both goals. Instead, SWMDs have the option to choose either Goal 1 or Goal 2 for their solid waste management plans. This affords SWMDs two methods of demonstrating compliance with the state's solid waste reduction and recycling goals. Many of the programs and services that a SWMD uses to achieve Goal 1 help the SWMD make progress toward achieving Goal 2 and vice versa. For this solid waste management plan, R3Source will achieve Goal 2: reduce and recycle at least 25 percent of the solid waste generated by the residential/commercial sector.

Chapter 5 and Appendix I provide descriptions of the programs R3Source will use to continue exceeding Goal 2.

E. Aspirational Diversion Goal

Although not required by the 2020 State Plan, Hamilton County R3Source established its own aspirational diversion rate goals to increase landfill diversion throughout the planning period. This will continue to challenge Hamilton County to be a leader in waste reduction in Ohio. Increasing food rescue to feed hungry people, reducing unnecessary waste costs for businesses and residents, and recovering resources that become new products fueling our regional economy act as pivotal motivators for the work of Hamilton County R3Source.

As shown in Table 1-1, R3Source will strive to support Hamilton County communities and residents to achieve a 27% diversion rate for the residential sector, encompassing a 54% increase in tonnage or over 31,000 tons annually. The commercial sector represents a larger portion of the waste stream and more potential for diversion. R3Source will strive to support Hamilton County's commercial sector to achieve a 50% diversion rate by 2038. This represents a 15% increase in tonnage or over 74,000 tons annually.

Table 1-1. 2038 Aspirational Diversion Rate		
	2020 Diversion Rate	Aspirational Diversion Rate
Residential	18%	27%
Commercial	43%	50%

May 10, 2023

To: Mayor and Members of City Council

From: Sheryl M. M. Long, City Manager

Subject: Emergency Ordinance for the Rezoning of 3701 President Drive in the Villages at Roll Hill

Transmitted is an Emergency Ordinance captioned:

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a community service facility.

The City Planning Commission recommended approval of the zone change at its May 5, 2023 meeting.

Summary:

The petitioner, Fay Limited Partnership, requests a zone change located at 3701 President Drive in the Villages at Roll Hill from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a new Boys and Girls Club Community Center.

The City Planning Commission recommended the following on May 5, 2023, to City Council:

APPROVE the proposed zone change from Single-family (SF-2) to Residential Multi-family (RM-2.0) at 3701 President Drive in the Villages at Roll Hill.

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

May 10, 2023

Cincinnati City Council
Council Chambers, City Hall
Cincinnati, Ohio 45202

Dear Members of Council:

We are transmitting herewith an Emergency Ordinance captioned as follows:

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a community service facility.

The City Planning Commission recommended approval of the zone change at its May 5, 2023 meeting.

Summary:

The petitioner, Fay Limited Partnership, requests a zone change located at 3701 President Drive in the Villages at Roll Hill from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district to facilitate the construction of a new Boys and Girls Club Community Center.

The City Planning Commission recommended the following on May 5, 2023, to City Council:

APPROVE the proposed zone change from Single-family (SF-2) to Residential Multi-family (RM-2.0) at 3701 President Drive in the Villages at Roll Hill.

Motion to Approve: Ms. Kearney

Ayes:

Ms. Beltran

Mr. Eby

Seconded: Mr. Samad

Ms. Kearney

Mr. Samad

Mr. Stallworth

Mr. Weber

THE CITY PLANNING COMMISSION



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

SUBJECT: A report and recommendation on a proposed zone change from Single-family (SF-2) to Residential Multi-family (RM-2.0) at 3701 President Drive in the Villages at Roll Hill.

GENERAL INFORMATION:

Location: 3701 President Drive, Cincinnati OH, 45225

Petitioner: Craig Abercrombie, Abercrombie & Associates, Inc.

Petitioner's Address: 8111 Cheviot Road, Suite 200, Cincinnati, OH 45247

Property Owner: Fay Limited Partnership

Owner's Address: 7778 East Kemper Road, Cincinnati, OH 45249

ATTACHMENTS:

- Exhibit A – Location Map
- Exhibit B – Site Photo
- Exhibit C – Zone Change Application
- Exhibit D – Zone Change Plat
- Exhibit E – Legal Description
- Exhibit F – Coordinated Site Review (CSR) Letter CPRE230003
- Exhibit G – Public Comment

BACKGROUND:

The petitioner, Craig Abercrombie, on behalf of property owner Fay Limited Partnership, is requesting a zone change at 3701 President Drive in the Villages at Roll Hill from Single-family (SF-2) to Residential Multi-family (RM-2.0). The subject property is currently occupied by basketball courts and grass fields and is adjacent to the Villages at Roll Hill Community Center, which is a small building that hosts various community functions. The applicant wishes to change the zoning to facilitate the construction of a new Boys and Girls Club Community Center, since the current SF-2 zoning district does not permit a community service use. The new Boys & Girls Club Community Center will be significantly larger than the Villages at Roll Hill Community Center building and will be focused on providing services to area youth, although it will be available for other community functions as well. Following the zone change process, the applicant intends to request Conditional Use approval for a community service facility in RM-2.0 and any other necessary zoning relief. The parcel is not located in a Hillside Overlay District or Local Historic District. The total zone change area measured to the street centerline will be approximately 1.4269 acres after the lot is split from one larger parcel into two through the City's Minor Subdivision process. This project has been submitted for and is currently going through the Minor Subdivision process.

ADJACENT LAND USE AND ZONING:

The property is currently zoned Single-family (SF-2) and the proposed RM-2.0 zoning is the same for other adjacent parcels. The zoning and land uses are as follows (also see Exhibit A):

North:

Zoning: Residential Multi-family (RM-2.0)

Use: Multi-family buildings

South:

Zoning: Single-family (SF-2)

Use: Community center

East:

Zoning: Residential Multi-family (RM-2.0)

Use: Multi-family buildings

West:

Zoning: Single-family (SF-2)

Use: Single-family homes

PROPOSED DEVELOPMENT:

The applicant intends to construct a new Boys & Girls Club Community Center, which will provide daily services for area children and teens. This use has been determined to be a “community service facility” according to the Zoning Code.

COORDINATED SITE REVIEW:

The proposed project was reviewed by City departments through the Coordinated Site Review process. No departments had concerns about the proposed project, except to ensure utility coordination. Department comments are included in Exhibit F.

PUBLIC COMMENT AND NOTIFICATION:

A virtual Public Staff Conference was held on Tuesday, April 18, 2023 to discuss the proposed zone change. Members of staff from the Department of City Planning and Engagement and the applicant team were present, and four members of the public attended. All public attendees were either in support or did not state a position. Notice of the Public Staff Conference, as well as the May 5, 2023 City Planning Commission meeting, was sent to all property owners within 400 feet of the property, the East Westwood Improvement Association, and South Cumminsville Community Council. The Villages at Roll Hill currently does not have an active community council. There was one letter received in support of the project, which is shown in Exhibit G. The applicant has stated they will be hosting additional engagement events in the Villages at Roll Hill about the project in May 2023.

CONSISTENCY WITH PLANS:

Plan Cincinnati (2012)

The proposed zone change is consistent with the Live Initiative Area of *Plan Cincinnati (2012)* and the goal to “create a welcoming civic atmosphere” (p. 153), by providing a space where young people can gather and learn in healthy and positive ways.

CONCLUSION

The staff of the Department of City Planning and Engagement supports the proposed change in zoning for the following reasons:

1. The proposed zone is consistent with the existing surrounding zoning.
2. The proposed use is consistent with Plan Cincinnati’s Live Initiative Area.
3. The proposed use will benefit the area’s young people and has the support of community members.

RECOMMENDATION:

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

APPROVE the proposed zone change from Single-family (SF-2) to Residential Multi-family (RM-2.0) at 3701 President Drive in the Villages at Roll Hill.

Respectfully submitted:



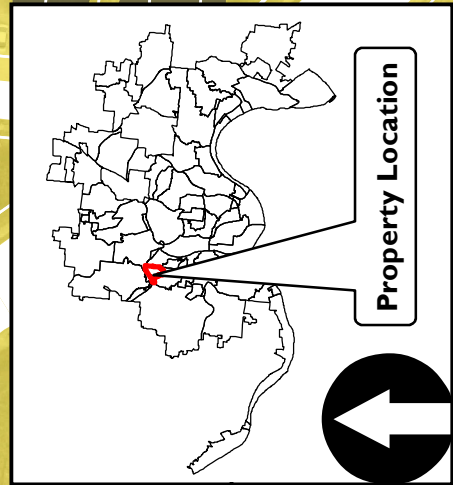
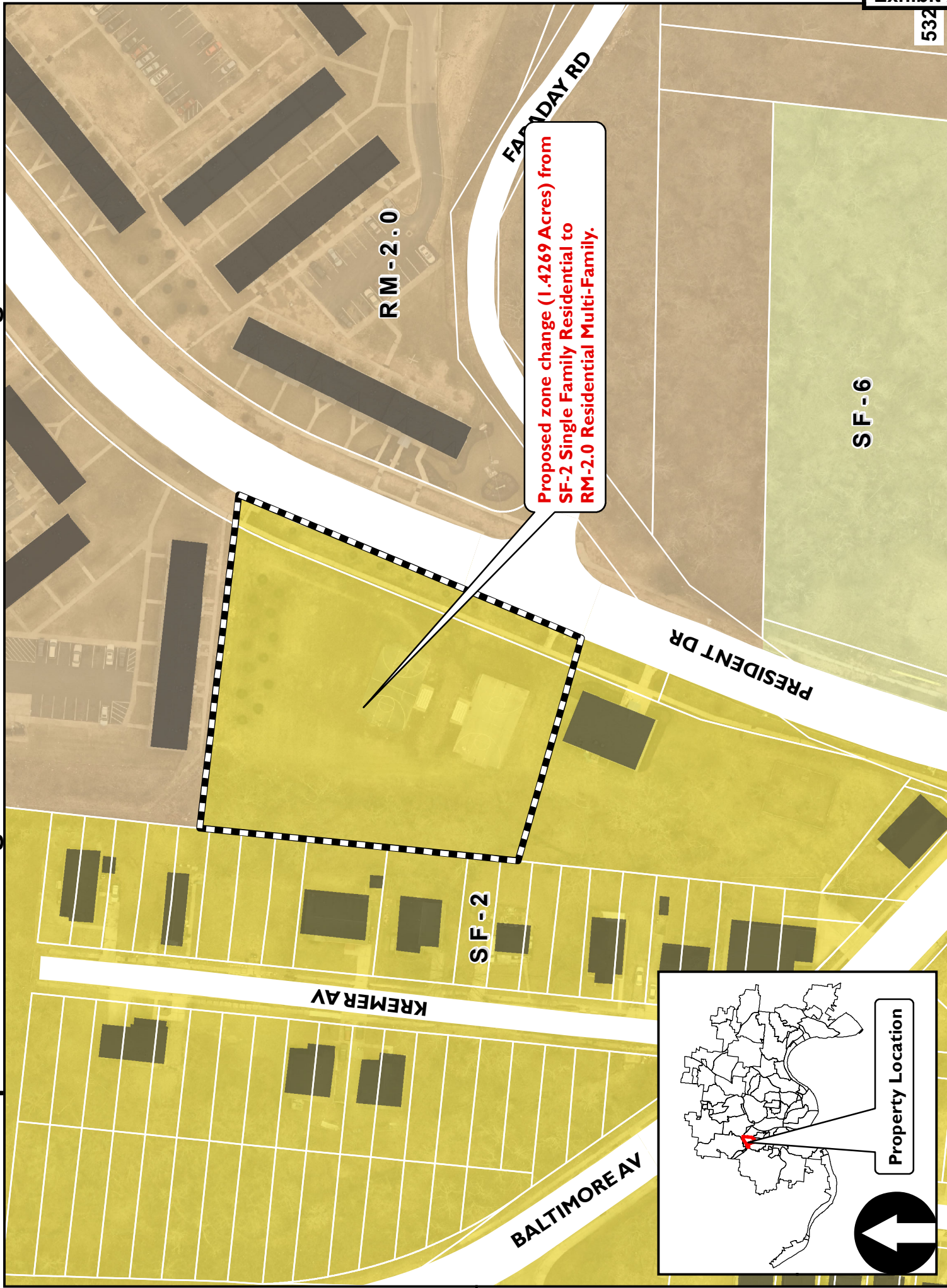
Andrew Halt, AICP, PE (PA), City Planner
Department of City Planning and Engagement

Approved:



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

Proposed Zone Change at 3701 President Drive in the Villages at Roll Hill







**Abercrombie
& Associates, Inc.**
Civil Engineering + Surveying

To: City of Cincinnati **Attention:** Andrew Halt
Dept. of City Planning & Engagement
Two Centennial Plaza
805 Central Avenue, Suite 720 **Job No.:** 22-0016
Cincinnati, Ohio 45202 **Date:** 3/29/23

Ref: 3701 President Drive

LETTER OF TRANSMITTAL

☒ **VIA COURIER**

We are sending you the following items:

☒ Prints ☐ Calculations ☐ CD ☒ Check
☐ Copy of Letter ☒ Legal Description ☒ Application ☐ Other

Copies	Date	Description
2		Petition for Change of Zoning
1		Legal Description
1		Zone Change Plat
1		Check for \$1,500.00

These are transmitted as checked below:

☐ As Requested ☐ For Information ☐ For your Approval
☐ Per Attached ☐ Your Signature ☐ Per Phone Call
☒ For Review & Comment ☐ At the Request of _____

Remarks:

If enclosures are not as noted, kindly notify us at once.

Copy To: _____ **By:** Craig Abercrombie

**PETITION FOR CHANGE OF ZONING OF PROPERTY
LOCATED IN THE CITY OF CINCINNATI, OHIO**

To: The Honorable Council of the City of Cincinnati

Date: 03/28/2023

I hereby request your Honorable Body to amend the Zoning Map of the City of Cincinnati by changing the area described in the attached legal documentation and depicted on the attached plat from the SF-2 Zone District to the RM-2.0 Zone District.

Location of Property (Street Address): 3701 President Drive

Area Contained in Property (Excluding Streets): 1.4269 Ac. (Gross)

1.1277 Ac. (Net)

Present Use of Property: Open Space & Tennis Courts

Proposed Use of Property & Reason for Change: New Community Center for Boys & Girls Club of Greater Cincinnati

Property Owner's Signature: 

Name Typed: Fay Limited Partnership-Brian Hendy

Address: 7778 East Kemper Road, Cincinnati, OH 45249 Phone: 614-552-5945

Agent Signature: 

Name Typed: Fay Limited Partnership-Brian Hendy

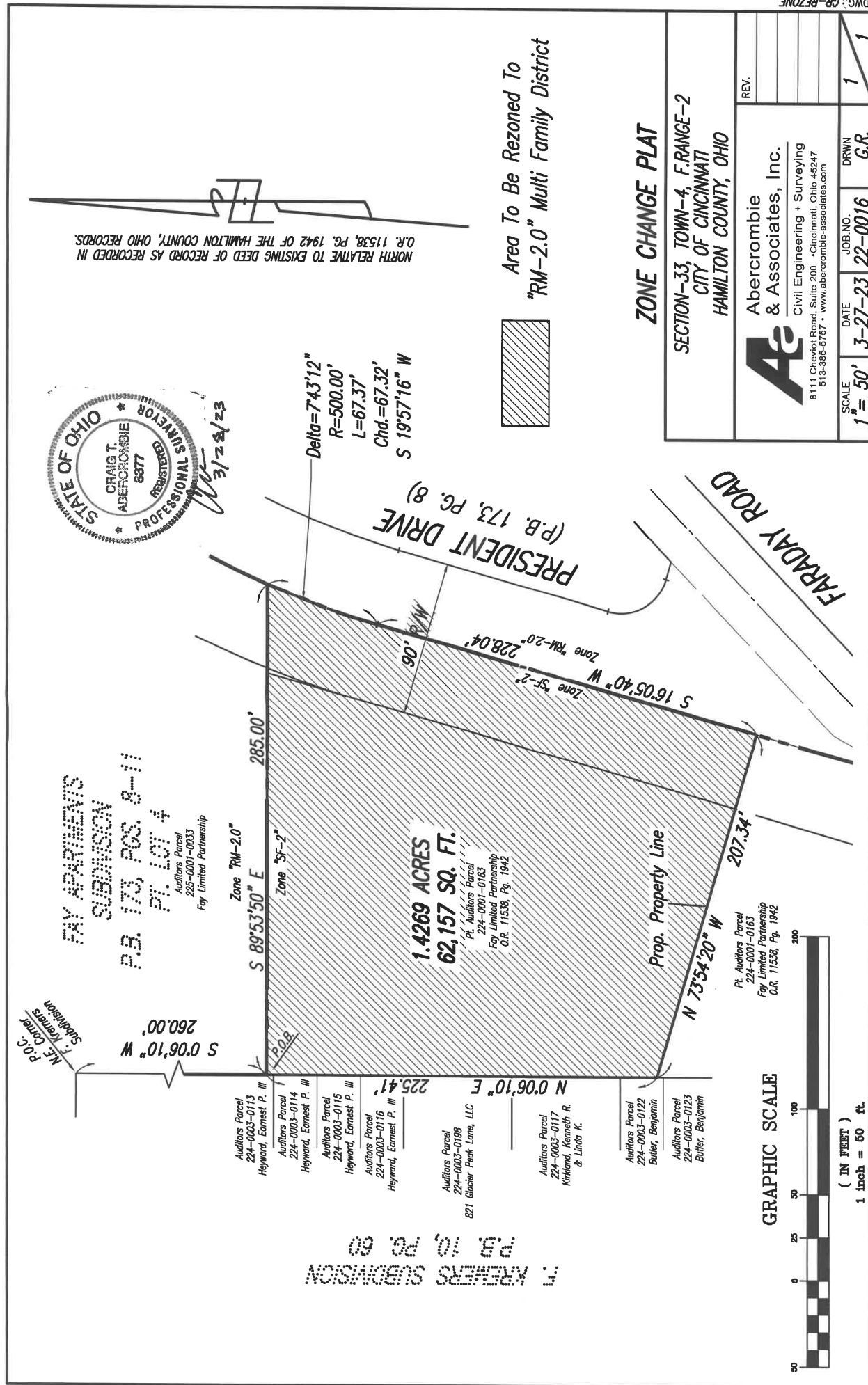
Address: 7778 East Kemper Road, Cincinnati, OH 45249 Phone: 614-552-5945

Please Check if the Following Items are Attached

Application Fee XX

Copies of Plat XX

Copies of Metes and Bounds XX





**Abercrombie
& Associates, Inc.**

Civil Engineering + Surveying

MARCH 29, 2023

**LEGAL DESCRIPTION
PARCEL "A"
1.4269 ACRES**

SITUATE IN SECTION 33, TOWN 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF F. KREMER'S SUBDIVISION AS RECORDED IN PLAT BOOK 10, PAGE 60 OF THE HAMILTON COUNTY, OHIO RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, SOUTH 00°06'10" WEST, 260.00 FEET TO AN EXISTING CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF FAY APARTMENTS SUBDIVISION AS RECORDED IN PLAT BOOK 173, PAGES 8 THRU 11 OF THE HAMILTON COUNTY, OHIO RECORDS AND THE REAL PLACE OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE LEAVING THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, ALONG THE SOUTHERLY LINE OF SAID FAY APARTMENTS SUBDIVISION, SOUTH 89°53'50" EAST, PASSING A SET 5/8" IRON PIN AND CAP (#8377) AT 233.48 FEET, A TOTAL DISTANCE OF 285.00 FEET TO THE CENTERLINE OF PRESIDENT DRIVE (90' RIGHT-OF-WAY);

THENCE WITH THE CENTERLINE OF SAID PRESIDENT DRIVE, SOUTH 16°05'40" WEST, 228.04 FEET TO A POINT;

THENCE LEAVING SAID CENTERLINE OF PRESIDENT DRIVE, ALONG A NEW DIVISION LINE, NORTH 73°54'20" WEST, PASSING A SET 5/8" IRON PIN AND CAP (#8377) AT 45.00 FEET, A TOTAL DISTANCE OF 207.34 FEET TO A SET 5/8" IRON PIN AND CAP (#8377) IN THE EASTERLY LINE OF THE AFOREMENTIONED F. KREMER'S SUBDIVISION;

8111 Cheviot Road • Suite 200 • Cincinnati, Ohio 45247
Phone: (513) 385-5757 • Fax: (513) 245-5161
www.abercrombie-associates.com

THENCE ALONG THE EASTERLY LINE OF SAID F. KREMER'S SUBDIVISION, NORTH 00°06'10" EAST, 225.41 FEET TO THE PLACE OF BEGINNING.

THUS CONTAINING 1.4269 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE BASED ON OFFICIAL RECORD 11538, PAGE 1942 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.



February 17, 2023

Mr. Nicholas Keyes
JS Held
3950 Virginia Avenue
Cincinnati, Ohio 45227

Re: 3710 President Drive | Boys & Girls Club (D) – **(CPRE230003)** Final Recommendations

Dear Mr. Keyes,

This letter is to inform you that our CSR Advisory-TEAM and CSPRO Committee has reviewed your proposed project at **3710 President Drive** in the Community of East Westwood. It is my understanding that you are proposing to construct a new Boys and Girls Club with parking and utilities. The information provided is the recommendations of the City of Cincinnati and must be followed as you move forward with your project. As a reminder, we will have a **Teams conference call meeting** with you on **February 21, 2022 @ 10 am** to discuss this information. Please see the feedback listed below. Thank you for developing within the City of Cincinnati.

City Planning & Engagement – Planning Division

Immediate Requirements to move the project forward:

1. **A Zone Change from Single-Family Residential (SF-2) to the adjacent Multi-Family Residential (RM-2.0) will be required for the proposal as it is submitted.**
2. Zone Change Process:
 - Application and plans need to be submitted to the Department of City Planning and Engagement (including \$1500 fee)
 - Staff Conference (3-4 week process)
 - City Planning Commission (4-6 weeks)
 - Equitable Growth & Housing Committee/City Council (4-14 weeks)

Requirements to obtain permits:

- None

Recommendations:

1. It is strongly advised that the applicant engages with the East Westwood Improvement Association, the Villages at Roll Hill, and adjacent property owners.
2. Contact information for community councils can be found here: <https://bit.ly/CommunityCouncilContacts>.

Contact:

- **Andrew Halt** | City Planning | 513-352-4854 | andrew.halt@cincinnati-oh.gov

City Planning & Engagement – Zoning Division

Immediate Requirements to move the project forward:

1. The existing SF 2 zoning does not permit a community service (boys/girls club) use. Re-zoning of the site to RM 2.0 would allow for the proposed community service use as a conditional use. Conditional use approval would be needed after re-zoning is approved.
2. If re-zoned to RM 2.0, bufferyard "A" of 10' in width with a 6' tall screen fence is required along the west and south property line of the new parcel- these sides abut an SF zone. The building could be shifted north a few feet to the 5' side setback - to allow for the 10' buffer on the south as surface parking is not allowed in the bufferyard- and still respect the 5' side setback requirement on the north.
3. It appears that the building is less than the 45' height limit of the RM 2.0 district, but confirmation the building height in the area of the gym is needed.
4. The site plan provided shows most of the required information, but more information is needed such as exterior lighting, dumpster/screening, parking lot landscaping, bufferyard etc. to be able to finalize the review of the project.
5. Parking is required at a ratio of one parking space per 100 SF of building. The facility is estimated to be 25,000 SF and thus approximately 250 parking spaces would be required. A variance would be needed as it appears that 28 parking spaces are provided.
6. The signage shown on the east façade drawing would require a size variance as a sign for a non-residential use in a residential zone is limited to 24 SF. The instructional signage above the two doors on the south façade are exempt if less than 6 SF.
7. The proposed 13.6' rear setback requires a 21.4' rear setback variance from the RM 2.0 35' rear setback requirement.

Requirements to obtain permits:

1. Exterior lights are required to be contained within the fixture and not visible from off-site and limited to 20' height above the ground.

Recommendations:

- None

Contact:

- **Wes Munzel** | ZPE | 513-352-2442 | weston.munzel@cincinnati-oh.gov

Metropolitan Sewer District (MSD)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. You may want to contact Rob Franklin at 513-557-7188 or at rob.franklin@cincinnati-oh.gov for Sewer Availability Extension. Your Availability is good until March 22, 2023.
2. Detention will be reviewed by Jeff Chen at jeff.chen@cincinnati-oh.gov or 513-244-1357 per Section 303 of the MSD Rules and Regulations. For additional site storm water requirements within the City of Cincinnati, contact the Stormwater Management Utility (SMU) at 513.591.5050.
3. An approved site utility plan will be required for building to receive approved permit.

Recommendations

- None

Contact:

- **Jim Wood** | MSD | 513-352-4311 | jim.wood@cincinnati-oh.gov

Stormwater Management Utility (SMU)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Detention and Water Quality is required.
2. Use SMU rules, refer to SMU Rules & Regs, Chapter 12 [https://cincinnati-oh.gov/sites/stormwater/assets/File/smu_rules_and_regs\(1\).pdf](https://cincinnati-oh.gov/sites/stormwater/assets/File/smu_rules_and_regs(1).pdf)
3. Submit following documents - detention/water quality calculations, drainage map, detention control structure with elevations, detentions shop drawings (manufacturer drawing)
4. Utility Plan
 - Label all pipes materials.
 - In the public R/W, pipes to be DIP or RCP.
 - Show Top & Invert elevations for all Appurtenances.
 - Show slopes for all pipes.
 - Curb cuts: driveway aprons at min. 5' away from SMU inlets
 - No pipes connections allowed into Public Inlets.
5. Grading Plan
 - Grading must show existing and proposed contours.
 - Impervious surfaces are NOT permitted to drain towards adjacent properties.
 - Contours changes are NOT allowed to push more runoff towards adjacent properties (as compared to pre-development conditions).
 - Runoff from all pavements must be captured and conveyed to the stormwater system. Only 800 sf of pavement may sheet flow to the public R/W.
6. Erosion & Sediment Control Plan is required. Refer to link: <https://cincinnati-oh.gov/stormwater/construction-and-design/standards/sediment-and-erosion-control/>
7. SMU Standards Plans Notes is required. Refer to link: <https://www.cincinnati-oh.gov/stormwater/construction-and-design/standards/smu-standard-plan-notes-april-2022/>
8. As-Built survey is required. SMU will require an As-Built survey at the end of construction. The survey should include the following information:
 - State Plane Coordinates (N,E) for all MH's and Catch Basins
 - Inverts and Top elevations for all MHs and Catch Basins
 - Slopes, sizes, and materials for all storm lines.

Recommendation:

- None

Contact:

- **Kevin Gold** | SMU | 513-222-3643 | kevin.gold@cincinnati-oh.gov

Water Works

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Greater Cincinnati Water Works (GCWW) will require a stamped and recorded plat before any building permits are approved or water service branches sold.
2. Each building will need its own water service branch(es).
3. Water service branches are not to cross parcel lines.
4. The backflow preventer will need to be in a heated structure directly behind the meter setting.
5. **The new building will require its separate water service branch(es). The proposed location of the water service branch as shown on the "Grading/Utility Plan" will not be allowed. The location shown is between two main line system valves. The location of the proposed branch needs to be at least 5 feet away from the main line valve or any bends.**
6. The subject development property is receiving water service from the following:

Address	Branch #	Size	Meter #	Size
3691 President Dr.	H-261143	1"	261143	1"

7. If the existing water service branch for this project is not to be used for this development, it must be properly disconnected at the owner's / developer's expense. Owner would be required to fill out the online Discontinuance Form (FOD) at <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/fod/> authorizing removal of any existing water service branch before any new water service can be sold.

Recommendations:

1. The Owner(s)/Developer(s) will need to hire a Greater Cincinnati Water Works certified licensed and bonded fire protection company and plumber to perform the private water service branch design work and installation.
2. The Owner(s)/Developer(s) must have a licensed fire protection company and plumber that is bonded and certified with GCWW and fill out the Online Branch application <https://www.cincinnati-oh.gov/water/engineering-construction/forms-specifications/> for water service.

Contact:

- **Rick Roell** | WaterWorks | 513-591-7858 | richard.roell@gcww.cincinnati-oh.gov

Fire Department

Immediate Requirements to move the project forward:

1. A site plan is needed showing 2 readily **accessible** Fire Hydrants within 400 feet of all sides of your project.
2. The minimum fire flow requirements for Commercial structures: 2,000 gallons/per/minutes (GPM) @ 20 pressure/per/square inch (psi) (138Kpa).
3. Emergency Responder Bidirectional Antenna radio required in your building.
4. The Site Plan needs to show the location of the FDC and the distance in feet from the closest Fire Hydrant.

Requirements to obtain Permits:

- None

Recommendations:

- None

Contact:

- **Elton B. Britton** | Fire Dept. | 513-357-7596 | elton.britton@cincinnati-oh.gov

Office of Environment and Sustainability (OES)

Immediate Requirements to move forward with project:

- None

Requirements to obtain permits:

1. Commercial waste, including construction and demolition debris, generated during this development project must utilize a City franchised commercial waste collection service per Cincinnati Municipal Code Chapter 730. Additional information can be found at <https://www.cincinnati-oh.gov/oes/commercial-waste-hauler-program/>.
2. If offsite sourced fill is to be placed onsite, then it must receive OES environmental approval when it exceeds 500 cubic yards as per City Municipal Code Chapters 1101 and 1031.

Recommendations:

1. The following recommendation is based on State of Ohio requirements:
 - a. Due to the age of the existing site building, asbestos, lead based paint, and other hazardous building materials should be surveyed and, if needed, abatement should be conducted following all applicable state regulations prior to its demolition.
2. The following recommendations are based on adopted City of Cincinnati environmental and sustainability policies:
 - a. The development goal should be to earn at a minimum the LEED Certified rating level.
 - b. Rooftop solar should be considered in the design as a renewable energy source.
 - c. Site parking should include electric vehicle charging stations.
 - d. Site areas designated for trash dumpsters should also have at least equal space designated for recycling dumpsters.
 - e. The use of trees in the landscape design should be included to enhance urban forestry.
 - f. The use of pervious surfaces should be maximized to the extent practical in the design.

Contact:

- **Amanda Testerman** | OES | 513-352-5310 | amanda.testerman@cincinnati-oh.gov

Parks Department (Urban Forestry)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Matt Dickman** | Urban Forestry | 513-861-9070 | matt.dickman@cincinnati-oh.gov

Department of Transportation & Engineering (DOTE)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Provide City DOTE standard concrete driveway apron. Driveway is to meet proper clearance requirements.
2. Curb ramp is required on west side of President Dr. If it is to be relocated, a corresponding ramp is required on the east side too.
3. All work in the public right-of-way will require a separate DOTE permit.
4. The assigned address for the proposed Boys & Girls Club will be 3701 President Drive. This is the address that should be used for all permits, licenses, marketing, etc. Once constructed, the address number must be posted and visible from the street. Contact DTEaddress@cincinnati-oh.gov with any questions.

Recommendations:

- None

Contact:

- **Morgan Kolks** | DOTE | 513-335-7322 | morgan.kolks@cincinnati-oh.gov

Buildings & Inspections – Buildings

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. Each existing structure will require a wrecking permit.
2. the proposed grading cannot extend beyond the property lines.
3. Exterior wall ratings must conform to OBC Table 602.

Recommendations:

- None

Contact:

- **Robert Martin** | B&I Plans Exam | 513-352-2456 | robert.martin@cincinnati-oh.gov

Law Department

Immediate Requirements to move the project forward:

1. No comment at this time.

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Charles Martinez** | Law | 513-352-3359 | charles.martinez@cincinnati-oh.gov

Department of Community & Economic Development (DCED)

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

- None

Recommendations:

- None

Contact:

- **Robert Bertsch** | DCED | 513-352-3773 | robert.bertsch@cincinnati-oh.gov

Health Department

Immediate Requirements to move the project forward:

- None

Requirements to obtain permits:

1. No need for Health to review project as proposed.

Recommendations:

- None

Contact:

- **Trisha Blake** | Health Dept. | 513-352-2447 | trisha.blake@cincinnati-oh.gov

Police Department

Immediate Requirements to move the project forward:

- None currently.

Requirements to obtain permits:

- No comments.

Recommendations:

- None

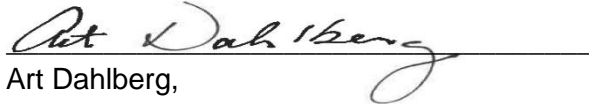
Contact:

- **Katalin Howard** | Police Dept. | 513-352-3298 | katalin.howard@cincinnati-oh.gov
- **Brandon Kyle** | Police Dept. | 513-564-1870 | brandon.kyle@cincinnati-oh.gov

FINAL ACTION: The CSR Advisory-TEAM and CSPRO Committee believes that the proposed project plans are moving in the appropriate direction and recommends that the project move forward to the City Planning Commission subject to the following condition.

- **The subject development must follow the requirements listed above to ensure that the development meets the requirements of all agencies as they apply for all permits.**

Sincerely,



Art Dahlberg,
Director of Buildings and Inspections Department
& CSPRO Committee Chair

AD:RDR:hs



Rodney D. Ringer,
Development Manager

Halt, Andrew

From: Linda Kirkland <kirk4760@gmail.com>
Sent: Tuesday, April 11, 2023 9:02 AM
To: Halt, Andrew
Subject: [External Email] Boys and Girl's Club at Villages at Roll Hill

You don't often get email from kirk4760@gmail.com. [Learn why this is important](#)

External Email Communication

I received a letter regarding a meeting for proposed zone change in order to build the Boys and Girls Club. I was very sad when the plans for it were stopped after hearing details about it being built. I have lived in the community for over 25 years and raised children here. Now my grandchildren live in this community. The children in this neighborhood really need a positive place to gather for social, physical and emotional support.

I will not be participating in the Zoom meeting and appreciate the opportunity to send you my comments by email. I am very glad to hear the plans for the Club are moving forward with this meeting. I am in full support of the Boys and Girls Club being built.

Thank you for your time.

Linda Kirkland

EMERGENCY

CHM

- 2023

AMENDING the official zoning map of the City of Cincinnati to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district to facilitate the construction of a community service facility.

WHEREAS, Fay Limited Partnership, an Ohio limited partnership (“Petitioner”), has petitioned to rezone certain real property located at 3701 President Drive in the Villages at Roll Hill neighborhood (“Property”) from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district; and

WHEREAS, the Petitioner desires to facilitate the construction of a new Boys and Girls Club Community Center on the Property; and

WHEREAS, a zone change is necessary to permit the community service facility use of the Property because the current SF-2, “Single-family,” zoning district does not permit community service facility uses; and

WHEREAS, the proposed zone change from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district would allow for the Property to be developed and used in a manner that is consistent with its existing use for recreation and community services; and

WHEREAS, the proposed zone change is consistent with Plan Cincinnati (2012), including the goal to “create a welcoming civic atmosphere” as described on page 153; and

WHEREAS, at its regularly scheduled meeting on May 5, 2023, the City Planning Commission determined that the proposed zone change is in the interest of the public’s health, safety, morals, and general welfare, and it recommended rezoning the Property from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district; and

WHEREAS, a committee of Council held a public hearing on the proposed rezoning of the Property following due and proper notice pursuant to Cincinnati Municipal Code Section 111-1, and the committee approved rezoning the Property, finding it in the interest of the public’s health, safety, morals, and general welfare; and

WHEREAS, the Council resolves to rezone the Property from the SF-2, “Single-family,” zoning district to the RM-2.0, “Residential Multi-family,” zoning district, finding it to be in the interest of the public’s health, safety, morals, and general welfare; now, therefore,

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

Section 1. That the shape and area of the City of Cincinnati's official zoning map in the location of the real property located at 3701 President Drive in the Villages at Roll Hill neighborhood, shown on the map attached hereto as Attachment "A" and incorporated herein by reference, and being more particularly described on the legal description contained in Attachment "B" attached hereto and incorporated herein by reference, is hereby amended from the SF-2, "Single-family," zoning district to the RM-2.0, "Residential Multi-family," zoning district.

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 allow the petitioner to proceed with its redevelopment plans so that the City may receive and enjoy the corresponding benefits of the new community service facility at the earliest possible date.

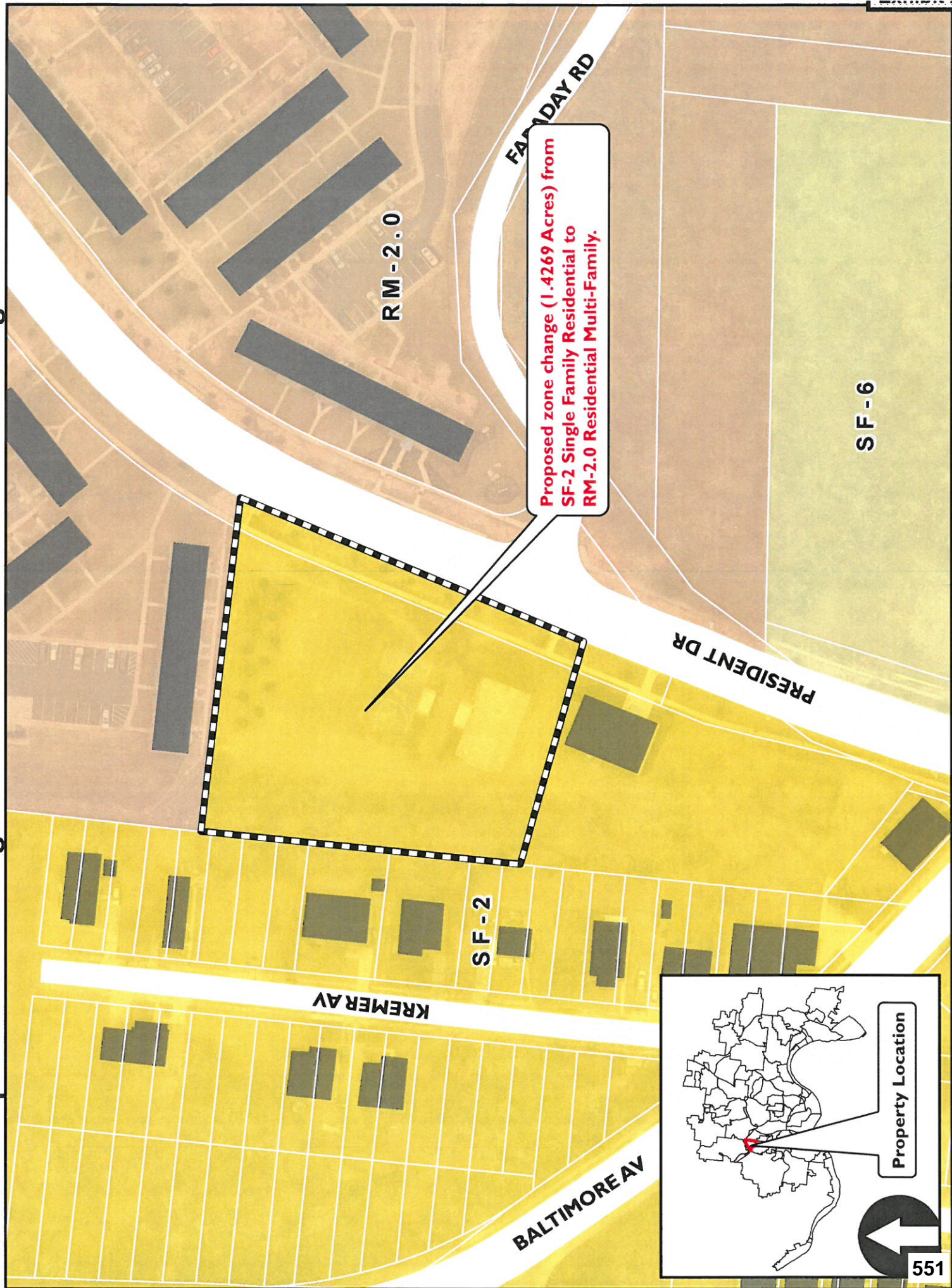
Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

Proposed Zone Change at 3701 President Drive in the Villages at Roll Hill



ATTACHMENT B



**Abercrombie
& Associates, Inc.**

Civil Engineering + Surveying

MARCH 29, 2023

**LEGAL DESCRIPTION
PARCEL "A"
1.4269 ACRES**

SITUATE IN SECTION 33, TOWN 3, FRACTIONAL RANGE 2, MILLCREEK TOWNSHIP, CITY OF CINCINNATI, HAMILTON COUNTY, OHIO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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Phone: (513) 385-5757 • Fax: (513) 245-5161

www.abercrombie-associates.com

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THUS CONTAINING 1.4269 ACRES OF LAND AND BEING SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

BEARINGS USED IN THIS LEGAL DESCRIPTION ARE BASED ON OFFICIAL RECORD 11538, PAGE 1942 OF THE HAMILTON COUNTY, OHIO REGISTERED LAND RECORDS.



202301478

Mark Jeffreys
Councilmember

May 19, 2023

MOTION

Zoning and Surface Parking

WE MOVE that the Administration work to extend Interim Development Control Overlay District No. 88, "Surface Parking in the Downtown Development District," as an overlay district for a period of six months pursuant to chapter 1431, "Interim Development Control Overlay Districts," of the Cincinnati Municipal Code.

WE FURTHER MOVE that the Administration have this extension brought before City Council for final approval by close of business September 20, 2023—before the IDC is currently set to expire.

WE FURTHER MOVE that the Administration prioritize the zoning study of the text amendment that would restrict the development of surface parking lots in the DD Downtown Development district pursuant to the legislation referred to Planning Commission on September 21, 2022. *The Intent of this Council is for the Ultimate Ordinance to be presented no later than December 31, 2023.

STATEMENT

In September of 2022, legislation was introduced to amend the Downtown Development (DD) zoning district and to study surface parking. On September 15, 2022, City Manager Long directed the Department of City Planning and Engagement to conduct a zoning study of DD zoning district and establish an Interim Development Control (IDC) Overlay District for the duration of the study, which Council approved on September 21, 2022. On November 8, 2022, Council's Equitable Growth and Housing Committee approved a nine-month extension of the IDC and the Department of City Planning and Engagement outlined their proposed process of their evaluation of the text amendment. Their outline contemplated public engagement and study being wrapped up by the end of Spring 2023. The next day, November 9, 2023, Council approved the extension of the IDC by nine months, extending the "freeze" of the development of surface parking until September. After having conversations internally, we believe it would be prudent to extend the IDC by another six months.

*amended on the floor of the Equitable Growth & Housing Committee meeting 6/6/2023.

Mark Jeffreys
Councilmember Mark Jeffreys

Jan-Michele Lemoine
Jan-Michele Lemoine

Mark D. Owens
Mark D. Owens

David L. ...
David L. ...

GR Cal May 22, 23

May 22, 23

Wm. H. Brown

Wm. H. Brown

Wm. H. Brown



202301576

Reggie Harris
Councilmember

May 25, 2023

MOTION

Oakley Community Urban Parking Overlay

WE MOVE that the Administration work with the Oakley Community Council (OCC) to implement an Urban Parking Overlay in the Oakley Neighborhood Business Districts in accordance with the attached letter from OCC. We request that this ordinance be sponsored by the cosignatories of this motion in the interest of not placing a cost burden on the community.

Councilmember Reggie Harris

Councilmember Mark Jeffreys

STATEMENT

An Urban Parking Overlay is a zoning overlay that removes parking requirements from the zoning code within a specific geographic area. Parking requirements require most housing developments and businesses to provide a certain number of parking spaces corresponding to their housing development/business. This is a burden for small businesses and at times prevents economic

development from getting off the ground. By implementing an Urban Parking Overlay in Oakley, the City will support Oakley's efforts to continue to grow its business district and thrive as a community.

The City of Cincinnati has implemented three Urban Parking Overlay Districts: District #1 covers Downtown, Over-the-Rhine, Pendleton, and parts of Mt. Auburn and West End, and District #2 covers a large portion of Camp Washington, and District #3 along Linn Street in the West End. These two districts were approved on September 19, 2019, and June 23, 2021, respectively.

The Oakley Community Council reached out to Councilmember Jeffreys' and Councilmember Harris' offices in May of 2023 to discuss the possibility of sponsoring an Urban Parking Overlay in their neighborhood. The Oakley Community Council then provided the letter of support (attached) which clearly outlines the boundaries and scope of the proposed UPO. It also outlines the extensive engagement undertaken to advance this proposal, including specific callouts to the alignment with the Oakley Master Plan (2019).



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April 7th, 2023

Mr. Jesse Urbancsik
City of Cincinnati
Department of City Planning & Engagement
805 Central Avenue, Suite 720
Cincinnati, Ohio 45202
Jesse.Urbancsik@cincinnati-oh.gov

RE: Parking Overlay

Dear Mr. Urbancsik:

At the February 7th, 2023 meeting of the Oakley Community Council ("OCC"), the Board of Trustees took a vote regarding our desire for an urban parking overlay.

The motion read:

The Oakley Community Council Board of Trustees issues a letter of support for a parking overlay within our defined business district along Madison Road, as well as our business district along Wasson Road, which will remove parking minimums for all types of future development projects. The letter ought to also capture the months of engagement the OCC has done around this issue, a clearly defined map of the properties that will change, and inclusion of our previously approved master plan language.

The motion was voted on and approved by the Board of Trustees with a vote of: 11-1.

Below are the dates where this topic was noticed and discussed publicly amongst the Board and with the Oakley community. All of these dates have an approved set of meeting minutes that can be provided:

11/21/18	12/7/21
8/15/19	4/5/22
10/17/19	5/3/22
11/5/19	9/6/22
12/3/19	10/4/22
1/7/20	10/20/22
1/21/21	11/1/22
2/2/21	1/10/23
4/15/21	1/19/23
5/21/21	2/7/23
8/3/21	2/16/23
9/7/21	3/7/23



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The link to the map will be provided in the email communication with this letter.

Below are excerpts from the Oakley Master Plan, approved by City Council October 2019 and dedicated to Jared Ellis, which also signals community support:

investing in Our Businesses

Our Vision...

Oakley strives to preserve and grow its strong collection of local businesses through emphasizing business diversity, creative business resources, parking solutions, and walkability.

Goal 1

Utilize creative parking solutions that allow our business district to thrive.

STRATEGY #1 Explore options to create an Urban Parking Overlay District in the Oakley Business District.

ACTION STEP

Work with the community stakeholders, Oakley business owners, and City departments to study feasibility.

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We are confident in our extensive community engagement on this topic and appreciate you and your team's assistance along the way. If you need any further information or have any questions, I can be reached at colleen.reynolds@oakleynow.com.

Sincerely,

Colleen M. Reynolds
President
Oakley Community Council

CC: OCC File



Jeff Cramerding
Councilmember

MOTION

WE MOVE that the Office of the Urban Conservator prepare and execute a local designation landmark study for the property located at 4609 Rapid Run Road, also known as the Kries Mansion in West Price Hill.

BACKGROUND

The Kries Mansion was built in the late 19th century by the Kries family and has been a historic community asset in Price Hill for decades. The community of West Price Hill has expressed concern about the future of the building following the demolition of adjacent properties and a desire to preserve it.

Councilmember Jeff Cramerding



202301534

Jeff Cramerding
Councilmember

MOTION

WE MOVE that the Cincinnati Recreation Commission, with the assistance of any other city agency, work to determine the feasibility and cost of repairing the Sedamsville Veteran's Memorial and relocate it to Boldface Park.

BACKGROUND

The Sedamsville Veterans Memorial was paid for by residents of the neighborhood who lost loved ones in service to their country. In 2020, the monument was struck by a motor vehicle. It has never been repaired. We believe it will be a positive step if the City could partner with Sedamsville residents and others to fix this monument to Sedamsville veterans and move it to a more fitting place of honor.

JEFF CRAMERDING
Councilmember Jeff Cramerding

Seth Walsh
Councilmember Seth Walsh